

**MILWAUKIE CITY COUNCIL
REGULAR SESSION
DECEMBER 7, 1999**

The one thousand eight hundred and twenty-eighth 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

Martha Bennett,
Assistant City Manager

Tim Ramis,
City Attorney

Paul Roeger,
Civil Engineer

Charlene Richards,
Assistant City Manager

CONSENT AGENDA

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

1. City Council Minutes of November 15 & 16, 1999; and
2. 1999 - 2000 Waterline Improvements -- Phase 1 Project Acceptance

Motion passed unanimously.

AUDIENCE PARTICIPATION

Linda Hatlelid, 8617 SE 36th Avenue, discussed the Johnson Creek Blvd. Improvement Project. It has been seven months since property owners, the Traffic Safety and Transportation Board (TSTB), the Ardenwald Neighborhood District Association (NDA), and residents were promised that the 40- and 44-foot rights-of-way would be marked. She provided copies of a notice from the City of Milwaukie dated October 12, 1999, saying that the City of Portland would be marking the boundaries of the entire project from 36th Avenue to 45th Avenue. She urged the City Council to see to it that this promise was kept so residents could see the true impact of the project on their properties.

Richard Cayo, 4203 SE Johnson Creek Blvd., completed the remarks he began at the November 16, 1999, Council meeting regarding the Safeway building. From the figures he has seen, it appears that taxpayers will lose about \$500,000 on the project. He questioned turning prime, developable land into a bus stop and suggested the City seriously consider selling it to private developers. After

voters defeated light rail, a developer told him that he had offered the City \$1.1 million for the property, but the City Manager told him the property was not for sale. Cayo suggested siting the transit station on the 2.5 acres on either side of the trestle crossing McLoughlin Boulevard. This would get the buses out of the downtown area and return the streets to parking. He believed locating the transit center on the south side of town would be a good idea since someday there might be commuter rail service between Lake Oswego and Portland on that trunk line. Cayo discussed the current usage of that track.

Mart Hughes, 3006 SE Washington Street. He provided an aerial photo showing the Lewelling School area, the David Green property, and Winsor Court wetlands. Green was not able to attend this Council meeting, so he e-mailed the City Council his concerns about the potential loss of open space in that area. Hughes wished to add support to Green's comments because there are properties in the area along the steep bluff that add open space within urban development. Green's concern was the ongoing erosion of these natural and open space resources. Unfortunately, the City has not been able to start developing a plan that gets these unrecognized areas regulated so there is a natural resource review prior to development. His own concern was with the continued filling of uninventoried wetlands. He urged the City Council to take the opportunity to start a program in order to begin looking closely at these areas and adopt protective measures.

Councilor Marshall understood the property was going to be for sale.

Hughes did not know the current status of that property, but there was the possibility that other properties might be on the market in the future. There may be as many as ten properties in that area, and some appeared to be constricted lots. Hughes understood that the North Clackamas School District owns the bluff. One parcel is for sale, but no buyers have stepped forward.

Councilor King asked the status of the cell tower, and **Bartlett** cautioned that could be an ex parte issue.

Mayor Tomei asked if this was something the Park and Recreation Board (PARB) ought to consider.

Hughes said he was speaking as an individual and not a PARB member. He was concerned, though, with potentially losing some open space in the City.

Bartlett explained that Green's e-mail was forwarded to the Planning Department in the event it might become an ex parte contact.

Hughes explained his concern was with the overall process and exceeded this particular lot.

PUBLIC HEARING**Consider Vacating SE 25th Avenue between SE Beta and SE Stubb Streets**

Mayor Tomei called the public hearing on the vacation of a portion of SE 25th Avenue between SE Beta and SE Stubb Streets to order at 6:12 p.m.

The purpose of the hearing was to consider public testimony on the Oregon Department of Transportation's (ODOT) petition to vacate SE 25th Avenue between SE Beta and SE Stubb Streets. **Mayor Tomei** reviewed the conduct of the hearing.

Staff Report: **Roeger** presented the staff report in which staff recommended the City Council adopt an ordinance vacating the street and reserving utility easements. The Oregon Department of Transportation (ODOT) filed a street vacation petition with the City in October 1999. He reviewed the street vacation process. All abutting property owners and at least two-thirds of the affected property owners signed the petition. The impact of the street vacation on adjacent streets would be minimal. ODOT currently owns all of the property abutting the proposed vacation area, and easements would be retained for all existing utilities. There is a hammerhead turnaround at the north end on Stubb Street that meets Fire Marshall and Public Works standards. The City will retain an easement for public transportation purposes, but SE 25th Avenue is not viewed as a future link in any current multimodal plan. The Planning Commission recommended approval at its November 23, 1999 meeting.

Councilor King asked if ODOT or some future owner could potentially construct a building there.

Roeger said technically adjoining properties are the underlying owners, and in this case, ODOT owns the property on both sides of the street.

Audience Testimony: **George Anderson**, Anderson Die & Mfg. Co., 2425 SE Moores Street. He was concerned that businesses on the north side of Stubb Street depend on having employee parking on 25th Avenue. It was for that reason he objected to the street vacation. If ODOT would agree to either grant or sell a ten-foot strip along 25th Avenue to maintain the current parking, he would be supportive of the request. If ODOT wished to exercise its right in the future, businesses would suffer a severe loss of employee parking.

Mayor Tomei asked if other businesses had expressed a similar concern.

Anderson responded that when the petition was circulated last summer, he had tried to contact Mr. Gagnier of ODOT, but the only response was that ODOT had met the City's criteria for a street vacation. He would be agreeable to the street

vacation if some of the parking issues were negotiated. He was concerned about his property and others and noted that his company was currently leasing to a business that used on-street parking.

Councilor Kappa asked if the City Council would be stepping out of bounds if it addressed the parking issue.

Ramis responded that the City Council has the latitude to apply conditions on issues of public interest. The Council would not be compelled to make a decision at this meeting and may wish to set over the decision to allow the various parties time to continue discussions.

Councilor Lancaster asked how many parking spaces would be adequate for the four businesses in that area.

Anderson said the number of employees varies because some of the current businesses are seasonal.

Mayor Tomei asked Anderson if he had spoken to the Planning Commission.

Anderson said he had not. He had written a letter to ODOT in June 1999 suggesting that the agency consider granting a ten-foot wide strip along Stubb Street from 25th Avenue to the railroad. He was concerned that Stubb Street might be developed as an entrance to a new ODOT building.

Mayor Tomei commented that she had not been aware of any controversy on the proposed street vacation.

Bartlett suggested closing the public hearing and continuing the item to January 4, 2000, and direct staff to continue meeting with Mr. Anderson and ODOT. Apparently, Anderson understood when signing the petition that there would be some kind of follow through from ODOT on his concerns.

Councilor Kappa agreed with that recommendation because it seemed as if Mr. Anderson had expected some communication from ODOT.

Anderson went on record to say that he had no objection to the street vacation as long as provisions were made for on-street parking.

Jeff Juden, ODOT, 9002 SE McLoughlin Blvd. He said company employees could continue to park on Stubb Street. He did not think ODOT would develop the property because of the slope. The only affected parties would be the truck drivers.

Councilor King felt it would be appropriate for Mr. Anderson, ODOT, and City staff to continue discussions.

Bartlett agreed that discussion needed to continue to ensure there was a clear understanding between parties.

Close Public Testimony: **Mayor Tomei** closed the public testimony portion of the hearing at 6:40 p.m.

Ramis said the range of options before the City Council included approving the application, denying the application, approving it with conditions, or continuing the item to a date certain in order to allow time for further discussions and to gather more information.

Councilor Marshall commented that the City was not responsible for making sure businesses had parking, but he did appreciate the fact that a dead end street was being created. He was concerned about trucks being able to maneuver. If these businesses did require parking, he hoped staff would look at the option of helping develop an agreement between the parties .

Councilor Lancaster suggested it would be helpful for the Council in its decision making to know the range of development possibilities in that area and the potential impact to surrounding organizations.

It was moved by Councilor Kappa and seconded by Councilor King to remand the street vacation petition back to staff to resolve City Council concerns, to direct staff to facilitate the resolution of Mr. Anderson's parking concerns with ODOT, and to continue the decision to January 4, 2000.

Councilor Lancaster said staff should also ensure that all affected parties are notified.

Motion passed unanimously.

OTHER BUSINESS

Extension of Metro Local Share Agreement until December 31, 2000

Richards presented the staff report in which the City Council was requested to adopt a resolution authorizing the Mayor to sign a contract amendment with Metro to extend the agreement to December 31, 2000. Metro has offer this option to all local jurisdictions to allow additional time for property acquisition and developing plans for wetlands and open spaces.

She reviewed the projects that are currently underway: Minthorn North Addition; Ardenwald to Springwater Access Easement, Furnberg Park Wetland, Roswell Wetland, and Willow Place Wetland. The Kellogg Lake property acquisition is complete. **Richards** clarified that this extension helps safeguard the City from losing Local Share funds and will not cost the City any additional money.

Councilor King noted that one of the issues with the Springwater entrance project has been a lack of cohesiveness among the neighbors.

Richards responded that the neighbors had differing opinions on the project.

Councilor Marshall was not opposed to the extension, but he had some comments on the properties. He suggested the City Council meet in executive session.

It was moved by Councilor King and seconded by Councilor Kappa to adopt the resolution authorizing the Mayor to sign a contract amendment with Metro to extend the agreement to December 31, 2000. Motion passed unanimously.

RESOLUTION NO. 42-1999:

A RESOLUTION AUTHORIZING AMENDMENT OF THE METRO LOCAL SHARE INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE CITY OF MILWAUKIE, OREGON, EXTENDING THE SCOPE OF WORK DEADLINE TO DECEMBER 31, 2000.

Traffic Calming on 36th Avenue

Bennett provided the staff report in which staff requested direction on Dorothy Snowhill's request for speed bumps on 36th Avenue. At the last meeting on this issue, Snowhill requested the City Council to waive the Neighborhood Traffic Management Program (NTMP) criteria in order to install traffic calming on 36th Avenue. Milwaukie Providence Hospital has agreed to pay up to \$5,000 for installation of these devices if certain conditions are met. She reviewed how points were assigned to projects based on adopted NTMP criteria. The City Council also directed staff to prepare a policy regarding privately funded traffic calming.

Staff recommends following the NTMP guidelines and taking no further action to install traffic calming on 36th Avenue although the Hospital has offer up to \$5,000 for the project. If the City Council disagrees with the staff recommendation, it may wish to adopt findings that distinguish this street from other residential streets. The findings would be needed so the City does not create a precedent for waiving an adopted program and policy.

Councilor Kappa asked if the Providence Milwaukie conditions have been met.

Bennett responded that staff time will not be expended unless the City Council waives the NTMP criteria for this particular street.

Dorothy Snowhill felt that 36th Avenue was being overlooked and not treated fairly. The street is unique because of the hospital, and the circumstances, she felt, extended beyond the NTMP criteria. If traffic calming was installed, speed and volume would be reduced, and ambulances would not chose to use 36th Avenue. She provided information including a quit claim deed disclaimer having to do with approved uses. The private road, easement, and non-use of that entrance for ambulances are covered under applicable land use, but the hospital was not aware of this.

Councilor Kappa asked the City Attorney what bearing the quit claim deed might have on the proceedings.

Ramis said he would have to review the document.

It was Council consensus to set the decision on 36th Avenue traffic calming over to the January 4, 2000 meeting.

Councilor Lancaster observed that the crux of the issue seemed to be ambulance traffic, and he asked if drivers could be required to use 32nd Avenue.

Rita Kester, Providence Milwaukie Hospital, responded that emergency vehicle drivers and employees have been advised to use 32nd Avenue, but enforcement would be difficult. There are emergency patient transport situations when speed and disposition of the patient would be factors the drivers would have to weigh.

Re-adoption of Local Contracting Rules

Bartlett presented the staff report in which the City Council was requested to adopt an ordinance relating to the City's purchasing rules as required by HB 2024. The Bill requires that all public contracting agencies either adopt the Attorney General's Model Rules or re-adopt their own. Until the Rules are completely analyzed for their applicability to Milwaukie, he recommended re-adopting the City's existing rules. HB 2024 appears to be another erosion of local control and a movement toward statewide rules. The Attorney General has not yet drafted all of the legislative changes, so at this time they are only speculative.

Councilor King recalled the man who addressed the City Council regarding the journeyman clause and asked if that would be included.

Bartlett said the cities would have to see how the Attorney General builds the rules and develop language that conforms to that of the state.

Councilor Kappa concurred with Bartlett's assessment and recommended waiting on any further action until staff went through the new rules.

It was moved by Councilor Kappa and seconded by Councilor Lancaster to read the ordinance re-adopting the City's current purchasing rules 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 Marshall to read the ordinance re-adopting the City's current purchasing rules 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 Marshall to adopt the ordinance re-adopting the City's current purchasing rules. Motion passed unanimously.

ORDINANCE NO. 1865:

**AN ORDINANCE RELATING TO THE RE-ADOPTION OF THE
CURRENT CITY PURCHASING RULES AS REQUIRED BY
HOUSE BILL 2024.**

Other Items

Councilor Marshall noted that over the past two months he has observed drivers running the stops signs in the transit center area at 21st Avenue and Jackson Street. The signs are not very visible due in part, he believed, by the number of buses, and he was concerned about pedestrian safety.

Councilor Marshall asked the status of right-of-way markings on Johnson Creek Blvd., and **Bartlett** said the issue would be discussed in executive session.

Councilor Kappa agreed with Marshall's comments about the 21st and Jackson intersection. The signs are even more difficult for drivers to see at this time of year.

Bennett responded that staff would look at this intersection issue.

Councilor King noted she had recently received a copy of the 3CMA publication on dealing with the media and found it very helpful.

The group discussed the spring 2000 closure of the Ross Island Bridge for repairs. **Councilor Kappa** suggested looking at what type of impacts bridge closures have on Milwaukie, and **Bartlett** responded that the City does not have staff capacity to do that type of traffic projection.

Councilor Kappa suggested that Milwaukie make a presentation at the 2000 Oregon Livability Conference on riverfront/downtown planning and open spaces.


Councilor King reminded City Council and staff of the discussion about a sign on McLoughlin Blvd. celebrating the waterfront development.

Mayor Tomei announced an executive session pursuant to ORS 192.660 to discuss potential litigation and property acquisition.

ADJOURNMENT

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

Mayor Tomei adjourned the meeting at 7:25 p.m.



Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
DECEMBER 7, 1999**

MILWAUKIE CITY HALL
10722 SE Main Street

1828th MEETING

REGULAR SESSION - 6:00 p.m.

I. CALL TO ORDER
Pledge of Allegiance

II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

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

A. City Council Minutes of November 15 & 16, 1999

B. 1999 - 2000 Waterline Improvements -- Phase 1 Project Acceptance

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.)*

Consider Vacating SE 25th Avenue between SE Beta and SE Stubb Streets -- Ordinance (Roeger)

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. Extension of Metro Local Share Agreement until December 31, 2000 (Richards)

B. Traffic Calming on 36th Avenue (M. Bennett)

C. Re-adoption of Local Contracting Rules -- Ordinance (Bartlett)

VII. INFORMATION

- A. Board and Commission Minutes
 - 1. Ledding Library Board, October 25, 1999
 - 2. Park and Recreation Board, October 25, 1999
 - 3. Planning Commission, October 26 and November 9, 1999
 - 4. Riverfront Board, November 8, 1999
- B. Departmental Monthly Reports
- C. Preliminary 1999 Population Estimate
- D. Extension of Titles 1 & 6 of Functional Plan Compliance

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.



MEMORANDUM

November 24, 1999

TO: Mayor and City Council

THRU: Dan R. Bartlett, City Manager *[Signature]*
Martha Bennett, Assistant City Manager - CD *me for MB*

FROM: Paul Roeger, Civil Engineer *[Signature]*

SUBJECT: 1999-2000 Waterline Improvements – Ph. 1
Project Acceptance

ACTION REQUESTED

City Council accept the waterlines constructed under the 1999-2000 Waterline Improvements – Phase 1 project.

BACKGROUND

The Water Department identified waterlines that needed to be upgraded to improve fire protection and domestic water flows in this years CIP that were shown as high or moderate priority in the “Public Facilities Plan, 1988-2008”. One street added to this project not included in the “Public Facilities Plan”, Jackson Street east of 55th Avenue had a 2-inch galvanized line. Funds were budgeted in this year’s Water Fund, under line item 31-7531, for these improvements.

All streets included in this project had existing 4-inch cast iron lines and 2-inch galvanized lines that served single family residences and some duplexes. These were replaced with 6-inch and 4-inch PVC lines to improve fire protection, available volume, and eliminate rusty lines.

Seventy-nine old services were replaced with new 1-inch copper services, meter setters, and meters serving mostly single family residences and a few duplexes. Three old two port fire hydrants were replaced with eight new three port fire hydrants to improve fire protection in the area.

City Council awarded Dick Rogers Construction the project at the June 15, 1999, Council meeting. Notice to proceed was given on July 1st, work was started on July 8th and was substantially completed by September 23rd, which was under the 90-day contract time.

III. B. 2

Even with three change orders (see attached Change Order memo to City Manager) totaling \$9,707.62, the contractor was under budget (see the attached spreadsheet). This was primarily due to a reduction in 4-inch main line installation on SE Elk Street and a reduction in trench paving on Harlene Street. On Elk Street we used about 100-feet of fairly new 4-inch line that had been installed by a developer less than 10 years ago. On Harlene Street the water main was installed off the edge of the existing pavement, so we did not have a trench patch, except for the driveways. The final payment of the retainage will be paid upon Council acceptance of the project.

PROJECT SUMMARY

New Waterline to be added to inventory:

6-inch C-900	-	2,651.5 L.F.
4-inch C-900	-	1,000 L.F.
Fire Hydrants (3 port)	-	8

Waterline to be deleted from inventory:

4-inch C.I.	-	3,025 L.F.
2-inch Galv.	-	650 L.F.
Fire Hydrants (2 port)	-	3

Public Works Engineering and the Water Department were very pleased with the work of Dick Rogers Construction and would be glad to have them back to do work for the City in the future.

RECOMMENDATION

Public Works Engineering and the Water Department recommend that City Council accept the project so the retainage can be paid to Dick Rogers Construction.



MEMORANDUM

October 18, 1999

TO: Dan R. Bartlett, City Manager
THRU: Martha Bennett, Assistant City Manager - CD
FROM: Paul Roeger, Civil Engineer
SUBJECT: Change Orders for the 1999-2000 Waterline Improvements – Ph. 1

1. Attached are three change orders for the 1999-2000 Waterline Improvements - Ph. 1

- a. Change Order #1: \$72.31 – Included four different items as shown on the change order. Each item is explained at the bottom under remarks.
- b. Change Order #2: \$1,604.06 – There was an old 8-inch storm drainage line on Stanley Ave. that had to be cut out of the way and then reconnected in order to tap the 8-inch waterline.
- c. Change Order #3: \$8,031.25 – Included excavation, removal and repaving of the asphalt between the water trench and the old sewer trench to improve the appearance of the job and increase the life of the pavement.

2. Field changes in contract bid items are relatively minor changes in bid item quantities directed by the project inspector or project manager to complete the project as called for in the base contract, except item #18 – Trench asphalt removal & restoration. This was as a result of the waterline being constructed off the edge of the pavement on Harlene Street. These field changes actually resulted in a reduction in the original contract. Other changes occurred in 4” and 6” waterline, number of water services, removal of existing fire hydrants, 2” blow-off, 6” gate valves, 6” x 10” hot tap, 6” x 12” hot tap, and weight of miscellaneous fittings.

3.	Original contract amount	\$198,134.00
	Change Order #1	\$ 72.31
	Change Order #2	\$ 1,604.06
	Change Order #3	\$ 8,031.25
	Field Changes in Contract Bid Items	(\$ <u>13,301.88</u>)
	Revised Total contract	\$194,539.74
	 Project Cost Maximum (120%)	 \$237,760.80

PHASE I

Item #	Contractor: Item of Work	Estimated Quantity	Unit	DICK ROGERS CONSTR.		Previous Payment		Pay this Period		Paid to Date	
				Original Bid		Units	Amount	Units	Amount	Units	Amount
				Unit Price	Total Bid Price						
1	Mobilization	1	LS	\$ 5,402.00	\$ 5,402.00	100%	\$ 5,402.00		\$ -	100%	\$ 5,402.00
2	Traffic Control	1	LS	\$ 2,016.00	\$ 2,016.00	100%	\$ 2,016.00		\$ -	100%	\$ 2,016.00
3A	6-inch PVC	2725	L.F.	\$ 18.30	\$ 49,867.50	2651.5	\$ 48,522.45		\$ -	2651.5	\$ 48,522.45
3B	6-inch DI	2725	L.F.	\$ 23.03	\$ 62,756.75	80.5	\$ 1,853.92		\$ -	80.5	\$ 1,853.92
4A	4-inch PVC	1110	L.F.	\$ 17.43	\$ 19,347.30	1000	\$ 17,430.00		\$ -	1000	\$ 17,430.00
4B	4-inch DI	1110	L.F.	\$ 22.30	\$ 24,753.00		\$ -		\$ -	0	\$ -
5	Fire Hydrant	8	EA.	\$ 3,567.00	\$ 28,536.00	8	\$ 28,536.00		\$ -	8	\$ 28,536.00
6	6-inch MJ x Flg hydrant tee	8	EA.	\$ 170.00	\$ 1,360.00	8	\$ 1,360.00		\$ -	8	\$ 1,360.00
7	Remove existing fire hydrant	4	EA.	\$ 150.00	\$ 600.00	3	\$ 450.00		\$ -	3	\$ 450.00
8	2-inch Blowoff	7	EA.	\$ 416.00	\$ 2,912.00	6	\$ 2,496.00		\$ -	6	\$ 2,496.00
9	6-inch Flg x MJ gate valve	11	EA.	\$ 377.00	\$ 4,147.00	5	\$ 1,885.00		\$ -	5	\$ 1,885.00
10	6" x 6" MJ x Flg tee and 6" spool	2	EA.	\$ 280.00	\$ 560.00	2	\$ 560.00		\$ -	2	\$ 560.00
11	6" x 8" Hot Tap Assembly	2	EA.	\$ 1,054.00	\$ 2,108.00	2	\$ 2,108.00		\$ -	2	\$ 2,108.00
12	6" x 10" Hot Tap Assembly	1	EA.	\$ 1,084.00	\$ 1,084.00	2	\$ 2,168.00		\$ -	2	\$ 2,168.00
13	6" x 12" Hot Tap Assembly	1	EA.	\$ 1,154.00	\$ 1,154.00		\$ -		\$ -	0	\$ -
14	Miscellaneous Fittings	650	LBS	\$ 1.45	\$ 942.50	336	\$ 487.20		\$ -	336	\$ 487.20
15	1" single water service (short side)	36	EA.	\$ 466.45	\$ 16,792.20	35	\$ 16,325.75		\$ -	35	\$ 16,325.75
16	1" single water service (long side)	48	EA.	\$ 590.50	\$ 28,344.00	44	\$ 25,982.00		\$ -	44	\$ 25,982.00
17	Cut and cap existing 4" line	1	LS	\$ 2,665.00	\$ 2,665.00	100%	\$ 2,665.00		\$ -	100%	\$ 2,665.00
18	Trench asphalt removal & restoration	3835	L.F.	\$ 7.90	\$ 30,296.50	3112	\$ 24,584.80		\$ -	3112	\$ 24,584.80
CO#1	Dig out for valve @ Dick & Home	0.5	Hrs.	\$ 100.00	\$ 50.00			0.5	\$ 50.00	0.5	\$ 50.00
	Sheet plate & backfill	1	LS	\$ 50.00	\$ 50.00			1	\$ 50.00	1	\$ 50.00
	Elk St. Temporary BO	1	EA.	\$ 250.00	\$ 250.00			1	\$ 250.00	1	\$ 250.00
	2 Labors	2	Hrs.	\$ 72.00	\$ 144.00			2	\$ 144.00	2	\$ 144.00
	Backhoe	2	Hrs.	\$ 85.00	\$ 170.00			2	\$ 170.00	2	\$ 170.00
	4" Sleeve	1	EA.	\$ 68.40	\$ 68.40			1	\$ 68.40	1	\$ 68.40
	Sawcut	48	L.F.	\$ 1.00	\$ 48.00			48	\$ 48.00	48	\$ 48.00
	Tack & Seal	1	LS	\$ 50.00	\$ 50.00			1	\$ 50.00	1	\$ 50.00
	52nd Ave. Furnished FH	1	EA.	\$ (758.09)	\$ (758.09)			1	\$ (758.09)	1	\$ (758.09)
CO#2	310 Backhoe	4.5	Hrs.	\$ 72.00	\$ 324.00			4.5	\$ 324.00	4.5	\$ 324.00
	Truck	4.5	Hrs.	\$ 48.00	\$ 216.00			4.5	\$ 216.00	4.5	\$ 216.00
	Flagger	4.5	Hrs.	\$ 40.68	\$ 183.06			4.5	\$ 183.06	4.5	\$ 183.06
	Pipelayer	4.5	Hrs.	\$ 43.08	\$ 193.86			4.5	\$ 193.86	4.5	\$ 193.86
	Crushed Rock	14	C.Y.	\$ 12.50	\$ 175.00			14	\$ 175.00	14	\$ 175.00
	Dump fees	1	LS	\$ 90.00	\$ 90.00			1	\$ 90.00	1	\$ 90.00
	Cold Patch	1	LS	\$ 20.00	\$ 20.00			1	\$ 20.00	1	\$ 20.00
	8" 11 1/4 Bends	2	EA.	\$ 86.92	\$ 173.84			2	\$ 173.84	2	\$ 173.84
	8" Fernco	2	EA.	\$ 20.40	\$ 40.80			2	\$ 40.80	2	\$ 40.80
	A.C.	1.5	tons	\$ 125.00	\$ 187.50			1.5	\$ 187.50	1.5	\$ 187.50
CO#3	A.C.	62.33	tons	\$ 125.00	\$ 7,791.25			62.33	\$ 7,791.25	62.33	\$ 7,791.25
	Truck	5	Hrs.	\$ 48.00	\$ 240.00			5	\$ 240.00	5	\$ 240.00
	TOTAL Alternate "A"				\$ 198,134.00		\$ 184,832.12		\$ -		\$ 184,832.12
	TOTAL Alternate "B"				\$ 226,136.57						
	TOTAL Alternate "A" + C.O.'s				\$ 207,841.62		\$ 184,832.12		\$ 9,707.62		\$ 194,539.74
	LESS 5% RETAINED:						\$ 9,241.61		\$ 485.38		\$ 9,726.99
	TOTAL AMOUNT DUE:						\$ 175,590.51		\$ 9,222.24		\$ 184,812.75

M.B. 4

MILWAUKIE CITY COUNCIL
WORK SESSION
NOVEMBER 15, 1999

The work session began at 5:30 p.m. in the City Hall conference room.

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

Staff present: City Manager Bartlett; City Attorney Coleman; Assistant City Manager Bennett; Finance Director Gehlen; and Planning Director Rouyer.

INFORMATION SHARING

1. **Mayor Tomei** shared information that was provided at the Annual League of Oregon Cities (LOC) Conference including articles on youth involvement and resolutions adopted by the LOC. Staff was directed to provide copies to the other Councilors.

The group discussed how cities and citizens could better communicate their common goals with state legislators. Cities represent their citizens, but in Salem they are perceived as special interest groups.

2. **Councilor King** referred to an earlier suggestion of hers to create a phone tree in which the City Council and board and commission members could contact ten citizens each to respond to questions and concerns. The group discussed a similar program in the City of West Linn that randomly contacted citizens to help gauge public interests and establish goals. **Bartlett** said he would work with Richards and Gregory to determine what resources were needed.
3. **Councilor Marshall** asked when the City Council would have another goal setting session. **Bartlett** said there would be a review scheduled to determine what has been accomplished, what has been dropped, and what needs to be revisited.
4. **Councilor Kappa** discussed Milwaukie Together's new strategy of bringing on youth members with the adults eventually stepping back except for helping with fundraising.
5. The group discussed the status of the Heckmann property.

III. A. 2

6. **Councilor Marshall** noted there was a substantial number of people who seemed to have energy to put into civic involvement projects such as skateboard parks, historic preservation, and youth services, but the City needs to be able to provide some continuity. He suggested selecting specific projects to be completed in an established period of time. A goal is either accomplished or discarded.
7. **Councilor King** discussed the importance of youth mentoring programs.
8. **Councilor Lancaster** referred to an article in the November *National Cities Weekly* in which seven communities were cited for exemplary service to youth. **Bartlett** suggested that might be a good resource for Milwaukie Together! and reminded the group of the City's annual \$2,500 social services grant.
9. **Bartlett** provided information from the Willamette Valley Livability Forum addressing growth management issues. The City Council directed Bartlett to plan for a town hall focusing on the broader Valley issues with a presentation and seeking responses from the attendees. A copy of the document "*Choices for the Future*" is in the Ledding Library that outlines issues and shows how Milwaukie fits in the regional issues.
10. The group agreed to meet in executive session to discuss property and employee relations.

Open Community Forum

John Denney, David Derr, Joe Loomis, Bonnie Petty, and David Worsely spoke with the City Council regarding potential development plans for Milwaukie Middle School and its importance to youth sports programs.

Loomis said he and his organization could not support any use of the Middle School site other than a multi-sport complex for youth. If the City really wants to be sensitive to the needs of youth, this is its opportunity. The youth sports associations want to work with the City, and he felt the goals of encouraging athletic events and developing the downtown were compatible.

Councilor Marshall asked how many ballfields it takes to support a tournament, and **Loomis** responded that two fields would be sufficient.

Denny added that Rowe Middle School is close enough for teams to move back and forth.

Petty commented that losing these fields would be detrimental to the entire Milwaukie sports program. Milwaukie High School uses the Middle School athletic facilities, so it would have to relocate some of its games and practices.

The result would be that youth sports would have even less playing time. Athletics have consistently been cut from School District budget, and the associations have put a lot of effort into keeping youth sports alive. She noted that parents had worked very hard to help pass the Parks District bond measure because they believed their children would get more playing fields, but that never happened. She understood that the \$250,000 for the playing fields was used to fund other projects in the District. Residents voted to join the Parks District so the City could have some baseball and soccer fields. She noted that Oregon City has a facility similar to Milwaukie Middle School that houses community education classes, extended day care, and other services for families and children. The Milwaukie Middle School property offers a great opportunity for the City to do something for its children. The community does not need high density housing or a community garden. The proposed fields at Kellogg Lake would be under water nine months out of a year.

Councilor King asked how many children were involved in the various programs.

The citizen group responded there were approximately 500 in baseball, 700 in basketball, 500 in soccer, and 330 in girls' softball. Most of the participants attend Milwaukie schools.

Denny added that the youth programs are volunteer and receive no help from the School District, Parks District, or City. He also noted that cities like Gladstone and Canby help with field preparation, registration, or funding. The Milwaukie associations raise money from registration fees, business sponsorships, and fundraisers. The associations also provide scholarships for those who want to play but cannot afford the registration. The only youth sport that the middle schools offer at this time is track.

Worsley commented that the schools used to help subsidize the programs until the mid-1980's, and the football program has not been the same since. This is an issue of community pride.

Petty saw good athletes moving to other cities because Milwaukie has nothing to offer talented youth.

Loomis described how tournaments might generate business in the downtown area. Each team in a tournament probably brings in 80 - 90 people who may need lodging and a place to eat.

The citizen group provided a list of their names and addresses.

The Council asked for some additional information such as the types of businesses that would serve athletic events and distribution of participants in Milwaukie schools.

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Councilor Lancaster commented that without the involvement of these citizen volunteers, Milwaukie youth sports programs would be non-existent.

Local Improvement District Status Report

Gehlen reported on the outstanding special assessments. Of the thirty-nine active accounts, eight are delinquent and have not made scheduled payments for at least five years. The amount of the delinquent payments is \$41,588. Six of the accounts have the same owner and total \$40,810 in outstanding principal and interest.

Oregon Revised Statutes allows the City to adopt a resolution establishing a timeframe for the payoff and authorizing the City to begin collection proceedings with foreclosure as the final step. After repeated attempts to communicate with the property owners over the past five years, staff believes Council's adoption of the resolution would give sufficient leverage to move negotiations forward.

Councilor Kappa commented that Council does have fiduciary responsibilities, and these accounts are far past due.

Bartlett said one individual has tried to delay the process by saying he will give his property to either the City or the Parks District. To date there has been no follow through on that type of commitment.

Councilor Marshall asked why the City Council would have to adopt a resolution to collect on a delinquent special assessment.

Coleman responded that the state legislature has imposed that step in the process, and it has been in place for many years. It both forces the local government to make sure everything is in order prior to taking action and also provides the property owner incentive because the issue becomes more public.

Councilor Lancaster asked what types of special assessments these were.

Bartlett said many of them are for sewer and storm water projects and others are for street improvements.

Coleman briefly discussed how it is determined that properties are benefited and the remonstrance process. Each account would need a specific resolution as a pre-condition of foreclosure.

Councilor Lancaster asked why certain properties were given deferred status.

Gehlen explained that five accounts on the list were in the HUD program, so there are no payments due until the property is sold. She noted there was also a senior deferral program.

Bartlett added this action was heavily weighted on due process. Normally, staff reviews the accounts annually, but certain internal conditions resulted in this not taking place last year. One individual will likely come before the City Council, so the elected officials will have to use their best political judgement. The City contacts each property owner at least twice annually to let them know about their past due accounts.

The group directed Gehlen to move forward with a resolutions.

Councilor Lancaster asked the interest rate.

Bartlett said the rate depends on when the LID was formed, but, typically, it is between 4% and 5%. HUD projects have very low interest rates.

North Clackamas Parks and Recreation District Quarterly Report

Mayor Tomei asked Mike Henley, North Clackamas Parks and Recreation District (NCPRD) Director, to respond to comments made by the citizen group about athletic fields.

Henley stated there was significant groundwater contamination in the proposed playing field site. The recommended remediation was to let the land sit, so there will probably not be development during our lifetimes. The funds for these fields was spent mostly on Ardenwald Park and two fields in the Oatfield neighborhood. Athletic fields continue to be a challenge because of the space needed to accommodate that type of use. He felt the public should look to the School District for assistance.

Councilor Lancaster asked if there was an effort to find property for ballfields instead of spending the \$250,000 that Petty mentioned on parks.

Henley said the District site, outside the City of Milwaukie, was designed for both active and passive uses. He remarked that \$250,000 was probably low. These concerns come at an appropriate time as the District updates its master plan.

Councilor Kappa agreed with citizen group comments that replacement ballfields might not be built in the Kellogg Lake area because of flooding.

Henley talked briefly about the 2001 – 2002 budget. Although demands for recreation grow, the District anticipates service reductions in all programs due to Measure 50. The District's top goal is to maintain financial responsibility. Residents can anticipate an increase in existing fees and charges. New fees will

III. A. 6

be created for previously free programs, such as the summer park drop-in program, or those programs will be dropped. The District will work to educate residents on Measure 50 impacts through the Comprehensive Plan update.

Councilor Kappa asked if the Clackamas County Board of Commissioners could budget more for parks.

Henley explained that the District operated on a fixed tax rate and is separate from the County general fund. The Commissioners, however, could vote to approve and support a ballot measure to recoup Measure 50 losses.

Councilor Kappa asked if there had been any decisions on systems development charges (SDC).

Henley said SDCs were pulled from the table because of potential litigation. The District needs a financial maintenance program to stay ahead of service delivery costs.

Councilor Kappa was concerned about impacts to those, such as seniors and children, who really need the types of services the District offers.

Councilor Marshall commented that the SDCs provide only 60% of the need, so there is no way to catch up.

Diane Campbell said the District believes it is important to go through with the Comprehensive Plan update in order to understand constituents' needs. She described the ad hoc committee created from the District Advisory Board that selected the consultant. Public involvement is key to the master planning process. The purpose of the update is to re-evaluate the original missions and goals, evaluate policies, and recommend operation service levels. The scope of work is being negotiated, and the process will begin after the first of the year.

Campbell reviewed the Mt. Talbert master plan that resulted from open houses and other written and oral public comments. The primary access to the 149-acre site will be from Sunnyside Road where parking, handicapped access, restroom, bike racks, and trash receptacles will be located. All other access will be pedestrian only. Bikes, dogs, and horses will not be allowed. The District will try to address the dog issue with signage. The message from the public was to keep the site as natural as possible and prevent erosion of the butte. The existing trails may be looped to increase accessibility. There is also a wildlife corridor on the site. The original plan was to connect with the District Park, however, some issues relating to the Endangered Species Act (ESA) have arisen.

Councilor Kappa referred to the plan of the area and asked how there could be a roadway along the creek based on Title 3 restrictions.

Campbell said the Plan was approved before Title 3 came into effect.

Bartlett added there were also development credits.

Councilor Lancaster asked if any of the neighbors had concerns with the access points.

Campbell said the main access to the area will be on Sunnyside Road, and parking issues in the residential areas will have to be dealt with on a case-by-case basis.

Tree Ordinance and Urban Forestry Program Update

Rouyer said the Planning Commission will conclude its consideration of policy questions during the November 23, 1999, work session. The main issues are the degree of regulation on private property and public outreach and education. She provided a summary of the Commission's work to date.

Staff will provide a project update to the Neighborhood District Association (NDA) Land Use Committee chairs on November 17 and prepare a summary of comments for the City Council and Planning Commission. The Planning Commission will consider the final policy questions at its November 23 work session prior to drafting the final ordinance. There will be an article in the December *Pilot* with a brief description of the program and contact information. Staff will meet with the neighborhood leadership on December 8 and send the 45-day notice to Metro and the Department of Land Conservation and Development (DLCD). Ballot Measure 56 notice would be scheduled for mailing on January 7, 2000.

Coleman added there were statutory language requirements for the Measure 56 notices, but he said counsel would incorporate some tempering language.

Rouyer said she, Gregory, and Bennett were planning the public information and January 19, 2000, open house portions of the outreach project. They were looking to create good information with graphic representations of what the urban forestry ordinance might require. City Council public hearings are tentatively scheduled for February 2000. Staff plans to submit a Community Forestry Assistance grant application in December for assistance in drafting the Master Plan.

Mayor Tomei suggested an article in *The Pilot* that would soften the Measure 56 statutory language for residents.

Coleman explained that the ordinance will affect a property owner's ability to harvest on his/her property.

III. A. 8

Councilor Marshall commented he was getting 50/50 feedback from the community: regulating land vs. the community's right to identify and set standards important to it. He did not believe the public understood the implications of the program.

Mayor Tomei asked if it would be more appropriate to go through the public education process and show the importance of the program before considering adoption.

Councilor King pointed out that urban forestry and preservation were of prime importance in the neighborhood visions. She looked at the program from a perspective of responsibility, habitat enhancement, and rehabilitation.

Councilor Kappa discussed the benefits of preserving certain right-of-way trees. He felt there needed to be a design review ordinance and committee to look at such issues as replacement trees and appropriate species. He was concerned with the expense of having to hire an arborist. He recommended moving forward but with an emphasis on the educational element.

Councilor Marshall felt the City Council should direct staff to move forward on the process but to be flexible if it sensed community resistance.

Mayor Tomei suggested Rouyer report after the NDA leadership meeting so Council would have a sense of the community's feelings.

Councilor King thought knowledgeable staff should attend the NDA meetings to explain the programs and answer residents' questions.

Rouyer said she was attending the NDA meetings by invitation. Since she is the only staff person on the project, she was hoping to make the most contact via the open house.

Bartlett said the City Council could get input from the Planning Commission and the open house to determine whether to stay with the January 7 notice or to take more time to extend the public process.

Councilor Kappa added that the positive elements of urban forestry needed to be emphasized.

Bartlett said the document would be reviewed when it comes back from the Planning Commission.

Other Items

1. **Councilor Lancaster** suggested this budget cycle contain some elements of performance based budgeting.
2. The group discussed board and commission vacancies and appointments.
3. **Councilor Marshall** discussed removing flaglots from the Zoning Ordinance.

Coleman said it is not a required development option, but the City would have to look at why it does have flaglots and how the Metro 2040 Plan would be impacted. The full Council would have to give the City Attorney's office direction to do this work.

Bartlett said the Planning staff would have to look at the number of units planned and determine what alternatives there might be. He added that an alleyway system would take a major capital program.

Councilor Marshall said the community feels that flaglots are detrimental and does not want them. He suggested the City Council allow Coleman to begin looking at the legal aspects.

Bartlett explained there might be a takings issue, and the process would require Measure 56 notice. There would have to be an analysis of what would be taken from those who planned to develop their properties as flaglots under the current zoning. There needs to be both a legal opinion and Planning Department analysis of the issue. The GIS department could provide data on the lots that exceed the zoning size.

Bennett added that the Planning Commission suggested looking at those issues next year. Once the change is made, the City could probably anticipate a lot of applications since there are some property owners who intend to develop flaglots to fund their retirements.

Councilor Marshall was willing to say that is what the community wants to do. Personally he did not think takings was an issue because there are other alternatives.

Bartlett said this is why both a legal and planning analysis needs to be done, and he discussed Baker vs. Milwaukie.

Coleman explained the project should be led by the Planning Department with legal assistance. He suggested that the City Council give direction to the Planning Department to analyze and report on eliminating flaglots as a development option. The City Attorney could then work with the planners to answer that question.

III. A. 10

Bennett explained there were time constraints, and staff was scheduled to look at the development code in March or April 2000.

Councilor Lancaster said strategically Council wanted to take early steps on the projects having the greatest impact, and flaglots was one of those.

Councilor Marshall felt the legal interpretation needed to be done first to find out what action was legally viable.

Coleman said the City Council could set minimum lot widths and effectively eliminate flaglots, but the ramifications could be tremendous.

Councilor Kappa suggested a Title 3 moratorium, but **Bennett** indicated that would take as much staff time.

The City Council adjourned the work session at 8:30 p.m. and went into an executive session to consider real property transactions and discipline of public officers and employees pursuant to ORS 192.660.

Pat DuVal, Recorder

**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.

III. A. 12

Motion passed unanimously.

AUDIENCE PARTICIPATION

Dorothy Snowhill, 10218 SE 36th Avenue. She understood that the City was taking the position that 36th 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 36th 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 60th 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

III. A. 14

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 35th, 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 33rd, 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.

III. A. 16

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.

III. A. 18

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, Recorder

C I T Y O F

MILWAUKIE
MEMORANDUM
November 24, 1999

TO: Mayor and City Council
THRU: Dan Bartlett, City Manager *DB*
Martha Bennett, Assistant City Manager - CD *ACR for MJB*
FROM: Paul Roeger, Civil Engineer *PR*
SUBJECT: 25th Avenue Street Vacation Request
Public Hearing

ACTION REQUESTED

1. Conduct a public hearing on the vacation of a portion of SE 25th Avenue between SE Beta Street and SE Stubb Street as required by ORS 271.110.
2. Adopt the attached ordinance.

BACKGROUND

On October 11, 1999, Phil Gagnier with the Oregon Department of Transportation (ODOT) filed a petition with the City requesting the vacation of SE 25th Avenue between SE Beta Street and SE Stubb Street. Staff has reviewed the petition and found it to be sufficient. Per ORS 271.080 all signatures are notarized, all abutting property owners have signed the petition and the owners of at least 2/3 of the affected property have signed the petition (see attached Affected Area Map).

At the November 2, 1999 City Council meeting, Council set a public hearing date of December 7, 1999, to receive written and oral objection or remonstrance's and/or support. The proposed vacation was advertised in the Oregonian on November 22nd and November 29th, 1999 and posted at both ends of the proposed area of vacation on November 22nd, 1999 as required by ORS 271.110 (See Exhibit). Notices were also sent by mail to the affected property owners on November 23, 1999.

The City does not hold fee title to any of the current right-of-way proposed for vacation. The right-of-way was dedicated to the public in MILWAUKIE INDUSTRIAL PARK

subdivision in 1956 as Short Street, which was changed to SE 25th Avenue in 1974. ODOT owns all the property abutting the proposed area of vacation.

The City currently does have a waterline and sanitary sewer in the street. Other utilities, including gas, power, telephone and cable TV are also located within the right-of-way. Easements will be retained for all existing utilities. ODOT will be required to relocate lines if they interfere with their use of the property.

At the north end of the proposed area to be vacated, a hammerhead turnaround will be retained for vehicles on SE Stubb Street to use, since the east end of SE Stubb is a dead end street. The retained hammerhead will meet City Public Works and Fire Marshall standards.

This section of SE 25th Avenue is not viewed as providing a possible link in current or future planned road, pedestrian or bike path systems. However, the City will retain an easement for public transportation purposes and all associated equipment and facilities for the operation thereof over the entire vacated area.

REVIEW OF PROPOSAL

Referrals were sent to the Police Department, Fire Marshall's office, and the Planning Commission. Referrals were also sent to all the utilities in the street for their comments.

The Police Department responded with "no negative comments", based on the planned course of action and the approvals from reviewing authorities. The vacation will not adversely affect police operations or supervision in the area.

The Fire Marshall's office responded that they have "no reason for concern" for this vacation. The turnaround will be adequate for their use.

At their November 23rd meeting, the Planning Commission recommended approval of the vacation.

As of this date none of the utilities have responded. If they do respond, comments will be shared at the public hearing. Since easements will be retained, no negative comments are anticipated.

DISCUSSION

Taking all of the above information into account, vacating this section of SE 25th Avenue would not be detrimental to the City of Milwaukie. The effect on surrounding streets is minimal. All levels of service would remain the same now and into the foreseeable future. All existing utilities would have easements provided in their current location. Also, an easement for transportation purposes will be retained.

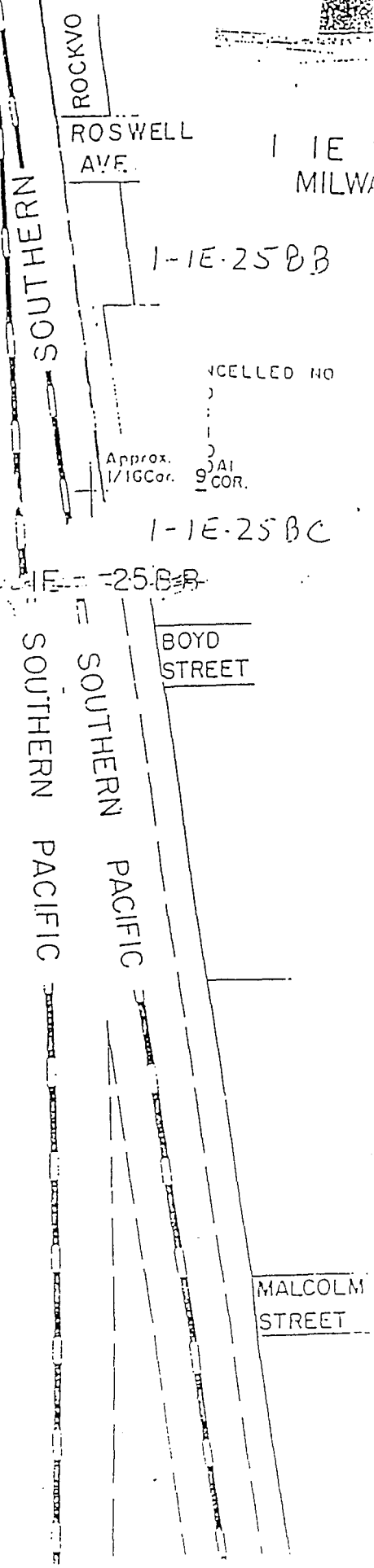
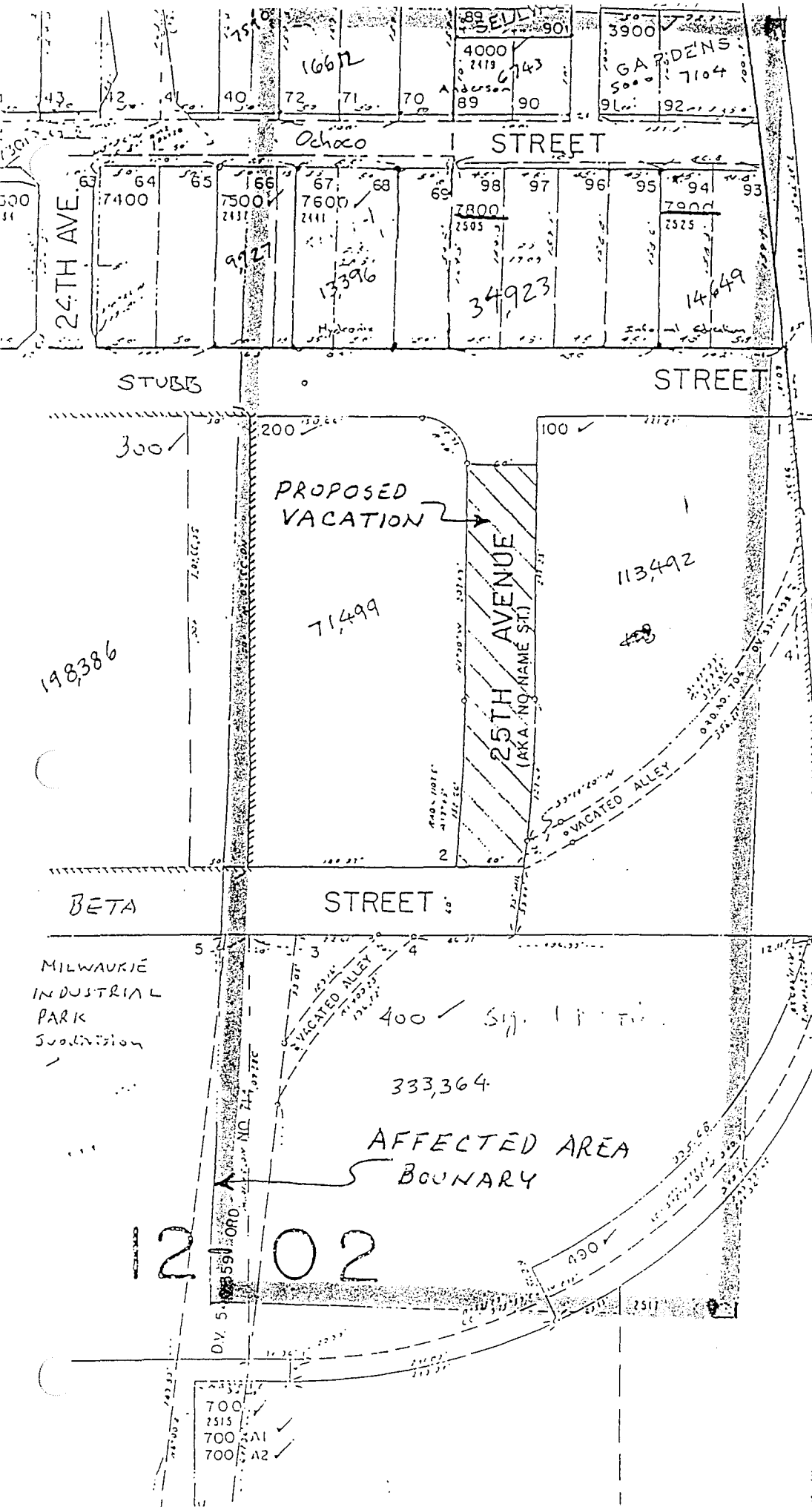
SUMMARY AND RECOMMENDATION

1. A completed petition application has been received and found to be sufficient.
2. The proposed vacation has been advertised as per State statutes.
3. Vacating the right-of-way would not be detrimental to the City.
4. All utilities currently located within the proposed vacation area would be provided an easement in their current location.
5. The City will retain an easement for public transportation purposes and all associated equipment and facilities for the operation thereof over the entire vacated area.

Based on these findings, it is staff's recommendation to approve the vacation request for this section of SE 25th Avenue.

Should the Council approve the proposed vacation request, an ordinance addressing an affirmative decision is attached for your consideration.

V. 4



NOTICE OF STREET VACATION
SE 25th Avenue

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Council of the City of Milwaukie, Oregon, at the City Hall Council Chambers, 10722 S.E. Main Street, Milwaukie, Oregon, on the 7th day of December, 1999, at the hour of 6:00 P.M. The Council will hear and consider any and all written and oral objections or remonstrances to the vacation of approximately 360 feet of S.E. 25th Avenue between SE Beta Street and SE Stubb Street in the City of Milwaukie. Written statements may be submitted at the hearing or filed with the recorder of the City of Milwaukie, Oregon at City Hall prior to said hearing date.

Phil Gagnier with the Oregon Department of Transportation filed a petition with the City of Milwaukie on the 11th day of October 1999.

PUBLISHED BY ORDER OF THE CITY COUNCIL OF
MILWAUKIE, OREGON

Pat Duval
City Recorder

V. 10

MILWAUKIE, OREGON
ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF MILWAUKIE VACATING SE 25TH AVENUE BETWEEN SE BETA STREET AND SE STUBB STREET AND RESERVING EASEMENTS FOR VARIOUS UTILITIES AND PUBLIC TRANSPORTATION PURPOSES AND ALL ASSOCIATED EQUIPMENT AND FACILITIES NECESSARY FOR THE OPERATION THEREOF

WHEREAS, the City has received a sufficient petition requesting the vacation of SE 25th Avenue between SE Beta Street and SE Stubb Street, and

WHEREAS, the Planning Commission recommended the vacation on 23 November 1999, and

WHEREAS, the City Council finds that a reservation of utility easements is in the public interest, and

WHEREAS, the City Council finds that the reservation of an easement for public transportation and associated equipment and facilities necessary for the operation thereof, is in the public interest, and

WHEREAS, a public hearing was held before the City Council on 7 December 1999 pursuant to ORS 271.120 and upon proper public notice as required by ORS 271.110; now, therefore,

THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

Section 1. The City Council finds that notice of this vacation has been duly given, that the consent of the owners of the requisite area has been obtained, and that the vacation is in the public interest.

Section 2. The City Council finds that the reservation of utility easements is in the public interest.

Section 3. The City Council finds that the reservation of an easement for public transportation purposes and all associated equipment and facilities necessary for the operation thereof, is in the public interest.

Section 4. The following described street is vacated:

SE 25th Avenue from the north right-of-way line of SE Beta Street north 360-feet, more or less, to the southern end of the curve radius at the southwest corner of SE Stubb Street and SE 25th Avenue.

ORDINANCE NO. _____

Section 5. That a utility easement is reserved over the entire area to be vacated for sanitary sewer, storm drainage, and water lines and for electric utility lines and facilities, telecommunication lines and facilities, natural gas lines and facilities, and cable communications lines and facilities.

Section 6. That an easement is reserved over the entire area to be vacated for public transportation purposes and all associated equipment and facilities necessary for the operation thereof for the City of Milwaukie and/or Tri-County Metropolitan Transportation District of Oregon (commonly known as Tri-Met) and its successors.

Section 7. That the City Recorder is directed to file a certified copy of this Ordinance with the County Clerk, Assessor, and Surveyor for Clackamas County, Oregon pursuant to ORS 271.150.

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

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

Signed by the Mayor on _____, _____.

Carolyn Tomei, Mayor



ATTEST:

City Recorder

Approved as to Form:

City Attorney

Memo

To: Honorable Mayor and City Council
Through: Dan Bartlett, City Manager 
From: Charlene Richards, Assistant City Manager 
CC: PARB
Date: November 10, 1999
Re: Metro Local Share Intergovernmental Agreement (IGA) Extension of Deadline to December 31, 2000.

Request

Adopt the attached resolution authorizing the Mayor to sign on behalf of the City the attached Amendment No. 2 to Contract No. 904593 between Metro and the City of Milwaukie to extend the contract until 12/31/2000.

Background

In October 1994, the City submitted six proposed projects for Local Share funding under the proposed Metro Greenspaces Bond Measure. The list included two land acquisition projects that were approved for Local Share funding by Metro in October 1995. One project was to acquire land on Kellogg Lake. The City purchased that property using Metro funds. The other project was to acquire land on the Milwaukie waterfront. Due to an unwilling seller and Metro's wish not to use condemnation process to acquire property under the Metro Greenspaces Bond Measure program, the City recently purchased this property using City funds.

In November 1997, a list of substitute projects to replace the Waterfront acquisition project was reviewed by the public and the PARB and approved by the Council. Metro approved the substitute projects. Again, in May 1999, using the same review and approval process, the list of substitute projects was revised eliminating the acquisition of properties along the Johnson Creek due to unwilling sellers. Remaining funds were redistributed to the Minthorn North project to cover both acquisition and development of a management plan and possible small capital projects. See attached chart for current project list and funding levels.

Recommendation

It is unrealistic to assume that the City will conclude all negotiations for property acquisition and complete capital improvement projects prior to December 31, 1999. An extension through December 2000 should provide adequate time. See attached progress report submitted to Metro by the City. I recommend that the Council authorize the Mayor to sign the Amendment No. 2 to the Local Share IGA.

VI. A. 2

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AMENDMENT OF THE METRO LOCAL SHARE INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE CITY OF MILWAUKIE, OREGON EXTENDING THE SCOPE OF WORK DEADLINE TO DECEMBER 31, 2000.

WHEREAS on October 24, 1995, the City of Milwaukie and Metro entered into an Intergovernmental Agreement Open Spaces Bond Measure, Local Share Component; and

WHEREAS the Milwaukie Riverfront acquisition project was funded at the estimated cost of approximately \$310,000; and

WHEREAS the City Council held a public hearing on November 18, 1997, to consider the substitute projects and recommended those projects to Metro; and

WHEREAS Metro approved the substitute projects; and

WHEREAS the City could not complete the substitute projects by the original completion date of September 1, 1998 Metro approved an extension on the contract to December 31, 1999; and

WHEREAS the City Council held a public hearing on May 18, 1999, to consider the deletion of the Johnson Creek/Springwater Corridor project and subsequent transfer of funding to the North Minthorn Acquisition and Capital Improvement project; and

WHEREAS Metro approved the deletion of the Johnson Creek/Springwater Corridor project and subsequent transfer of funding to the North Minthorn Acquisition and Capital Improvement project; and

WHEREAS the City of Milwaukie is unable to complete all projects before December 31, 1999;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that the Mayor is authorized to sign Amendment No. 2 to Contract No. 904593 between the City of Milwaukie and Metro changing the original Scope of Work so as to extend the contract until 12/31/2000.

Signed by the Mayor on this ____ day of _____, 1999.

Carolyn Tomei, Mayor

ATTEST:

Approved as to form:

Pat DuVal, City Recorder

Ramis, Crew, Corrigan & Bachrach, LLP
City Attorney

1) Local share work program for next year.

Minthorn North Addition- This acquisition project has required additional due diligence during acquisition due to concerns regarding adjacent property contamination and previous groundwater contamination. Following a Phase I environmental assessment, a Phase II environmental assessment was needed. Acquisition may occur prior to December 31, 1999 but may not occur until early 2000 depending on the results of the Phase II report and work with DEQ. Staff is working with local Wetlands Conservancy volunteers to develop a joint management plan with the existing nearly seven acre Minthorn Springs Wetland. This process will include meetings with the community and processing of a natural resources overlay with the City of Milwaukie Planning Commission. Estimate that adoption of a management plan for the sites will be completed in the winter of 2000 with implementation of a portion of the plan in the spring of 2000.

Ardenwald to Springwater Access Easement- The Springwater entrance project has been challenging due to a general lack of cohesiveness amongst the neighbors. In addition, a large portion of the site is in Portland or PGE right of way. In October 1999, staff finalized a list of activities and will begin implementing them now. Following is a tentative schedule for completing this project:

Discourage parking (completion March 2000)

Input was received on both sides of the parking issue. Some said the site should be posted "No parking, local access only." Others said that formal spaces should be established and appropriate signs installed regarding allowable parking limits. Based on the dimensions of the access way and the expense involved in paving and maintenance of paved areas, "No Parking" signs will be pursued using the City's petition process.

Schedule:

Determine how many and signs are needed and locations	December 1999
Fill out petitions for Milwaukie Public Works	January 2000
On approval – work with Public Works to install signs	March 2000

Replacing cement blocks (completion March 2000)

Cement blocks have been placed near the Trail to prevent vehicles from entering the Trail. It has been suggested that we replace these blocks with more aesthetically pleasing river rocks or boulders. Milwaukie would need to get approval from Portland Parks to move the existing blocks and to replace them. Once approval has been granted, work could begin right away. Work would be best done in the early fall or summer to avoid the rains. Milwaukie anticipates that the approval process from Portland will be the most arduous part of replacing these blocks.

Schedule:	Obtain approval from Portland	December 1999
	Work with City Public Works to move blocks and install new ones	March 2000

All tasks will be completed by May of 2000.

If, after the rocks are purchased, there is money left over, the following project will be undertaken:

Interpretive Sign design (completion – May 2000)

The general feeling among neighbors seems to be that the Sherrett and 28th entrance should be reserved for local neighborhood access only. The Johnson Creek Blvd. Trailhead should be used by the general public. With this in mind, an interpretive sign will be designed to show the two local access entrances to the trail at (28th and 29th) and the Trail head at Johnson Creek Blvd. Amenities such as parking, bathrooms and bike racks would be shown on the map. Trail users with cars would be directed to the Johnson Creek trailhead. People with strollers and bikes might be directed to the 29th Street entrance. Walkers and bikers would be encouraged to use the 28th and Sherrett entrance. Other interpretive or historical information could also be included.

Schedule:	Choose sign designer	November 1999
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VI. A. 4

Finalize design	December 1999 /January 2000
Complete sign production	March 2000
Install sign	March-May 2000

Furnberg Park Wetland – See attached revised schedule and budget. It is expected that expenditures related to this project will not be completed by the end of December 1999 or December 2000.

Roswell Wetland – It is expected that all local share funds will be expended and invoiced by the end of December 1999.

Willow Place Wetland - It is expected that all local share funds will be expended and invoiced by the end of December 1999. If there is any carry over it will be used for purchasing plants in the spring. The spring purchase should deplete the funds and an invoice will be submitted no later than July 2000.

Kellogg Lake property - All funds have been expended or transferred to the Minthorn North project.


Attachment A


<u>Project Title</u>	<u>Type</u>	<u>Estimated Cost</u>
1. Minthorn North Addition	Acquisition and Capital Improvement	\$232,569
2. Ardenwald to Springwater Access Easement	Capital Improvement	\$ 5,000
3. Furnberg Park Wetland Enhancements	Capital Improvement	\$ 80,000
4. Roswell Wetland Enhancement	Capital Improvement	\$ 5,000
5. Willow Place Wetland Enhancement	Capital Improvement	\$ 5,000
6. Kellogg Lake(completed)	Acquisition	\$21,451 (actual cost)
	Total	\$349,020.00

Dated: May 18, 1999



TO: Milwaukie City Council

THROUGH: Dan Bartlett, City Manager 

FROM Martha Bennett, Assistant City Manager 

SUBJECT: Traffic Calming on 36th Avenue

DATE: November 18, 1999 for December 7, 1999 City Council Meeting

Action Requested

Council direction on Snowhill request for speed bumps on 36th Avenue.

Background

Dorothy Snowhill made a follow-up request at your November 16, 1999 that Council approve the installation of low-level speed bumps on 36th Avenue.

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 36th Avenue. Providence Milwaukie Hospital agreed to pay up to \$5,000 for installation of traffic calming if certain conditions were met. I have attached a copy of Providence Milwaukie Hospital's letter from August.

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

VI. B. 2

(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.

Status of 36th Avenue from Harvey to King

Under the current NTMP, 36th 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. I have attached a copy of the technical scores for all of the streets participating in the NTMP.

Staff recommendation

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

Options

If the Council disagrees with the staff recommendation and wishes to waive the NTMP to permit speed bumps on 36th Avenue, Council may wish to make findings in their motion that distinguishes the street from other residential streets. These findings are needed so we do not create a precedent for waiving an adopted program and policy.

Budget Impact

None.

- c. Dorothy Snowhill
Rita Kester, Providence Milwaukie Hospital

10150 S.E. 32nd Avenue
Milwaukie, Oregon
97222

Tel 503.513.8300
Fax 503.513.8463



July 21, 1999

Martha Bennett
City of Milwaukie
Community Development
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RE: Speed Bumps on S.E. 36th Avenue

Dear Susan:

As a good will gesture for the residents of 36th Avenue, Providence Milwaukie Hospital will commit up to \$5,000 for speed bumps on S. E. 36th Avenue with the following conditions:

- The City of Milwaukie approves the need for street speed bumps on 36th Avenue,
- All residents on 36th Avenue agree to the need and installation of these speed bumps,
- The ambulance companies serving Clackamas County, specifically that which provides service to Providence Milwaukie Hospital, approves the installation of speed bumps on 36th Avenue, and
- Any other emergency medical service provider (fire, police, etc.) serving Clackamas County, specifically those who provide service to Providence Milwaukie Hospital, approves the installation of speed bumps on 36th Avenue.

If you have any questions with regarding this offer, please feel free to contact me at 513-8444.

Sincerely,

Eric Snow, Director
Facilities

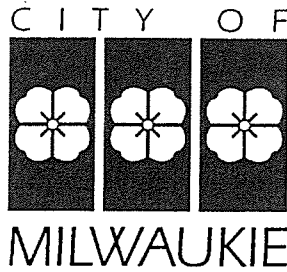
NTMP Ranking Spreadsheet

R Shelton
9/8/99

NTMP Ranking Results for Streets with Requests for Traffic Calming Devices (Calculated with 8/31/99 Council Revisions)
Based on the scoring system outlined by the City Council in their revision to the NTMP

NTMP Rank	Street Name	Cross-Streets	Street Class	Street No.	Curbs (Y/N)	School Distance	School Points	85% Speed (mph)	Base Speed (mph)	Speed Points	Volume (ADT)	Volume Points	Accidents per year	Accident Points	Street Condition	Condition Points	Pedestrian Usage	Usage Points	Total Points
1	32nd Ave	Harrison to JCB	collector	1702	Y	xwalk	10	33.1	32	11	5043	20.00	0.333	10.0	no restriction	0	multi-family	5	55.99
2	Stanley Ave	Logus to Willow	collector	21401	N	550 ft	10	33.4	32	14	3252	13.01	0	0	vert restriction	5	no	0	42.01
3	33rd Ave	Wister to Sellwood	local	18	Y	500 ft	10	28.1	32	0	329	1.32	0.666	20.0	vert. restriction	5	no	0	36.30
4	Stanley Ave	Railroad to Monroe	collector	214	N	350 ft	10	33.1	32	11	1582	6.33	0	0	no restriction	0	park/elderly	5	32.33
5	Monroe St	37th to 42nd	collector	17601	Y	>1000ft	0	32.6	32	6	4584	18.34	0	0.0	no restriction	0	multi-family	5	29.34
6	Home Ave	Park to Wilma Circle	neighborhd rt	134	N	430 ft	10	31.8	32	0	972	3.89	0.333	10.0	vert restriction	5	no	0	28.88
7	34th Ave	Lake to Washington	collector	19	Y	760 ft	10	30.3	32	0	3218	12.87	0	0	vert. restriction	5	no	0	27.87
8	34th Ave	Lake to Wister	collector	19	Y	890 ft	10	30.2	32	0	3093	12.37	0	0	vert. restriction	5	no	0	27.37
9	Monroe St	Home to Stanley	collector	17601	N	>1000ft	0	30.0	32	0	2281	9.12	0.333	10.0	horiz. restriction	5	no	0	24.11
10	35th Ave	Lake to Washington	local	20	Y	500 ft	10	30.9	32	0	989	3.96	0	0	vert. restriction	5	park	5	23.96
11	27th Ave	Lake to Washington	neighborhd rt	1001	Y	20 ft	10	30.8	32	0	904	3.62	0	0	horiz. restriction	5	multi-family	5	23.62
12	Furnberg Rd	63rd to 67th	neighborhd rt	114	N	330 ft	10	27.4	32	0	567	2.27	0	0	horiz. restriction	5	park	5	22.27
13	Roswell St	32nd to 42nd	neighborhd rt	204	N	30 ft	10	28.5	32	0	1153	4.61	0	0	no restriction	0	park	5	19.61
14	Stanley Ave	Monroe to King	collector	214	N	500 ft	10	31.3	32	0	792	3.17	0	0	no restriction	0	multi-family	5	18.17
15	37th Ave	Lake to Grogan	neighborhd rt	22	Y	70 ft	10	29.8	32	0	629	2.52	0	0	vert. restriction	5	no	0	17.52
16	40th Ave	Harvey to Olsen	local	2602	N	1000 ft	10	28.5	32	0	626	2.50	0	0	no restriction	0	park	5	17.50
17	71st Ave	Madrona to Plum	neighborhd rt	55	Y	>1000 ft	0	29.6	32	0	565	2.26	0.333	10.0	no restriction	0	multi-family	5	17.25
18	Windsor Dr	Willow to Windsor Ct.	neighborhd rt	238	Y	160 ft	10	24.8	32	0	531	2.12	0	0	horiz. restriction	5	no	0	17.12
19	Filbert St	32nd to 42nd	local	107	Y	405 ft	10	28.4	32	0	428	1.71	0	0	no restriction	0	multi-family	5	16.71
20	Aspen St	Linwood to Sequoia	local	65	Y	380 ft	10	25.0	32	0	393	1.57	0	0	no restriction	0	multi-family	5	16.57
21	36th Ave	Roswell to JCB	local	2102	Y	120 ft	10	27.0	32	0	378	1.51	0	0	no restriction	0	park	5	16.51
22	42nd Ave	Harvey to Howe	collector	2801	N	>1000 ft	0	30.4	32	0	2123	8.49	0	0	no restriction	0	multi-family	5	13.49
23	Willow St	Stanley to west term.	neighborhd rt	23601	N	150 ft	10	23.0	32	0	690	2.76	0	0	no restriction	0	no	0	12.76
24	Cedar Crest Dr	Harmony to Linwood	neighborhd rt	84	Y	>1000 ft	0	24.1	32	0	464	1.86	0	0	horiz. restriction	5	multi-family	5	11.86
25	41st Ave	Roswell to JCB	local	2702	N	700 ft	10	22.0	32	0	91	0.36	0	0	no restriction	0	no	0	10.36
26	Hillside Ct	"A" to "D"	local	132	Y	>1000 ft	0	23.6	32	0	603	2.41	0	0	no restriction	0	multi-family	5	7.41
27	36th Ave	Harvey to King	local	2101	N	>1000ft	0	27.9	32	0	419	1.68	0	0.0	no restriction	0	hospital	5	6.68
29	Mason Ln	42nd to Mason Hill	local	168	Y	>1000 ft	0	27.6	32	0	1004	4.02	0	0	no restriction	0	no	0	4.02
30	70th Ave	Madrona to Daphne Ct	local	54	Y	>1000 ft	0	23.7	32	0	324	1.30	0	0	no restriction	0	no	0	1.30
31	Adams St	Railroad to 42nd	local	5801	N	>1000 ft	0	24.9	32	0	234	0.94	0	0	no restriction	0	no	0	0.94

33rd Ave. was removed from the list by the City Engineer because it qualified mainly due to accident history. The subsequent installation of the stop sign at 33rd & Sellwood is considered a solution to the accident problem (i.e. collision at uncontrolled intersection). After recent review by Engineering Staff, there have been two additional accidents at this location that are either speed related or due to failure to obey the stop sign. In either case, these two accidents are considered to be preventable with traffic calming.



*** MEMORANDUM ***

November 30, 1999

To: Mayor and City Council
 From: Dan Bartlett, City Manager *DB*
 Re: Re-adopting Purchasing Rules

Action Requested

I would like Council to consider re-adopting Resolution 35-1994 in light of House Bill 2024. If Council chooses not to readopt our current rules, then we will be bound by the Attorney General's Model Public Contracting Rules.

Background

The November 1999 issue of the LOC Local focus had an article which explains this action.

Public Contracting Update – House Bill 2024

All government entities, including cities, are now subject to new public contracting rules contained in House Bill 2024. The bill does several things. First, it gives the Attorney General a 120-day timeline to prepare necessary modifications to the Model Rules of procedure for public contracting after the effective date of any legislative changes to public contracting law.

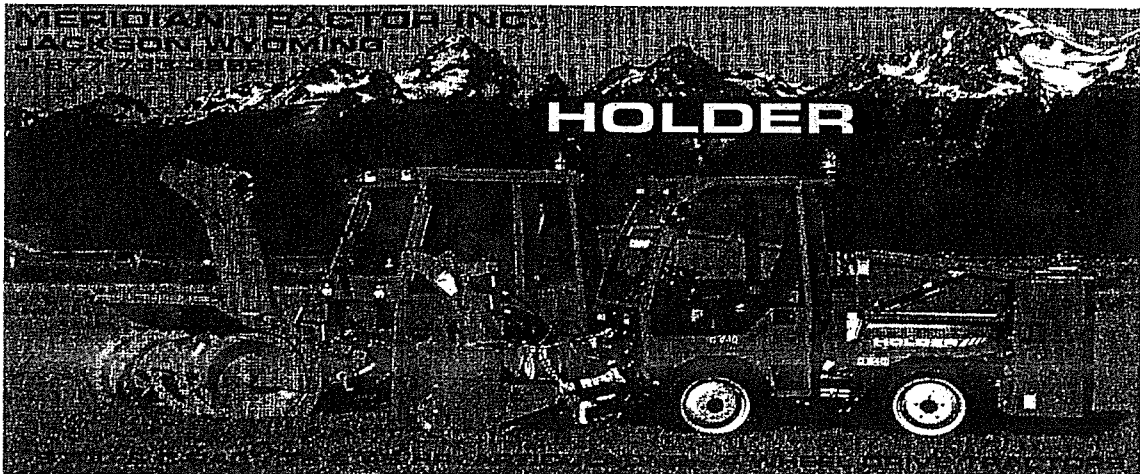
The bill also requires all public contracting agencies, state and local, to use **and adopt** the Model Rules unless the agency adopts its own rules that cover public contracting procedures and specifically decides not to follow the Model Rules.

The Attorney General's office is also of the opinion that HB 2024 requires agencies that

adopt their own rules to re-adopt them by the effective date of the legislation. The legislation became effective October 23, 1999, at which time each agency was to decide whether to adopt the Model Rules or adopt its own.

Prior to this legislation, the Model Rules were considered advisory unless they were specifically adopted by a city. However, many jurisdictions have never adopted any public contracting rules, and some have believed they are following the requirements of Model Rules without ever having formally adopted them.

HB 2024 required all public contracting agencies to either adopt the Model Rules or re-adopt their own rules of procedure by October 23, 1999.



CITY OF MILWAUKIE, OREGON
ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE RE-ADOPTION OF THE CURRENT CITY PURCHASING RULES AS REQUIRED BY HOUSE BILL 2024.

WHEREAS, State law mandates that all public contracts shall be based on competitive bid except as otherwise provided by law or the rules of the Local Contract Review Board; and

WHEREAS, Local Contract Review Board rules and procedures are necessary in order to carry out the State law to ensure a fair and open contracting process and to protect the City against litigation; and

WHEREAS, House Bill 2024, approved by the Oregon Legislature, requires all local government agencies to comply with the latest version of the Attorney General’s Model Public Contracting Rules, unless the local government affirmatively adopts its own rules that expressly exempt the local government from the Model Rules; and

WHEREAS, the Attorney General’s office is taking the position that even if the local government has previously adopted local rules, it must re-adopt those rules after October 23, 1999 pursuant to House Bill 2024 or City purchasing becomes subject to the Attorney General’s Model Public Contracting Rules; now, therefore;

THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

Section 1: The Attorney General’s Model Public Contracting Rules do not apply to City purchasing.

Section 2: The Milwaukie City Council, acting as the Local Contract Review Board, does hereby re-adopt the Local Contract Review Board Rules adopted by Resolution 35-1994 as the rules of the City of Milwaukie Local Contract Review Board.

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



Ledding Library Board October Minutes

10/25/99
6:30 PM

Ledding Library, Fiction Room

Meeting called by: Sue Trotter

Attendees: Attendees: Pat Healy, Anna O'Guinn , Sue Trotter, Kim Wilber, and Ed Zumwalt.
Staff: Cynthia Sturgis

Agenda topics

Approval of minutes

Discussion: Approved as written.

Future's Committee

Ed reported that the consultant firm met with the committee and recommended that it was important for all libraries in the county to get involved in budget planning. Joanna Rood will contact all libraries to gather information and contact Jim Scheppke at the State Library.

Action item.

Deadline:

Librarian's report

Cynthia presented the library's CIP decision packages for the future budget and asked the Board what projects they supported. Also what other items should be included in next year's budget request.

The Board reached a consensus on support for replacement of carpeting, seismic stabilizing, extending the dumb waiter to the adult cataloging section, remodeling work areas in the old house, interior and exterior painting. They also want staff training and travel to be reinstated and would like to remind us that a request for funding the second phase of the Long Range Plan should be included.

Action: Cynthia will forward their response to Charlene and Paula.

Deadline:

Board planning

The Board worked on a list of contacts to make for recruiting committee members. Each person will be responsible for contacting specific groups : Downtown Assoc.; Milwaukie Center; School District; Friends of the Library; homeschooling groups. Names, addresses and telephone numbers of interested people should be sent to Sue for a follow up letter. Sue also prepared a draft for a flyer to be distributed. Cynthia will make them available in the library and ask Grady to include a small announcement in the December issue of the Pilot.

Plans were made to have an orientation meeting for committees after the Board meeting on the 22nd of November.

Action: Cynthia will check into scheduling the PSB meeting room for Future Board meetings.

Advocacy

Cynthia was asked to write a short article for the Pilot about recruitment of people for the long range plan project.

Action:

Deadline:

Park and Recreation Board

Minutes

PARB

Park and Recreation Board

10/25/99

7:05 PM to 9:00 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 (left at 8:30 PM), Sharon Van Horn (arrived at 7:10 PM), Darlene Walsh

Absent: Mart Hughes and Rebecca Langdon (unable to attend)

Please read & bring: 9-27-99 draft minutes, Resolution No. , Park & Recreation Board Identified Needs and Goals Fiscal Year 1999-2000, City of Milwaukie Park and Recreation Board (PARB) Priorities for Fiscal Year 1999-2000, PARB Issues Raised for FY 99-00 In Priority Order

Agenda topics

Meeting called to order at 7:05 PM by Sandy McCune, Vice-Chair

Minutes

Conclusions: Motion by Don McCarty and second by Darlene Walsh to accept the 9/27/99 minutes as written. Approved unanimously, 4-0.

Action items:	Person responsible:	Deadline:
Submit approved minutes to City Council	Charlene Richards	10/29/99

Open Period

Conclusions: No audience

Metro Regional Trails Program -- Mel Huie, Senior Regional Planner

Discussion: Mel Huie discussed the regional off road connections proposed in the trail and greenway alignment map. He reviewed the proposed plan, progress to date, and future goals. Discussed the need to connect from Ochoco across McLoughlin and the railroad tracks to the Springwater Trail in the Ardenwald neighborhood. Don McCarty suggested using the Tacoma Street overpass with perhaps a cantilever multi-use path that would connect to the industrial area then back up to the Springwater Trail. Metro, the cities of Milwaukie and Portland and the NCPRD all need to work together over the next 3-5 years to develop the connection to the Springwater Trail in Ardenwald. Huie also discussed the plan for

Park and Recreation Board

the North Clackamas Greenway connecting the PTC line to North Clackamas Park and further out to Mt. Talbert. Also discussed possible crossing of Willamette using the rail line from Lake Oswego to Rivervilla.

Conclusions: As develop trails plan for the City of Milwaukie, work on efforts to connect Springwater Trail to the existing Metro regional trail system that enter Milwaukie at 17th.

Action items:	Person responsible:	Deadline:
Consider regional trails when developing City trails plan	PARB	10/2000
Plan for two future field trips – Lake Oswego to Portland train and SAM track	Charlene Richards & Mel Huie	4/2000

Updates -- NCPRD & City Kaffun & Richards

Discussion: NCPRD – Budget: Staff is developing the District budget calendar to be completed next week and available at the November PARB meeting; Water Tower Park: Over 80 Clackamas High school students and volunteers installed play equipment. It was a great community building event with a barbecue provided completely by donations. Volunteer received pins, t-shirts and hardhats. Due to construction problems, the equipment will not be safe for use by the public until some additional work is completed. Completion estimated to be mid-November. Would like to see summer recreation programs at this park next year. Furnberg Park: Still waiting for DSL approval before work can commence on the wetland restoration project. District Park: Dedication program was attended by ~50 people. City – Vision and Mission: On October 9th the Council met with all boards, commissions and neighborhood district association leadership receiving comments regarding the draft Mission and Vision for Milwaukie. The PARB decided to take home the drafts, highlight and edit them and bring their revised drafts back to the November meeting to discuss and provide comments to the City Council from the PARB. Skateboard Park: Sharon Van Horn reported the progress to date on the Oregon City, Gladstone and Milwaukie cooperative project to build a skateboard park at Clackamette Park. The group worked with an architectural firm to design the park with youth. The design was completed and the estimate to build was ~\$200,000. Oregon City parks did not like the design as it was too large for the site and didn't work with maintaining the trees. Oregon City is working with the kids who built the Burnside and Lincoln City parks. They are redesigning the project and providing a bid. The estimate is around \$60,000 to \$75,000. A list of materials and budget is being developed. Once that is completed in the next three weeks, representative from the participants including NCPRD and City of Milwaukie staff will meet with the group to determine the issues related to constructing and maintaining such a facility. Van Horn and staff will report back to the PARB at the November meeting as to next steps and PARB recommendations to the City Council.

Action items:	Person responsible:	Deadline:
Bring highlighted and edited drafts to November PARB mtg.	PARB	11/25/99
Update on Skateboard Park	Van Horn, Kaffun & Richards	11/25/99

Park and Recreation Board

CIP/Budget Work plan Development		
<p>Discussion: Richards discussed the draft City budget development calendar. She distributed the FY 99/00 Budget Proposal Report as of 3/31/99 for Parks and Rec Fund plus the City of Milwaukie, Capital Improvement Plan 1999-2000 through 2018-2019 with the CIP Project by Fund summary and the Metro Local Share fund list and parks land acquisition fund list.</p>		
<p>Conclusions: Delay the budget and CIP development until the November meeting.</p>		
Action items:	Person responsible:	Deadline:
Receive NCPRD CIP report	Thom Kaffun	11/19/99
Other Business		
<p>Discussion: PARB members discussed receiving a year's worth of NCPRD District Advisory Board minutes in the mail. Walsh noted that the City's representative had not attended 7 of the 9 meetings. The PARB members expressed concern over lack of City representation at the DAB meetings and lack of timely receipt of DAB minutes to the PARB.</p>		
<p>Conclusions: Motion by Walsh and second by McCarty that the PARB received one years worth of District Advisory Board minutes and wants the City Council to be aware of their concern that the City's representative did not attend 7 of the 9 District Advisory Board meetings. Passed unanimously, 4-0.</p>		
<p>Motion by Walsh and second by McCarty that the NCPRD be informed that the PARB of Milwaukie requests that the monthly minutes of the District Advisory Board be sent to each PARB member. Passed unanimously, 4-0.</p>		
Action items:	Person responsible:	Deadline:
Inform City Council of PARB motion re: lack of City representation at District Advisory Board meetings	Charlene Richards	11/9/99
Inform NCPRD Director of PARB motion requesting receipt of monthly DAB minutes	Charlene Richards	10/19/99
Next meeting -- agenda topics, date, time & location		
<p>Discussion: The November meeting would cover the Budget and CIP development of recommendations for City Council, review of the draft Mission and Vision statement and perhaps a presentation on the Riverfront/Downtown Plan in joint session with the Library Board. Members discussed canceling the December meeting and having a longer meeting in November if needed.</p>		
<p>Conclusions: Motion by Van Horn and second by Walsh to cancel the December PARB meeting.</p>		
Action items:	Person responsible:	Deadline:
Inform City newsletter staff to cancel the December meeting.	Charlene Richards	10/26/99
<p>Adjourned at 9PM.</p>		
<p>Resource persons: Thom Kaffun, NCPRD, & Charlene Richards, City of Milwaukie</p>		

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
WEDNESDAY, OCTOBER 26, 1999

COMMISSIONERS PRESENT

Donald Hammang, Chair
Barbara Cartmill
Tracy Cook
Mike Miller
Doug Ouderkirk

COMMISSIONERS ABSENT

Judith Borden
Howard Steward

STAFF PRESENT

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

1.0 CALL TO ORDER

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

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- City Council Minutes, September 9 and
September 21, 1999

4.0 PLANNING COMMISSION MINUTES -- September 28, 1999

Tracy Cook moved to approve the Planning Commission minutes of September 28, 1999, as presented. **Doug Ouderkirk** seconded the motion. MOTION CARRIED 4-0 with one abstention. Barbara Cartmill was not at that meeting.
Ayes: Hammang, Cook, Miller, Ouderkirk, Steward;
Nays: None.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS -- None.

7.0 OTHER BUSINESS / UPDATES -- Matters From the Planning Director

CITY OF MILWAUKIE PLANNING COMMISSION

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7.1 Natural Resource Overlay Mapping Discussion

Alice Rouyer explained that staff has uncovered mapping discrepancies in the Natural Resource Overlay areas. Regulations allow the City to regulate the properties that are in the Comprehensive Plan Natural Resource Inventory. She presented the map that has been maintained over the past years. This map has been used for administrative purposes to delineate the properties for regulations.

Staff has discovered that there are more properties on the map than are in the official Natural Resource Inventory. There are a lot of errors on the map. A new map was displayed that showed the properties listed on the Comprehensive Plan Inventory in red and the properties in green were properties added over the years. These green highlighted properties were identified, but Comprehensive Plan Designation was never completed. Only the properties in red can officially be regulated by the Natural Resource Overlay. There are presently some properties as highlighted in red that cannot be regulated by the City. Some properties were identified in gold, which represent applications that have completed a natural resource review. These properties are not officially in the inventory.

Title III regulations are coming from Metro. These regulations will include guidelines that establish buffer zone from riparian areas, wetland areas, and flood plain erosion control. This project will fold these regulations into the existing Natural Resource Overlay. This will make the existing regulations more powerful. A mapping specialist will be working with staff to prepare an accurate representation of the Natural Resources in the City. A draft map was presented that identified creek corridors and wetlands. A final map will be completed that identifies all the properties that have natural resource value in the city. Title III amendments will begin this spring.

Title III was discussed at a worksession with City Council. It was asked whether maps or a wetland definition would be adopted as the regulatory designation. Staff feels that a definition would be the best way to deal with regulations. Responsibility will be on the property owners to identify whether they have a wetland or not. This will eliminate the need for the City to maintain a map with accurate boundaries. There will be delineation from a wetland professional at the time of development.

It is anticipated that Metro will come back next year with accompanying regulations that deal with wildlife protection and fish protection along streams. The buffers will get wider over time. There is more work to be done. **Chair Hammang** suggested that a concept of a natural resource designation for open

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space areas that are not near a stream be considered for future planning discussions. **Alice Rouyer** stated that Title III would need to be completed, then the Commission could expand the perimeters of the definition of natural resource. **Gary Firestone** stated that currently the natural resource overlay includes riparian areas, wetland areas, and a habitat area.

John Gessner explained the natural resources identification process used by the city. Staff conducted a survey to identify and rate the quality of the sites. Based on Goal V criteria, evaluations were made on riparian upland habitat and wetland resources.

Discussion followed on properties that are not designated for regulation and what measures can be taken to protect those properties until Title III is adopted. **Gary Firestone** stated that the building permit is the trigger date. None of the properties identified will be at the building permit stage before Title III is in force.

It was suggested that staff draft a letter to the Division of State Lands to ask them to be more cooperative in natural resource land use regulations. Property owners have been bypassing City regulations by going through State agencies. Concerns were raised about the Hegar site and it was agreed that this occurrence site should be mentioned in the letter.

Recess was taken at 7:15 p.m. and the meeting reconvened at 7:22 p.m.

7.2 New Staff Members

Alice Rouyer reported that Lisa Nasshahn has been working for the City since August on a temporary basis. She has been working with staff on building permit reviews and applications. Lisa will be here for the November 9th meeting to present the Failor non-conforming use application.

Doug Strickler has been hired as an Associate Planner. He too, will be here next meeting.

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8.0 WORKSESSION

8.1 Discussion about the Urban Forestry Ordinance Program

Alice Rouyer reported that this discussion item was a continuation from the September 28, 1999, work session. She posted on the board a summary of the private property regulations that the Commission have agreed upon to date:

Summary of Private Property Regulation Concepts to Date

- Regulate removal of four or more trees sized greater than 8" in diameter per calendar year.
- Removal and major pruning of Significant Trees. Significant Trees will be identified in an inventory. Property owner must agree with description before the Significant Tree designation.

Barbara Cartmill asked if this designation remained with the property? **Alice Rouyer** stated that this is like a historic designation; it stays with the land.

- Regulations regarding removal/major pruning of large trees. This includes any tree larger than 18" in diameter.
- Tree Removal during development/redevelopment concurrent with Planning Reviews and Structural Permit Reviews.

Tracy Cook presented a model tree ordinance. It was suggested that this ordinance be reviewed for ideas to be included in the Milwaukie Ordinance. Some of the points she was impressed with were:

- Definitions of small, medium and large trees
- Spraying trees
- Trees that are blocking streetlights, stop signs, etc.

Chair Hammang suggested that a brightly colored notice be posted at work sites to alleviate confusion from neighbors and people passing by. Maybe a "Permit Issued" sign will prevent complaints to the City of unauthorized clearing.

Barbara Cartmill asked if there were provisions for replacement of significant trees on private property that have been blown over during storms, etc. **Alice Rouyer** stated that after the Tree Ordinance is passed, the City can determine ways for evaluation and maintenance of trees.

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Alice Rouyer stated that the discussion ended last meeting with the issue of tree removal during development and redevelopment. The purpose of statement is to require the submission of a tree plan concurrent with the planning review applications. It is hoped that this will provide a measuring place to require people to consider tree preservation.

Alice Rouyer asked if the Commission wanted to incorporate the notion of more than "4 or more trees" in a calendar year? Maybe the possibility of combining the tree regulations during development/redevelopment with the regulations regulating removal of 4 or more trees in a calendar year.

Mike Miller stated that he did not feel development and redevelopment are should be treated in the same manner. One has to do with just removing trees; the other has to do with development or redevelopment of a house or property. He would rather see all trees identified under these conditions and not have a number related to preservation. Then it would be the applicant's responsibility to show why the trees needs to be removed, or how to reconfigure the house to save trees. This regulation basically says, cut down four trees and then worry about the rest.

Alice Rouyer noted that there is a loophole in the language now where a resident could cut down two trees, then come in and say they have room to build a deck. At that time it will be too late to deal with tree preservation as outlined for development/redevelopment.

Discussion followed on regulating trees on private property. **Barbara Cartmill** voiced concern that property owners should not have to ask the City for permission to cut down trees on their own property. She would object to this regulation if it covered "any" tree. She agrees with regulations on "significant trees", but not "any" tree.

Tracy Cook stated that she too is uncomfortable about regulating the property owners ability to enjoy their property as they see fit.

Mike Miller stated that if there was a cutting violation, the City can take enforcement action. This would be for public awareness of the tree regulations.

Alice Rouyer stated that discussions at the last meeting included defining the properties that are regulated as lots large enough to be subdivided. This could be added to the language for development. She voiced concern that the regulation for fewer than four trees would impact staff resources. This can also be a

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loophole for people to cut down trees before development. She suggested that the Commission consider a bullet one and four combination with the stipulation that fewer than four trees not having to go through the extra steps of those in development/redevelopment.

There was general agreement on combining bullets one and four. These regulations would also apply to underdeveloped properties with the ability to subdivide.

A scenario was discussed of a lot being divided into four lots. It was asked if each of these lots would fall under the tree regulations. Using the language proposed so far, each of these lots would fall under the regulations. However, if the lot was under 7,000 sq.ft. and it contained ten large trees, they would not be subject to the regulations because the 7,000 sq.ft. lot could not be subdivided.

Doug Ouderkirk stated that he likes the idea of the checkpoint. It give the property owner and the City get a chance to talk about the proposed project and tree preservation.

Alice Rouyer summarized that the tree removal during development/redevelopment applies to all trees when there are four or more to be removed. Disclosure includes a site plan that shows all trees greater than six inches and a delineation of whether the trees will remain or be removed. With this language, a property owner could clear cut all of their trees if the trees were six inches or less with no regulation.

Discussion followed on at which point to apply the criteria for removal. **Alice Rouyer** suggested the first bullet be a stand-alone regulation to regulate removal of four or more trees per calendar year for lots with the ability to subdivide into two or more lots. **Mike Miller** voiced concern that this would take regulation away from the majority of the City. Most of the lots in Milwaukie are not double the size of the zone.

Gary Firestone noted that restrictions could be stipulated for a minimum size if there is no structure on the lot.

Discussion continued on whether the first bullet would be to regulate the removal of four or more trees, using the criteria of subdividable into two or more lots. This would apply to all commercial and industrial properties.

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Alice Rouyer asked for an informal poll on the discussion thus far. **Chair Hammang** stated that he agrees with bullet #1, all trees should be shown on development permits. If it is less than four trees, regulations should not be applied. Trees are an important part of what people have reported define Milwaukie is in the Vision Statements and Neighborhood Association Statements.

Mike Miller stated that there should be uniform regulations within the City. He feels that bullet #1 and #4 will eventually be addressed in design review. He has concerns that these regulations do not cover 70% of the properties in the City.

Since there are not seven members present tonight, **Alice Rouyer** suggested that this issue be tabled until the next meeting. She asked if there is concurrence on the issue of tree removal during development/redevelopment, showing a site plan with all trees greater than six inches, and if more than four trees greater than six inches in caliper then the tree preservation criteria apply? There was consensus on this issue.

Alice Rouyer asked about concurrence on the regulation of removal of four or more trees, six inches in diameter, in a calendar year for lots subdividable into two or more lots, applying to all commercial and industrial property? Concerns were raised that this language was not clear. It was suggested that this apply to vacant lands only. **Gary Firestone** stated that the wording can be drafted to apply to any circumstance that the Commission wants. If it is important that this apply to property that has structures other than residences. This would encompass sheds, garages, storage buildings, etc.

Mike Miller noted that the regulations should treat everyone the same. Someone who has 18,000 sq.ft would be regulated and those with 13,000 sq.ft. would not be regulated. Everyone should be under the same restrictions, regardless of lot size.

Alice Rouyer asked which option was most preferred: regulating all size properties or regulating those that are vacant or could be subdivided? There was no consensus on this issue. **Alice Rouyer** suggested that staff draft language for this ordinance for review and comment.

Discussion followed on issues that were not discussed at the last meeting:

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Remaining Urban Forestry Issues

- (1) Process -- Recommend: See Page 4 of the staff report. Staff is okay with the process outlined in report. Favor administrative review with appeal to Planning Commission.
- (2) Define "Other Public Places" -- Recommend: Either define or eliminate reference
- (3) Urban Forestry Master Plan -- Recommend: Delete reference to Urban Forestry Master Plan in Ordinance not intended to be a regulatory document.
- (4) Tree Care Licensing -- Recommend: Licensing enforcement likely to be onerous over time. Instead, propose that reports from certified arborist be provided, when necessary. *Need more background from Commissioners Hammang/Miller.
- (5) Authorize staff and the City Attorney to clean up sections of Ordinance.
- (6) Next steps? -- November 15th City Council Worksession. -- Update and administer Outreach program. -- December/January Public Outreach.

Chair Hammang noted that Number 4 is an effort to make sure that licensed tree-care people would be responsible for enforcement. **Alice Rouyer** suggested that the tree-care licenses continue. In cases where a tree permit is needed, should an Arborist report be required.

Mike Miller stated that the original intent was to have a group of bonded, licensed people in the City that could be referred to homeowners for tree maintenance. Everyone who does work for the City must have a business license. There are a lot of landscaping people who do work in the City that do not have licenses. He would like to see the licensed individual be a requirement. **Gary Firestone** noted that the language should define whether the person doing business with the City have a City business license or a tree-care license.

Alice Rouyer suggested that all tree permits in the right-of-way get a right-of-way permit and a tree license. The City will require business licenses for contractors. There was a consensus that this would be acceptable.

Mike Miller defined "Other Public Places" to be PSB, Johnson Creek, City Hall properties(City Owned Land).

Alice Rouyer stated that the Urban Forestry Program will be discussed again in a worksession on November 23, 1999. It is hoped that there will be at least six Commissioners in attendance. Staff will prepare a report for that worksession and

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make it available before that date. Alice needs to give City Council an update of the progress made on the Urban Forestry Program on November 15. Commissioners are welcome and encouraged to attend.

9.0 DISCUSSION ITEMS -- None.

10.0 OLD BUSINESS

10.1 Historical Resources Commission Report -- No Report.

10.2 Community Development Director Report -- No Report.

11.0 NEXT MEETING -- October 26, 1999

11.1 MLP-99-06/VR-99-04 -- Gardiner/Sandblast, 5027 SE King Road

11.2 Street Vacation -- 24th Avenue between Ochoco and Stubb -- Discussion only

Judith Borden moved to adjourn the meeting of September 28, 1999. Mike Miller seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:36 p.m.

Donald Hammang, Chair

Shirley Richardson, Hearings Reporter

VII. A. S. 10

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, NOVEMBER 9, 1999

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden, Vice Chair
Barbara Cartmill
Mike Miller
Dough Ouderkirk
Howard Steward

STAFF PRESENT

Alice Rouyer,
Planning Director
John Gessner,
Associate Planner
Doug Strickler,
Associate Planner
Lisa Nasshahn,
Contract Planner
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

Tracy Cook

1.0 CALL TO ORDER

The meeting was called to order at 6:32 p.m.

2.0 PROCEDURAL QUESTIONS

Alice Rouyer reported that the vacations would not be heard tonight. They will be moved to November 23, 1999, or December, 1999.

Alice Rouyer introduced the Lisa Nasshahn, Contract Planner, who has been working with the City temporarily since August. She will be presenting two items tonight. She also introduced Doug Strickler, Associate Planner, who is replacing Janet Wright.

3.0 INFORMATION ITEMS-- City Council Minutes

- 3.1 9/18/99 -- Teambuilding, Mission, and Vision Worksession
- 3.2 9/20/99 -- Worksession
- 3.3 10/4/99 -- Worksession
- 3.4 10/5/99 -- Regular Session

4.0 PLANNING COMMISSION MINUTES -- October 26, 1999

No minutes for approval tonight.

5.0 PUBLIC COMMENT -- None.

CITY OF MILWAUKIE PLANNING COMMISSION
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6.0 PUBLIC HEARINGS

- 6.1 Applicant: J. Kevin McKinney
- Property Owner: EHB - Eye Health Builders
- Location: 11086 SE Oak Street
- Proposal: To construct a new eye clinic medical office in the
Milwaukie Market Place
- File Number: CSC-99-01 and TPR-99-04

Chair Hammang opened the public hearing on File Number CSC-99-01, an action to allow the construction of a new medical office and Transportation Planning Review TPR-99-04. The criteria to be addressed are found in Section 315 and 1400 of the Milwaukie Zoning Ordinance; and Chapter 4-Land Use of the Milwaukie Comprehensive Plan.

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

STAFF REPORT

John Gessner handed out copies of comments from the Police, Tri-Met, and the Police Department on this Application. Portions of the site plan were also provided. **John Gessner** reviewed the Staff Report with the Commission. The Applicant proposes to construct an 8,335 square foot medical clinic/office. The site is located at the southeast corner of the Milwaukie Marketplace. Overheads were shown of the subject site and surrounding area.

Minthorn Spring was preserved as a part of the overall development of the Marketplace when the Marketplace was first built. Minthorn Spring drains to the southeast along an open drainage corridor. The Applicant is proposing to protect the Wetland Reserve area by construction barriers.

The site plan shows an area for future expansion of 850 square feet. This expansion is not part of the site plan itself. Excess parking has been provided to accommodate this expansion. The site plan shows how the parking and site access will relate to the adjoining properties.

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There are a number of existing Red Maple trees along 37th Avenue. These are to be protected during construction. Two new street trees are to be planted along the street frontage. The required landscape plantings will be located around the building and parking lot. A dumpster enclosure will be sited at the northeast corner.

A traffic impact analysis was conducted when the Milwaukie Marketplace was constructed to insure that the nearby roadway improvements were adequate to handle the traffic created. A trip generation of 52+ trips per thousand square feet was used to evaluate the entire site. When Garcia and Boyd came in for the dental offices, a supplemental traffic impact analysis was provided to show that the comparative impact of the retail uses that were proposed originally were greater than that proposed for the dental offices.

The Application meets the standards of the Community Commercial Shopping Center Zone and meets the requirements of Section 1400, Transportation Planning Design and Procedures, as well as the parking and landscaping requirements.

The Chief of Police responded that there were no issues. Tri-met indicated that in the event that the City is going to require frontage improvements, they would like to see a handicapped pad for the bus stop across the drive. The City is not requiring frontage improvements in this case, so Staff is not recommending that the pad be provided.

John Gessner handed out revised conditions of approval.

QUESTIONS FROM THE COMMISSIONERS

Chair Hammang stated that the drainage from Minthorn watercourse is a left over natural drainage that may let some water out of the man-made pond area. It is not critical to the habitat across 37th Avenue.

CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION

Speaking: Kevin McKinney, 1306 Division Street, Oregon City 97045

Mr. McKinney stated that he is one of physicians with Eye Health Northwest and they have been a part of a group that has been in Oregon City for a number of

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years. They have been present in the Milwaukie Marketplace for ten years in a leasing capacity. Because of their commitment to stay in the Milwaukie area and to serve the needs of the people here, they need to expand and would like to build a building. This will service their clinical needs as a medical practice and house administrative needs as a larger organization. Eye Health Northwest has over 20 ophthalmologist spread out over the City. They currently house the administration and would like to keep it with them.

He has read the Staff Report and concurs with the contents. The building is to be set at the back of the site. The purpose is to maintain a pleasant appearance that fits with the general appearance in the area. It is hoped to have the appearance of a medical complex. The main driveway should allow for easy egress and ingress.

The landscaping meets the requirements as set forth by Milwaukie. There are some invasive species (blackberries) growing out of the watercourse and up the slope towards the building. These will be removed by hand and will be left to re-vegetate with natural species.

The building will be brick and painted metal. The entryway, facing toward the Marketplace, has a modest elevation, well within the regulations. The entranceway if facing toward the body of the Marketplace, being part of the overall scheme of the site. The front half of the building will be the clinical practice and the back half will be administrative offices.

QUESTIONS FROM THE COMMISSIONERS

Doug Ouderkirk complimented Mr. McKinney on his presentation.

Doug Ouderkirk asked if the catch basin in the back has been sized for the area runoff? **Mr. McKinney** stated that the basin was an adequate size to address the runoff.

Speaking: Steve O'Shea, Giff and Bolty Jergins Architects, 815 SW 2nd Avenue,
Portland

Doug Ouderkirk asked what the future addition would include? **Mr. O'Shea** stated that it will be a continuation of the clinic area. There may be another physician added in the future.

Mike Miller complimented the Applicant on their efforts to preserve the wetlands. He asked if the trees planted outside the wetland area and is the closest

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point to the wetlands 15 feet? **Mr. O'Shea** stated that the trees are planted well outside the wetland area. He pointed out the setback on the site map. The minimum distance from the wetland area is 12-feet from the building.

Chair Hammang stated that he shares the concern about the average distance from the wetland area. He asked how the extra capacity was calculated for the extra roof-water and road-water? He also asked if the Reed Canary Grass would be removed as it is an invasive plants. **Mr. O'Shea** stated that no new species would be replanted. It would not be left bare, there will be some natural type of plantings so there won't be any erosion.

John Gessner stated that there are four dimensions boundaries shown on the site plan. The closest is the 10-foot wing wall. The next closest is 14'4", 16'8" and 20 feet. The setback is measured from the edge of the mapped wetland reserve. This has not been mapped, so there are no dimensions recorded. The reserve boundary would probably be somewhere on the slope, but definitely below the top of the slope.

John Gessner stated that Public Works has acknowledged that the storm water will be roof and parking lot drainage discharging into the existing sanitary system in Marketplace Drive. **Chair Hammang** stated that in heavy rain there is an existing capacity problem. He is concerned about what additional input will do to capacity. **John Gessner** suggested a condition to assure that the capacity is adequate.

Mike Miller asked if there will be a flat surface behind the building or will the building be built right up to the slope? **John Gessner** pointed out the location of the building on a topographical map. There will be very little flat space behind the building.

Mike Miller asked if all the planting proposed will be on the bank surface down to the waterway under 37th Street?

Speaking: Mike Schwartz, Landscape Architect, 812 NW 17th, Portland

Mr. Schwartz stated that all of the plantings are proposed between the building and the natural resources boundary line. There will be a slope (93) to (91), approximately a two feet drop over an area of ten feet to the natural resource boundary line.

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Chair Hammang asked if the square edge of the slab abutting the top of the slope of the building? **Mr. Schwartz** stated that this will not be the case. Between the edge of the slab and the north boundary of the natural resource area will be all ground-cover plantings. The slope will not exceed 4:1.

Chair Hammang stated that it would be his preference to vegetate the bank all the way down to the water's edge.

John Gessner asked that the Applicant address the signage issue. **Kevin McKinney** stated that the signage is just to indicate who they are and what they do. The wording will be "Eye Health Northwest, Physician and Surgeons." There is a logo that will go beside the writing. There will be a phone number at the bottom of the sign and a short list of services.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

John Gessner read an amendment to Condition 1 to the Commission.

QUESTIONS FOR CLARIFICATIONS -- None.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG THE COMMISSIONERS

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

Mike Miller stated that he does like the plan. There is more of a landscaped environment for this building than most of the rest of the buildings at the Marketplace. If carried out as proposed, it will be a real asset to the Marketplace. He is concerned about the wetland area and stream protection.

Doug Ouderkirk stated that his concerns with the catch basin have been satisfied. The overall design of the building is very nice.

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Howard Steward moved to approve applications CSC-99-01 and TPR-99-04 authorizing construction of an 8,335 square foot medical clinic/office and adopt the staff recommended Findings and Conditions of Approval, with a modification to Condition #1, adding new Condition:

“h. The Planting Plan shall indicate replanting of the slope within the Natural Resource area that is disturbed following removal of invasive plants to be implemented and inspected to the satisfaction of the Planning Director prior to the issuance of any certificate of occupancy.”

Doug Ouderkirk seconded the motion.

Mike Miller moved to amend the main motion to include an amendment to Condition 12:

“12. Plumbing plans shall be submitted to the mutual satisfaction of the Building Official and Public Works Director prior to issuance of a building permit. Storm water capacity shall be reviewed by the Public Works staff prior to issuance of the Plumbing Permit.”

Judith Borden seconded the motion.

Ayes: Hammang, Borden, Cartmill, Miller, Ouderkirk, Steward; Nays: None.
 The motion to amend the main motion carried 6-0.

Vote on the main motion: Ayes: Hammang, Borden, Cartmill, Miller, Ouderkirk, Steward; Nays: None. The motion carried 6-0.

6.2	Applicant:	Dr. Kenneth and Wan-Fen Chung
	Property Owner:	Ronald Stroh
	Location:	3245 SE Campbell
	Proposal:	Remodel a 4-plex and modify it to accommodate a dental clinic
	File Numbers:	CU-99-04; TPR-99-08; and VR-99-06

Chair Hammang opened the public hearing on File Numbers CU-99-04; TPR-99-08; and VR-99-06 to allow the remodeling and modification of a 4-plex to accommodate a dental clinic. The criteria to be addressed are found in Sections 600, 700, and 1400 of the Milwaukie Zoning Ordinance; and Chapter 4-Land Use of the Milwaukie Comprehensive Plan.

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

STAFF REPORT

Lisa Nasshahn reviewed the Staff Report with the Commission. The Applicant proposes redevelopment of an existing four-unit dwelling structure to accommodate a dental clinic. The change requires an extensive remodel of and addition to the structure, together with site improvements to comply with current zoning standards. Overheads were shown of the subject site and surrounding area.

The site is on Campbell between Myrtle Street and Oak Street. The Milwaukie Marketplace is across Oak Street. Exterior improvements will consist of new siding, stone or masonry accents and base, new window assemblies and new roofing. Site improvements will include enlarging on-site parking area, providing building entrance, and landscape improvements.

This is a professional office in a residential zone, which is a conditional use in this zone. There are two variances requested; one to reduce by one the number of required parking, and the second is a request to fencing instead of landscaping on the easement between the parking area and adjacent property line.

Staff found several issues of concern:

- Is the use compatible or can it be made compatible with the adjacent residential uses.
- Does the proposal satisfy the goals and policies of the Comprehensive Plan.
- Will the parking reduction in Variance 1 result in any adverse effects on the neighborhood, which cannot be mitigated?
- Will substituting fencing for the landscaping requirement be adequate to provide screening.
- Does the proposal include the features that support access to the site for alternative means of transportation such as walking, transit, or bicycle.

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QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked if two driveways are required for this building? **Lisa Nasshahn** stated that because of the configuration of the site, it is a good idea to have two driveways. This is a narrow part of the site and two driveways will allow traffic flow through the site.

Judith Borden asked the nature of the easement. **Lisa Nasshahn** stated that the easement is for access for the adjoining residential use. There is a multi-family structure next door to the site.

CORRESPONDENCE RECEIVED BY STAFF

Lisa Nasshahn reported that correspondence had been received from the neighborhood group. She explained that there was a change in Condition 9 to reflect more flexibility to the Applicant for their operating schedule.

Chair Hammang asked if other businesses of this type were opened during these hours? **Alice Rouyer** stated that this condition was written in a way that did not offer any flexibility in the hours of operation.

APPLICANT PRESENTATION

Speaking: Todd Iselin, Iselin Architects, 615 Main Street, Suite 201, Oregon City
97045

Mr. Iselin complimented Lisa on a very thorough staff report. The site is fairly constrained because of the existing easement. They were unable to get the total number of parking spaces to comply with the City. One alternative was to eliminate or narrow the landscape island by one foot. This is feasible.

The one-way loop through the site was a function of an inadequate turn-around. Three parking spaces would have been lost to construct the turn-around. The impact will not be that great. There is parking along both sides of Campbell Street.

The Applicant is currently operating in the Milwaukie Marketplace and this seems like a good opportunity to stay in this area. This space is needed to upgrade their operation and incorporate the newest technologies into their business.

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Mr. Iselin asked for reconsideration of the condition requiring the removal of the rear deck. This deck was permitted with the original building in 1979. They would like to reduce it by approximately 50%. The site is very tight and they need a second exit out of the upper level. It will not be used frequently, but in case of fire, it will be used for emergencies.

QUESTIONS FROM THE COMMISSIONERS

Doug Ouderkirk asked if an elevator will be installed? **Mr. Iselin** stated that an elevator is planned and pointed it out on the map. The elevator clock tower is the new addition portion. The building will be resided and brickwork added to make it more aesthetically pleasing. Substantial landscaping is planned.

Doug Ouderkirk asked if there are height restrictions? **Lisa Nasshahn** confirmed that there are height restrictions and the proposed construction is within the requirements.

Doug Ouderkirk asked about the occupancy from a residence to an office? **Lisa Nasshahn** stated that it will be changed. **Mr. Iselin** stated that it is a permitted conditional use in this zone.

Chair Hammang asked for clarification on the hours of operation.

Speaking: Kenneth Chung, 10804 SE Oak Street, Milwaukie

Mr. Chung stated that he is one of three dentists at the Oak Street location. There are three other general practitioners and two specialists that have been there since 1990. There are two other locations, one in Oregon City, and one at Sunnyside. All three locations are in Clackamas County. Most of the patients at the Milwaukie office walk along Campbell Street to get to their location.

They are anxious to try to prepare themselves to be able to better serve their patients by pursuing a better facility. Hours of operation have decreased since 1990. They were open from 7:00 a.m. to 9:00 p.m., running two shifts. Hours are designed by access of people who need to see a dentist early in the morning and on Wednesday, they stay open later to catch those coming back from work. Saturday hours have always been popular. They do not envision any changes in the hours of operation.

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Doug Ouderkirk stated that his father was a dentist so he understands the reasoning for moving their location. He voiced concern that the stairs encroach into the setback area. How will this be addressed? **Lisa Nasshahn** stated that there is a condition recommending the removal of the existing deck, not allowing the stairway in the rear setback.

Alice Rouyer noted that the Applicant did not apply for this variance. If the Commission were to consider the variance, findings would have to be adopted that are consistent with Section 700 of the Zoning Ordinance.

Chair Hammang asked for clarification of the request to continue the use of the deck. **Mr. Iselin** stated that he would like to have the deck remain as a fire exit. They were under the impression that this would be grandfathered in since it was an existing deck. They did not plan to go back farther into the setbacks. At the time it was constructed, it was in compliance with the code. At the time of application, they were not aware that it was not in compliance.

Lisa Nasshahn stated records were reviewed and at the time of construction there was a 15-foot setback in effect at that time. Building permit files were not found for this four-plex. There was no land use review that allowed the deck to encroach on the setback.

Gary Firestone explained that it was up to the Commission to determine if they will allow the deck since it was part of the construction at the time of building.

Alice Rouyer stated that consideration had been made on the deck and staff found that the stairs did not meet the criteria for a variance. There are alternatives on the site to provide the secondary egress. Consideration should be given to the fact that people out on the deck would be able to look down on the adjacent residential properties. This is an added impact.

Doug Ouderkirk asked if there was a staff requirement for the deck or could it be used only as an exit? **Mr. Iselin** stated that the deck would be a nice break area for staff, but if they could use it for an exit, it would be an acceptable option. There are no alternatives for a secondary exit. The most logical location does not meet the requirements. Anything within the building takes away from treatment rooms and anything outside the building is an addition.

Mike Miller asked staff if the existing deck and stairs conform to the present standards? **Lisa Nasshahn** stated that in discussions with the Applicant, it was

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mentioned that there is some rot in the deck and that part of it would be removed. **Mr. Iselin** stated that they were proposing taking half of the deck down.

Chair Hammang asked if staff could draft a condition that would allow the applicant to have a fire exit? **Alice Rouyer** stated that the finding for this variance would be that the fire exit would be the minimum variance necessary to allow the applicant to use his/her property.

Mike Miller asked if the entrance on Campbell Street would be the main entrance? It was mentioned in the staff report that neighborhood parking would be utilized on Myrtle Street. If there is an entrance on Myrtle Street, it will impact the neighborhood by putting more people in the area. He would prefer that the existing turn-around be used to prevent the impact into the neighborhood. **Mr. Iselin** concurred that Campbell Street will be the main entrance. He does not foresee Myrtle being impacted. There is ample parking along Oak and Campbell. He is willing to make the entrance a one-way loop. The present configuration was drafted to discourage traffic flow to Myrtle. They would rather not lose parking spaces by closing off the entrance.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

QUESTIONS FOR CLARIFICATIONS -- None.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG THE COMMISSIONERS

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

Chair Hammang stated that he felt this proposal is a good use of the building. It looks wonderful to him. He would like to see conditions limiting the applicant to using the deck for an approved code compliant fire exit.

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Doug Ouderkirk stated that the way the floor plan is laid out, the fire exit makes the most sense. He would encourage the fire exit at the back.

Howard Steward stated that he has no problem with the dentist stepping out and getting a breath of fresh air. He sees no reason for making the deck smaller.

Doug Ouderkirk moved to approve applications TPR-99-08, CU-99-04, and VR-99-06 authorizing change of use and site modifications to allow conversion of an existing residential structure (four housing units) to a professional office. The property is at 3245 SE Campbell Street. Findings and Conditions of Approval are as noted in the Staff Report, with a new Finding #6:

"6. Variance 3 meets the criteria of Section 700, Variance Exceptions and Home Improvement Exceptions."

And an amendment to Condition #3:

"3. Prior to any building permit issuance, the applicant shall submit a revised site plan and building plans which show demolition of the rear deck and construction of a 4-foot wide exit landing and second floor egress stairway, meeting the requirements of the Uniform Building Code."

Mike Miller seconded the motion.

Ayes: Hammang, Borden, Cartmill, Miller, Ouderkirk, Steward; Nays: None.

The motion to approve CU-99-04; TPR-99-08 and VR-99-06 carried 6-0.

6.3	Applicant:	John Failor
	Property Owner:	Jim and Cheryl Arendell
	Location:	4140 SE Harrison
	Proposal:	Convert service station service bays into a convenience store; and continue non-conforming use on the westerly portion of the lot as a parking area.
	File Numbers:	NCU-99-01; TAR-99-02; and TPR-99-07

Chair Hammang opened the public hearing on File Numbers NCU-99-01; TAR-99-02; and TPR-99-07, an action to convert service station service bays into a convenience store and continue the non-conforming use on the westerly portion of the lot as a parking area. The criteria to be addressed are found in Section 400, 800, and 1400 of the Milwaukie Zoning Ordinance; and Chapter 4 – Land Use of the Milwaukie Comprehensive Plan.

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Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? **Mike Miller** stated that he has been a gasoline customer at this station for the last fifteen years. He does not feel this will have any bearing on his decision tonight. There were no other conflicts of interest or ex-parte contacts declared. He asked if any member of the Planning Commission visited the site; six hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Lisa Nasshahn reviewed the Staff Report with the Commission. The Applicant proposes a change of use from auto service to a convenience store and an addition to the existing building on the site. There are lubrication service bays in the existing building that will be redeveloped to allow the building to accommodate a convenience store. Overheads were shown of the subject site and surrounding area.

The fact that this redevelopment triggers the Transportation Planning Review process. The site has split zoning. The building and the commercial use will be located on the part of the site that is zoned C-G. The parking for the use is located in the residential zone, R-2. Because parking is a non-conforming use in a residential zone, it is subject to Non-conforming Use Review. Because of the residential zoning on both sides, Transition Area Review came into effect.

The site is located at the Southwest corner of 42nd and Harrison. This is a commercial use among residential uses. There is no landscaping existing on the site now. The Applicants are proposing a landscape buffer on the portion of the site that would include a chain-link fence with final slate, trees and Laurel hedging, in a six-foot area to buffer the parking area from the residential use.

No landscaping is proposed to buffer the residential use on the other side. Staff recommends approval. The existing canopy is in violation of the existing front setback. However, it is existing and there are no changes proposed.

Key issues for consideration:

- Will the proposal result in increased detriment to the neighborhood?
- Can modifications be made to the proposal so that any detriment that might happen can be mitigated?

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- Are there features in the proposal that include access to alternative modes of transportation, pedestrians, bicyclists, or transit riders?
- Does the proposal include a transition measure to minimize the impact on the adjacent residential uses?

Staff recommends approval of the applications with the conditions as noted in the staff report.

In the transportation planning chapter there is a provision to allow for up to 10% of the value of the project to go to transportation improvements. The major priority is pedestrian improvements. Staff recommends adding a walkway from the front of the building to Harrison Street and a walkway to 42nd Street to allow pedestrian safe access to the convenience store from either street.

Staff is also requesting that one of the curb cuts be closed. There is a four-way stop at this intersection and it would be safer to close the 42nd Avenue curb cut at this location. This will decrease the possibility of traffic coming in from 42nd to get to the parking area, cutting through the service canopy and cause conflicts with automobiles trying to get gasoline. A parking strip could be constructed in this area.

QUESTIONS FROM THE COMMISSIONERS

Chair Hammang asked if the definition of site-obscuring fence in the staff report would stop the glare of headlights? **Alice Rouyer** stated that the applicant is proposing a link fence with vinyl slats. This complies with the requirements of a site-obscuring fence. This fence, combined with vegetation that will eventually grow up, will prevent headlight glare.

Mike Miller asked if the fence on Harrison Street can be only 4-feet high and 20 feet back from the street? **Alice Rouyer** said, yes; however, the fence can be higher.

Chair Hammang voiced concern that the slatted fence will not be sufficiently obscuring. He asked what is meant by "as built" fence on the south side? **Lisa Nasshahn** stated that there is no fence on the south side and there is no existing vegetation. Staff is recommending that a site-obscuring fence be run along the residential zoned portion of the site. The parking area will have to be in compliance with Section 500, Parking and Loading of the Milwaukie Zoning Ordinance.

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Mike Miller asked if the south corner of the property next to 42nd Street would remain open? **Lisa Nasshahn** stated that staff is not recommending that this area be closed. Suggestions were made to remove three parking spaces and replace them with landscape.

Discussion followed on traffic patterns for the use. There is potential for a stack up of cars on this site. **Lisa Nasshahn** stated that this is why the pedestrian issues rose to the top of the priority list. There will be pedestrians accessing the site to use the convenience store. Getting them to and from the site safely is a high priority. **Chair Hammang** expressed concern about the people who are leaving the lot and causing traffic problems on the site.

Alice Rouyer reported that the closure of the curb cut would allow safe entrance to the store right at the corner. The parking on the far north will allow for safe entrance onto the site. There are two curb cuts on the far south that would be eliminated and landscaping added. The goal is to recommend some measures that would improve the conditions that are there today.

Mike Miller asked where the entrance of the convenience store is located? **Lisa Nasshahn** pointed out the entrance on the site map. She also pointed out where the landscape buffer, pedestrian walkway, and park strip could be sited.

Doug Ouderkirk asked how many customers are served each day? **Lisa Nasshahn** stated that the current usage is about 300 customers a day to the site. The convenience store use will result in less traffic to the site. Staff does not have a verified number.

Doug Ouderkirk asked if the extension off the back was for a freezer? **Lisa Nasshahn** stated that the applicant would respond to that question.

CORRESPONDENCE -- None.

APPLICANT PRESENTATION

Speaking: John Failor, Ming Hannen Construction, 5906 SE 122, Portland

Mr. Failor stated that he grew up in Milwaukie and has been here 45 plus years. This site has been a store since 1965. The present owners took over the operation

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in 1979. They purchased the property and franchise in 1985. They have been there for 14 years.

The transferring of use is brought about by increased liability of automobile mechanics and the increased complexity of automobiles. Other mechanics are also going out of business and opening convenience stores.

Specifically their main focus is to qualify to keep existing non-conformance. This is no more detriment than what exists now. They want to improve on the situation; adding landscaping and buffers and increasing pedestrian traffic in a safe manner.

After reading the staff report, the owners are concerned about closing off the one access. Losing one would be better than losing both curb cuts. There is a lot of traffic to the site and the exits are relied on to get traffic out. When traffic is backed up to the street, drivers keep on going. They do not block traffic.

Convenience stores get 90+% of their customers from traffic off the street. A large percent is walk-in traffic from the neighborhood. There should be very little traffic impact difference from what exists now.

Another issue concerns getting the tanker trucks in and out of the site. Harrison Street is the preferred truck route. This station is presently selling about 135,000 gallons of gas a month. Tankers are brought in every other day. These trucks have requirements that they cannot be sticking out in the street when they are unloading and they always have to be parked in a position where they can pull forward to get out. The applicant is asking for a variance in the transition of the residential portion of the lot. They would like to continue to use the site as they have in the past and are willing to make any modifications they can to come to an agreement.

QUESTIONS FROM THE COMMISSIONERS

Chair Hammang stated that he feels a convenience store generates more store traffic than gas traffic. He voiced concern about a type of fencing that would not allow lights into the neighborhood. He does not think the slat fencing is appropriate. **Mr. Failor** stated that some neighborhoods ask for a more solid fence, but they have always leaned toward the more durable products.

Chair Hammang asked if there are pre-cast panels or other hybrid materials that could be used for the fencing? **Mr. Failor** stated that the material has to have a

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wind flow factor. There is a possibility of using a wood fence with overlapping slats. The current owners own the house next door.

Doug Ouderkirk asked if the addition would be used for a freezer/cooler? **Mr. Failor** pointed out the area where the freezer will be located. The addition will be for utilities and restrooms.

Mike Miller asked if there are plans for a back entrance? **Mr. Failor** stated that there is an emergency exit that goes out of the building. The design of these types of buildings tend to not have back entrances because of theft. They are usually alarmed and used only for emergencies.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

CLARIFICATION QUESTIONS OF STAFF

Judith Borden asked how wide are the slats for the fence proposed and how much space is between the slats? **Mr. Failor** explained the different types of slats that he has used in the past.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

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

Chair Hammang stated that he has several concerns:

- Trip generation
- Proper location and movement of gasoline trucks
- Traffic confusion in the parking lot
- Upgrade in fencing

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Barbara Cartmill stated that she is also concerned about the internal traffic circulation. She would like to see a flow pattern of traffic circulation with examples. She is sure that the convenience store will increase traffic trips, destination or drive-bys.

Howard Steward stated that he first purchased gas here in 1973. He has used this facility many times. He has also had automobile repair done here and is saddened that auto repair will no longer be available. The Applicant is trying to find a way to remain profitable in the business at this location. He has complied with the EPA requirements for the new tanks. This is no small investment of time and money.

When you look at the Chevron station at the corner of King and Linwood, every problem that has been expressed here is multiplied several times over at that site. This is the best the applicant can do. Obviously it is not ideal, however, he is not prepared to vote in favor of a motion that puts a person's business at risk.

Howard Steward stated that he has traveled many times in a 35-foot trailer. When you go into these places, you take care to make sure you get in and out safely. He does not feel that anything will be gained by taking out the curb cuts and limiting the exiting opportunities.

Barbara Cartmill stated that this particular gas station brings a lot of people to this corner. This intersection has an existing traffic situation. A circulation plan, backup numbers, and a little foresight would help with the repercussions of the change of use.

Chair Hammang stated that he does not know how this would work. He has never purchased gas here because it has always been a difficult traffic situation when he passes by.

Mike Miller stated that he too has concerns about the traffic patterns. He has been in and out of this station many times. It is the Commission's responsibility when changes are made that a landscape plan that buffers the residential neighborhood be a condition of the approval. He would like to see a landscaping plan on this site that enhances the residential area, allows the service station to continue, the convenience store to be there, and allow people to get in and out in a safe manner.

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Alice Rouyer read from Page 13, Public Works comment, the 2nd paragraph. This is the analysis from the City's professional staff. Additional analysis can be requested, if the Commission feels it is warranted.

Alice Rouyer stated that it was staff's conclusion in their analysis that the mitigation efforts that are in the conditions of approval (fencing, landscape buffering, additional landscaping) were sufficient mitigation to make a finding on the non-conforming use section. The change in use will not result in increased detriment to surrounding properties based on all the changes added to the condition of approval.

A lot of additions to the site plan have been recommended as conditions of approval. The applicant will need to make substantial changes. The Commission can add to the changes as they deem fit.

Chair Hammang noted that Condition 2 mentions a maximum of seven on-site parking spaces. He asked how he can determine a realistic number to require for parking when there is no information on how many trips/customers are coming to the site? **Alice Rouyer** stated that parking spaces are based on the parking ratios in the code. Ratios were used for the retail and the gas station use. Numbers were used that were specific for a convenience store. **Lisa Nasshahn** stated that there is a maximum number of parking spaces included in the code. The maximum is 7 spaces for this use.

Howard Steward stated that King Road Market is across the road from this site. Items are much cheaper there than at the convenience store. He feels that people who are generated for the purchase of food will go across the road to King Road Market where there is plenty of parking.

Chair Hammang stated that he is still concerned about fencing. He asked that staff draft up a condition that would address this issue.

Mike Miller asked if the Hector Campbell Neighborhood request is included in the conditions. **Alice Rouyer** stated that is addressed in Condition #8.

Doug Ouderkirk stated that he is having a hard time making a decision. He does not feel the expense of the sidewalk is worth the trouble. Discussion followed on the importance of having a pedestrian access. **Lisa Nasshahn** stated that after reviewing the Asto Geometric Designs of Highways and Streets and found that the proposed 60-foot turning radius is very generous. The landscaping and park strip

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can be configured at 42nd and Harrison so that it does not impact the truck route through the site.

Mike Miller moved to approve TTR-99-07, NCU-99-01, TAR-99-01 and 02, with the conditions as submitted. **Doug Ouderkirk** seconded.

Mike Miller moved to approve applications TPR-99-07, NCU-99-01, and TAR-99-02 authorizing continued use of the R-3 portion of the parcel for required parking and tanker truck access to the existing Arco Station at 4140 SE Harrison; and reviewing the redevelopment of the gas station in the C-G portion of the lot for consistency with transportation planning standards. Further approval of the staff-recommended Findings and Conditions of Approval as outlined in the staff report with the following amendments to Condition 2(a):

“2 (a). Sight-obscuring fencing and landscaping which shall not allow light trespass, including shrubs and trees for noise buffering, along all property lines in the R-3 zone that adjoin residential uses.”

Doug Ouderkirk seconded.

Ayes: Hammang, Borden, Cartmill, Miller, Ouderkirk, Steward; Nays: None.
MOTION CARRIED 6-0.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS

Mike Miller announced that there will be an open house scheduled to review a draft plan that has been prepared by the Steering and Advisory Committee for the Mt. Talbert Park. The open house will be held at 147th off of Sunnyside Road. There will be another open house on Saturday, November 9, at the Milwaukie Senior Center.

The Steering Committee is looking for information in relation to use of this property. The Park Department owns 149 acres of Mt. Talbert. Some is still in private hands. He invited all to attend. The citizens have expressed an interest to have his as a passive park with walking trails.

Educational Service District -- New Life Celebration Church as relocated. Alice Rouyer will bring this before the Commission in December.

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9.0 OLD BUSINESS

10.0 OTHER BUSINESS/UPDATES

10.1 Matters from the Planning Director

Alice Rouyer mentioned that the street vacations that were in the packets would be heard at the next meeting or on December 14, 1999.

The DSL Letter that was to be drafted by staff will be available for review at the November 23rd meeting. The letter was to be drafted for Commission Chair signature. The City Council is the only body that should represent the City by signature of letters. It was suggested that she write the letter for her signature and represent the Commission concerns.

A worksession on Urban Forestry is set for next meeting. The City attorney has submitted drafts on the Ordinance. **Judith Borden** stated that she will not be at that meeting. She was present for the first discussion and she feels comfortable with the Commission going ahead and discussion Urban Forestry.

Alice Rouyer submitted a copy of the memo to City Council regarding an update on this project. The agenda item is scheduled to begin around 7:15. She invited the Commissioners to attend or watch on TV.

Alice Rouyer announced that three of the Commission members participated in the City Council exercise in reviewing a draft vision and mission. She asked that the Commissioners go through the exercise and turn in the comments to Community Development.

10.2 Historic Resources Commission Report -- None.

11.0 NEXT MEETING -- November 23, 1999

11.1 Worksession

Doug Ouderkirk moved to adjourn the meeting of November 9, 1999. **Judith Borden** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:40 p.m.

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Donald Hammang, Chair

Shirley Richardson, Hearings Reporter

**RIVERFRONT BOARD MEETING
NOVEMBER 8, 1999**

Acting Chair Cardinalli called the meeting to order at 7:00 p.m. in the City Hall conference room.

Board Members Present: Cardinalli, Green, Loaiza, and Martin.

Councilors Present: Rob Kappa

Consultants: George Crandall and Don Arambula; Gill Williams.

US Army Corps of Engineers: Patricia M. Obradovich

Staff: City Manager Bartlett, Assistant City Manager Bennett, Planning Director Rouyer, Police Chief Kanzler, and Neighborhood Services Director Gregory.

Approval of Minutes

The Board members present unanimously approved the October minutes as presented.

Discussion

Loiaza noted the survey results from the most recent Riverfront Town Hall clearly indicated that the public wants to involve youth and be sensitive to their needs. He asked if there were other meetings related to the riverfront/downtown plan that the Board should know about.

Crandall said there was a meeting with Dark Horse representatives to go over the present plan and to discuss the public's perception of that business.

Martin suggested inviting Clackamas County to the next meeting to find out what creek and waterfront activities were taking place with that agency.

Cardinalli asked what was to be accomplished at this meeting.

Crandall said he wanted to discuss project phasing, get input on a waterfront catalyst project, and provide a project and task update. Upcoming activities include:

- a series of meetings with the Oregon Department of Transportation (ODOT) in order to clearly understand the McLoughlin Blvd. Project;
- meetings with Clackamas County to discuss creek and Kellogg Treatment Plant issues;
- discussions with Tri-Met on the relocation of the transit center;

VII. A 4-2

- review Title 3 and Endangered Species Act (ESA) issues relating to the project; and
- looking at options for moving the boat ramp.

The findings from these discussions should be reflected in the project phasing. When all of that information is gathered and analyzed, the outcome would be a more accurate picture of the public improvement/private investment ratio. From that, an informational tabloid will be prepared to go out to the general public. The City cannot expect good feedback leading eventually to a publicly accepted final plan unless it compiles critical information in an understandable, inclusive public piece.

Loaiza still favored the cap concept and asked for an estimate of how much it would cost.

Crandall estimated the cap would cost between \$40 and \$50 million, and he did not believe there was any way the investment ratio in the downtown was there. The parkway design was developed as a good way to deal with the 100-Year Flood Plain. According to his estimates, the \$14 million parkway project was about all the downtown could support based on the amount of available, developable land.

Loaiza added that the cap might open up more land for development, but he understood it would probably not be enough.

Green said there was clearly a lot of community interest with youth and youth activities. He was concerned about the financially critical hotel and restaurant that would be dependent upon the decommissioning of the Kellogg Treatment Plant. The City needs to be realistic about the life of the Plant and build that element into the overall plan.

Green also suggested a catalyst project involving the Kellogg and Johnson Creeks as they flow into the Willamette and recommended contacting the Johnson Creek Watershed Council. The group could help with organizing volunteer parties. He also recommended contacting the YMCA about developing a facility downtown. It would be a good draw for those living downtown and address the emotional issues of youth activities. In reference to the Jr. High School site, **Green** felt it was time for a separate group to address its potential development and be the focal point for community concerns.

Crandall felt the Jr. High School site should be flagged as an outstanding issue for which re-use schemes needed to be developed. A lot of ideas have already been expressed, and it is time to get them on the table and share them with the community. At this point, the Jr. High site, though it is an important and emotional piece, is not a deal breaker for making the downtown work.

Bartlett noted there were several groups interested in working on the site development, and they could be called upon to help develop some kind of re-use scheme. It would be important to identify compatible programs that could go into the facility.

Arambula commented the issue was not just the building, but the entire site.

Green, a Lewelling Neighborhood resident, wanted to know how to work with the outer neighborhoods. Many of the residents never come to the downtown, and they feel as if they live in neglected neighborhoods. He felt the key piece of the outreach needed to be convincing the outlying neighborhoods that the riverfront project has value for them.

Crandall agreed the issue of why the downtown/riverfront project was important to the entire community needed to be answered simply and directly in the tabloid.

Loaiza commented that many people have still not heard of the Plan despite the number of public meetings and articles in *The Oregonian* and *The Pilot*.

Crandall discussed the long range plan for the riverfront and downtown revitalization. The concept is to reclaim the riverfront with the natural extension of the parkway from downtown to walking paths along the water. The Kellogg and Johnson Creeks would be returned to their natural states. The currently submerged land under Kellogg Lake could be converted into playing fields for the community. Other elements included future removal of the boat ramp and parking to create a staging area for waterfront events and developing a marina in the Kellogg Treatment Plant location with a rowing facility and restaurant at the log dump site. He was interested in finding out from the Corps what could responsibly be done in the project to revitalize the habitat and reconnect the community and the river.

Obradovich asked the main drawing features of the development.

Crandall said, based on the response to the most recent survey, 70% of the respondents liked the parkway plan that reconnected the river, downtown, and the community as long as development is not intense. The community was also in favor of a waterfront that provided an area for public events. **Crandall** felt the public would support the scheme because those putting it together really listened to people's comments and incorporated as many of them as possible. The boat ramp is used by a very small number of people, and the site needs to serve a year-round activity enjoyed by a major portion of the population. The Plan will work to de-intensify development and make it compatible with the natural environment. For example, the waterfront would have only commercial kiosks for temporary, seasonal vendors.

VII. A 4-4

Green felt Kellogg Lake was another key piece and understood that several regulatory agencies were moving toward restoring the natural flow of the creek. He asked the levels of support both for "saving Kellogg Lake" and returning it to its natural state.

Obradovich asked if Fish and Wildlife and National Marine Fisheries was involved and, if so, what position those agencies held.

Williams had spoken with the Division of State Lands and Fish and Wildlife, and their ideas were consistent with what Milwaukie was considering.

Green asked if the habitat was worth saving and commented that ODOT was considering the creek project in order to mitigate other impacts.

Williams said ODOT was in the process of creating its scope of work for the McLoughlin Boulevard project.

Green commented that it seemed the Corps evaluated the proposed project and acted as a liaison to other agencies, and **Obradovich** described how the various federal agencies interacted.

Councilor Kappa asked if removing the Kellogg Creek dam would address upstream flood control.

Obradovich said engineers would analyze how proposed projects would impact the flood plain.

Crandall commented that the project would create only a small holding area is the parkway since the reservoir area would not change.

Councilor Kappa commented on National Marine Fisheries requirements for mitigation and flood control. He felt some constructive things could be done with the banks of Kellogg Lake and asked if these could be the basis of an argument to remove the current dam.

Bartlett said these and other questions would be the subject of the study.

Williams said the current scope of the study is the watershed with habitat, mitigation, and renovation coming later.

Green understood that it would be to Milwaukie's benefit to have the study in sufficient depth to address the Corps' areas of concern and for that agency to consider funding.

Williams said it would probably be imperative that the scope include mitigation and ecosystem restoration.

Kanzler asked what the relationship was with the Division of State Lands (DSL) and how projects were coordinated.

Obradovich said the Corps project manager would be involved in the process during the study phase review periods. She discussed the Corps' projects that included emergency streambank and shoreline protection, flood damage reduction, aquatic ecosystem restoration, and modification of existing Corps projects to restore the environment. She believed, based on initial information, that the last two types of projects would be most applicable to Milwaukee's riverfront. The Corps' projects are based on an evaluation of the benefits to the plant, fish, and wildlife aquatic habitat through restoration, improvements, or protection of the ecosystem. The Corps does not undertake water quality projects without a nexus for what it does for the species. For example, the biologists might determine a project would provide a foraging or hiding area for migrating species and result in a regional or national benefit. She pointed out that the restoration projects were cost shared at 65% federal and 35% local, and project modifications were 75% federal and 25% local. The information she provided also included a "tool kit" that briefly outlined the projects types and provided sample letters of requests for projects.

Williams commented that in other projects he had observed there did not seem to be a lot of compromise for including people spaces.

Obradovich said it is important that habitat and species areas are not degraded by trying to make them people friendly.

Crandall pointed out these studies will take time, and he urged looking at what could be done to make green areas for people. He pointed out that the boat ramp area has little habitat. He recommended looking at a phased situation that would begin immediately by reclaiming the area south of Jefferson Street. The boat ramp itself would stay in place, but the parking lot would be moved to the recently acquired Cobb property to the north. The public could enjoy the area almost immediately and see that area returned to green with an improved river edge and habitat. He suggested grading the site to make the upper and lower areas level.

Williams added the fill would be two to three feet deep even in the most extreme conditions.

Crandall also recommended leaving the mouths of the Johnson and Kellogg Creeks for future phases.

Green felt some movement, such as plantings, could take place to begin restoring Johnson Creek.

VII. A 4-6

Williams said he would be interested in hearing from the Johnson Creek Watershed Council about its vision for the mouth of Johnson Creek.

Crandall said the purpose of the boat ramp project would be to provide immediate impact and to begin changing public perception about the plan.

Arambula explained the replacement parking lots would be gravel rather than asphalt and would provide about the same number of parking spaces. He added that this was not the time to get into a debate about moving the ramp itself.

Cardinalli recommended demolishing some of the buildings to make the waterfront more visible McLoughlin Boulevard.

Bartlett explained that Lanphere would like at least another year to be in business at that location, and there were still some tenants in the Lowry.

Crandall believed relocating the parking lot could make a very powerful statement if the Board, Council, and City approved of the project. The area could be enhanced by removing the current hard surface.

Williams thought there might be some funding to restore the mouths of Kellogg and Johnson Creeks. Work on the boat ramp parking relocation could begin almost immediately and would also offer a meaningful avenue for agency participation and comment. The permit process would be the most time consuming phase.

Crandall estimated an eight-month timeline including three months each for design and contract document preparation and a little over one month for the bid process. Permitting could run in a parallel process. There would also have to be some kind of agreement with Lanphere regarding the substitute parking area.

Bartlett said the City would have to negotiate with Lanphere while keeping in mind that he is a potential investor. His business is currently a going concern, so it would not be a good decision to create ill will and overlook potential future benefits.

Williams got a sense from the public that it wanted to see some action. He added that it would take four to six weeks to move dirt, grade, build paths, plant, and seed the area. The project cost would include landscaping, irrigation, lighting, grading, and paths. He suggested only improving that area above the Corps line.

Crandall recommended establishing a deadline and getting ideas on what to do to make this catalyst project happen.

Green suggested a two-phase project design with the first being one that could be done without or with limited permits.

Martin recommended that uplands not be permitted with the waterline.

Obradovich asked if there was anything in the proposed development related to Brownfields such as a contaminated area or one that was underutilized because people perceived it as contaminated. She explained federal agencies were helping push Brownfields projects forward, and there are some programs through the Oregon Economic Development Commission.

Bartlett said Caffall had cleaned up the log dump site, and the only contaminated sites were on the east side of McLoughlin Boulevard.

Crandall suggested working on this as the Phase 1 catalyst project for next summer. Streetscape issues can be addressed when there is a greater sense of what can actually be done.

Next steps:


1. December 13, 1999 Board meeting, 6:00 p.m. at City Hall. Possible attendees from outside agencies: Clackamas County Water and Environmental Services; representatives from Kellogg and Mt. Scott friends group; biologists and engineers; National Marine Fisheries; Fish and Wildlife. Williams needs to attend but not Crandall and Arambula;
2. January 10, 2000, Board meeting;
3. January tabloid; and
4. February 23, 2000, Riverfront Town Hall meeting.

The meeting ended at 8:40 p.m.

Pat DuVal, Recorder



INTEROFFICE MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
 THROUGH: DAN BARTLETT, CITY MANAGER
 FROM: CHARLENE RICHARDS, ASSISTANT CITY MANAGER 
 SUBJECT: MONTHLY REPORT - HUMAN RESOURCES/COMMUNITY SERVICES
 DATE: NOVEMBER 23, 1999
 CC: HR/CS STAFF

What follows is the Monthly Report (mid-October through mid-November 1999) for Human Resources and Community Services. If you have any questions, please speak with me. My telephone number is 786-7506.

HUMAN RESOURCE SERVICES

General Administration

- Began revising the EEO report for next year.
Anticipated Next Month
- Complete program upgrade for HRVantage program.

Safety/Wellness

- Began implementing changes in the RIM and NS offices to address safety concerns.
- Distributed and received responses to city-wide safety survey. Reviewed preliminary results with city-wide Safety Committee.
- Provided free flu shots to all employees.
Anticipated Next Month
- Will meet to determine areas of improvement as a response to results of safety survey.

Employee Training & Committees and Teams

- Provided through Willamette Falls Occupational Health staff, supervisor refresher training regarding Federal Department of Transportation requirements for Drug and Alcohol testing for Commercial Drivers License employees.
- Developed draft charge for employee team to address results of Employee Survey.
Anticipated Next Month
- Finalize members of the employee team and schedule first meeting for January 2000.

Employment Activities

- Hired 2 full-time employees.
- Separated 1 full-time employee and 3 seasonal, temporary employees.
- Completed 1 recruitment and have 4 recruitments remaining in progress.

COMMUNITY SERVICES

LIBRARY

Children's Services

- Has its first PAC for Windows up and running in the children's department. We are eagerly awaiting the remaining stations.
- Began its slate of fall programming for children which includes 3 weekly story times for preschoolers, bimonthly home schooling programs and Saturday craft time for school children. A Halloween party was held on October 30th with an attendance of 50 children.

Adult Programs

- Sponsored a program on November 4th featuring Patricia Gayley, pianist, and Gayle Clausnitzer, soprano. Patrons and staff thoroughly enjoyed the afternoon

Facilities

- Now has a functioning heating system.
- Is enjoying the pansies provided by the North Clackamas Parks District. Nancy Wittig is responsible for this beautification project.

Library Futures

- Provided background information to the consultants, Cogan Owens Cogan.

Anticipated November-December 1999

- The installation of the remaining PAC for Windows stations.
- Instructing patrons in the use of these stations.
- Library Futures meeting to finalize the scope of work and timeline for the problem solving efforts of the Library Futures committee.
- A Happy Thanksgiving!

NEIGHBORHOOD SERVICES

- Served as Island Station Liaison.
- Attended monthly meeting of Regional Solid Waste Enforcement Officers
- Provided process guidance on complex abatement cases.
- Provided conceptual guidance on City website development.
- Worked with reps of Clack. Co., Happy Valley and Johnson City toward final drafting and distribution of Joint Surface Water Management Publication.
- Met with Lewelling NDA Liaison to address neighborhood/city communications concerns
- Attended or participated in Downtown Riverfront Stakeholders, Staff, and Advisory Board meetings.
- Began planning public involvement process for Milwaukie Junior High Site.
- Attended Americorp Grant-writing Training Session for possible city eligibility
- Attended Linwood NDA meeting to introduce New Liaison, Chief Larry Kanzler.
- Produced mailing to Neighborhood Leadership of neighborhood association administration issues and upcoming quarterly meeting.
- Developed and distributed notification on 2nd Quarter grant cycle.
- Provided technical assistance to grant applicants.
- Attended County Hearing on Community Development Block Grant needs assessment.
- Presented Milwaukie CDBG proposals for City Council endorsement and coordinated applications for submittal.

- Participated in new position recruitment for Information Services and Technology Division
- Collaborated with Police Chief and Crime Prevention Consultant on development of Community Policing Implementation Strategy and related Police Partnerships grant.
- Attended Regional Neighborhoods Program Administrators Monthly Meeting in Oregon City.
- Coordinated November Neighborhood Services Team Meeting.
- Organized City-wide Vision review process, collected and compiled Draft City-wide Vision response data
- Attended County-wide Public Information Officer's Emergency Preparedness meeting.
- Participated as PIO in Mock Emergency Drill per City Emergency Operations Plan.
- Managed completion of Neighborhood Services new space build out.

Anticipated Next Month

- Plan and facilitate December Neighborhood Service Team meeting
- Conduct Neighborhood Leadership 2nd Quarter Meeting.
- Host December Regional Neighborhood Program Administrators Meeting
- Provide compilation of City-wide Vision review responses to Council.

Public Information

- Continued work with the Milwaukie Tech Cadre in developing a City Web Site
- Coordinated and finished design on advertisement for 2nd quarter Neighborhood Grant Deadline
- Began research for a tabloid publication pertaining to the Downtown and Riverfront Plan
- Attended and reported on Milwaukie High School's Living History Day
- Attended and reported on the Oct. 27, Downtown and Riverfront Town Hall
- Attended Regional Emergency Response Team coordination and planning sessions
- Responded to citizen requests for information
- Participated in oral board that reviewed candidates for a RIM position
- Began public information production efforts for Urban Forestry Program and Title 3
- Interviewed Citizen Leaders for PILOT articles.
- Participated in staff meeting on front-counter response effort for Y2K preparedness
- Produced (editing, layout, writing and planning) December PILOT.

Anticipated Next Month

- Continue development of City Web Page, and act as the City's liaison between the Tech Cadre
- Continue work with Community Development staff on Tree Ordinance and Title III information
- Continue to work on outreach for the Riverfront and Downtown Development process
- Continue training on video equipment
- Continue attending Regional Emergency Response Team meetings
- Produce the January newsletter
- Regularly update the Interactive Video Bulletin Board
- Develop and coordinate the publishing of press releases and other public information for City departments

Code Compliance

- Conducted property inspections for voluntary compliance at several properties.
- Issued violation notices and citations to violators to property owners.

VII. B.4

- Attended court trials for some Code Compliance Cases.
- Updated the Code Compliance case files.
- Followed up with citizens reporting complaints throughout the City.
- Developed compliance agreements with property owners found to be in violation.
- Conducted follow up inspections at several properties throughout the City.
- Attended October Lewelling Neighborhood meeting to discuss code cases in the neighborhood.
- Provided mediation and good neighbor tips to community members having disputes.
- Did parking enforcement downtown and worked on specific parking requests and problems.
- Worked with CERT team members on specific properties with multiple types of code violations.
- Worked with City attorneys on dept. collection for court fines, and abatement.
- Prepared lien documents for uncollected abatements.
- Worked on Interagency effort with Multnomah Sheriff's office and Metro for illegal dump sites in Milwaukie
- Reviewing other city codes for abatement procedures.
- Researched information on Code Enforcement procedures in other municipalities for bettering our Codes and procedures
- Worked with Clackamas County a joint code enforcement problem concerning the transferring of solid waste materials.
- Worked with investigators from DMV to ensure car dealers are in compliance.

Anticipated Next Month

- Review code procedures for all code cases, to ensure no loopholes.
- Further develop the neighborhood case tracking system.
- Gather information and ideas on codes for other cities.
- Have a Code revision session to review up coming change to clarify our ordinances.
- Organize an effective way to track cases for future reference information sharing for CERT team.
- Develop a system to help the elderly with property maintenance.
- Develop methods to help people in need of property maintenance help due to financial retrains.
- Develop a contract liability release for the Neighborhood tool shed.

ENVIRONMENTAL/TELECOMMUNICATION SERVICES

Solid waste and Recycling

- Distributed fliers on new commingling program to all City facilities and sent a packet to each neighborhood Association chair.
- Discussed new commingling program with Mayor Tomei on her cable program.
- Met with local governments and Metro staff to discuss process used to review recent solid waste tax and fee ordinances at Metro.
- Attended satellite forum at Clackamas Community College on buying recycled products.

Anticipated Next Month

- Meet with garbage haulers to discuss problems and concerns regarding commingling program
- Drive recycling route (before pick up) and identify major issues facing collectors in commingling program
- Work with Clackamas County solid waste staff to develop cooperative staff position to assist with commercial business waste evaluations

- Participate in interview process for new Metro Recycling program Director.

Grant Administration (Metro Local Share Projects)

- Held two input sessions at entrance to Springwater Trail at 28th and Sherrett.
- Talled response to surveys completed at these sessions and identified activities to be completed with grant funds.
- Wrote proposal for enhancing site and submitted it to Portland Parks and Milwaukie Public Works for review.
- Coordinated and participated in planting party at Roswell pond.
- Coordinated and participated in planting party at Willow Place wetland.
- Completed plant and seed order for both sites for December delivery.
- Completed report on status of all three sites for inclusion in city's extension application.

Anticipated Next Month

- Select boulders for Springwater entrance and begin coordination of installation.
- Work with Portland Parks and Milwaukie Public Works to install "no parking" signs.
- Select planting party date and begin notification process.
- Plant grass seed at Willow Place.

Cable & Other Telecommunications Issues

- Met with legal advisor and Assistant City Manager to discuss revisions to telecommunication ordinance.
- Reviewed revisions when submitted.
- Attended a forum on cooperative programs for Telecommunications at Clackamas Community College.
- Contacted telecommunications consultant to discuss strategy for developing City's Institutional Network.
- Responded to inquiry from McLeod, Inc. a telecommunications firm interested in placing fiber optics on utility poles in Milwaukie.

Anticipated Next Month

- Coordinate selection of technical consultant to assist City with Institutional Network development.
- Begin discussions with current users of Milwaukie studio regarding future production need.
- Develop timeline and approach to shifting from studio to future system.
- Bring Telecommunications ordinance to City Council for approval.
- Meet with Public Works staff to organize implementation of Telecommunications Ordinance

PARKS AND RECREATION

Parks, Open Spaces and Trails (POST)

- Council adopted the POST target area and confidential tax lot maps.
- Acquired .93 acre site on the corner of Stanley and Willow as a future neighborhood park for the Lewelling neighborhood. Met with NCPRD staff to walk the site and develop a stabilization and land banking plan to hold the site for future master planning and development.
- Continued negotiations for acquisition of one parcel of property within a neighborhood park target area.

VII. B. 6

Parks and Recreation Board (PARB)

- Recommended 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.
- Presented PARB and staff recommendations for refinement map to Council for adoption of target area map and confidential tax lot specific map.
- Received information on regional trails system from Mel Huie, Metro, in preparation for work on developing a refinement map for trails and open spaces for the POST program.

North Clackamas Parks and Recreation District (NCPRD)

- Provided quarterly update to Council in worksession including financial position of the NCPRD, master plan for Mt. Talbert and NCPRD and neighborhood master planning process..

Metro Greenspaces Technical Advisory Committee and Local Share Projects

- Continued work with consultants on Local Share acquisition project.
- Continued work with Level of Service subcommittee to develop standards for the Metro area with plan to present a draft recommendation to the Metro Greenspaces Technical Advisory Committee at their December meeting.
- Received extension from Metro for Local Share projects.

Anticipated Next Month for Parks & Recreation

- Continue work on Local Share acquisition project.
- Continue work with Level of Service subcommittee to develop guidelines for the Metro area.
- Continue work with PARB to develop CIP/Budget recommendations for City and NCPRD funding.
- Receive Council acceptance of extension from Metro for City's Local Share projects.



TO: Milwaukie City Council

VIA: Dan Bartlett, City Manager *DB*

FROM: Martha Bennett, Assistant City Manager *ACR for MJB*

SUBJECT: November Community Development Report

DATE: November 19, 1999 for December 7, 1999 City Council Meeting

Action Requested

None. This memo is for information only.

Background

This report includes activity for Community Development for the past four weeks. The building division activity is reported for the month of October.

Community Development

- Supported the Downtown/Riverfront plan.
- Worked with Tri-Met to develop the next steps for the Milwaukie Transit Center.
- Represented the City in discussions on the Regional Transportation Plan.
- Developed proposed budgets for fiscal year 2001 for the Community Development Internal Services Funds.
- Staff in several areas of Community Development, particularly the Operations Supervisors in Street, Water, and Sewer/Storm participated in the Emergency Operations training drill. We will be updating our emergency plans and materials based on what we learned in this drill.

Future Community Development Activities

- Continue to support the Downtown/Riverfront effort.
- Continue to coordinate Milwaukie's participation in review of the Regional Transportation Plan.
- Orient the new Public Works Director.
- Completing staffing plans for December 31, 1999 and January 1, 2000 to respond to any service issues created by potential Y2K problems.

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Planning Division

- Planning received a \$75,000 ODOT TGM grant to develop a land use and cross section design for McLoughlin through the downtown corridor.
- Planning Commission approved three land use applications on November 9th.
- Staff expects to complete Urban Forestry Ordinance work sessions with Planning Commission on November 23, moving the project into the public outreach phase.

Future Planning Activity

- Staff is reviewing draft ordinance amendments to implement Metro Title III. More information and project update will be available in December or January.
- Staff will submit for an Oregon Dept. of Forestry Community Forestry Grant application in December to request financial support in developing an Urban Forestry Master Plan.
- Staff is requesting an extension to Metro regarding unfinished work for Title 1 and Title 6. Council will receive more complete information about this extension in the December 7, 1999 packet.

Engineering Division Activity

- Coordinated with City of Portland on the Johnson Creek Blvd. stormline construction from 36th to 45th including pipeline design and traffic control. Construction to begin in early December.
- Managed the Brookside Pump Station project, which is near completion.
- Managed the CDBG Curb and Sidewalk project on 42nd Avenue and Harvey St. Pre-construction conference held. Contractor to begin work November 22nd.
- Managed the Waverly/Lava Drive Sewer and Waterline Project. Negotiating final payment.
- Completed the 1999-2000 Waterline Project – Phase.
- Continued work on the 1999-2000 Waterline Project – Phase 2. The plans by HHR are being revised.
- Managed the Water Master Plan being done by Montgomery Watson. The hydraulic model is approximately 30% complete. Total project is approximately 12% complete.
- Continued work on the Bluebird Street Railroad crossing. The design, including closing of the Bobwhite and Wren Street crossings, was accepted by Neighborhood Association. Revisions were sent back to ODOT.
- Coordinated with the City of Portland on flood damage prevention and updating the FEMA 100-year flood plain map for Johnson Creek.
- Working with other agencies on the Clackamas County study of fish passage through Kellogg Creek and Mt. Scott Creek.
- Working on CIP's for 2000-2006.

Building Division Activity

- During the month of October, the Building Division issued 8 commercial building permits, 7 residential permits, and 35 "other" permits. The "other" permits include

erosion control, plumbing and mechanical permits. This level of building activity generated approximately \$11,000 in revenue.

- John Wheeler passed his Building Official certification examination and has been appointed as the Building Official for Milwaukie.

Future Building Activity

- Continued work in improving the development review process.

Street Division Activity

- Completed the sweeping of approximately 205 miles of city streets and 40 miles for Happy Valley; 32 pot holes and 9 utility cuts, completed 7 infra-red repairs, completed our crack sealing program for the season, installed new signs per request for City and Happy Valley, repaired damaged signs, various shoulder rock repairs and responded to 21 citizen requests. The County work crews have completed many jobs for the Storm, Sewer, Water, Street and Facility Divisions.
- Continue working with engineering on the CDBG and NTMP projects.
- Reformulating the Street CIP.

Street Division future activities

- Continuing the sweeping schedule to include Happy Valley, patching of potholes, shoulder rock repairs, infra-red pavement repairs, sign replacement and installation, assisting Happy Valley with their needs, and training of street crew on using the new GPS sign inventory program. Also, work with Engineering on the completion of the CDBG sidewalk project.

Water Division Activity

- The field maintenance team has done: 1 dig-in water services, 1 drop-in water service, changed out 6 water meters; 109 utility locates, 2 fire hydrants repaired, 2 main breaks repaired, 5 water services repaired, and 82 turn offs on turn off day, and responded to 6 citizen requests.
- The City Hall Service team completed 225 service requests. These consisted of final reads, leak investigation, rereads, turn ons, turn offs, and other miscellaneous calls.
- The summer field crew has located, mapped, exercised and updated the records for 1743 water valves in the system since June 1st. Rick cleaned up a few that were missed during the first 2 weeks of October.
- The water quality section has completed several projects and maintenance on the water system. The CCR has been completed sent out in to all water accounts and to the homes by October 22, 1999.

Sewer Division Activity

- Overseeing Brookside Liftstation (S-5) HYDRONIX Inc.
- Worked with TSI for telemetry needs for (S-5)
- Flow monitoring Brookside Area 1
- Liftstation maintenance
- Working with tree contractor to cut 3 fallen trees at Jack's Park and donate to Milwaukie Senior Center

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- Getting bids to replace 70' of sewer line at 2715 Monroe
- Participated in EOC simulation.
- Cleaning and TV-ing downtown area
- Inspected sinkhole at 4224 Jefferson St. (infiltration from lateral)
- Water tested wet well at Brookside liftstation

Future Sewer Activity

- Contingency Planning for any Year 2000 issues.
- Liftstation maintenance
- TV & cleaning Area 2

Storm Division Activity

- Cleaning and stenciling catchbasins
- Participated in Johnson Creek Watershed summit
- Put in ditch inlet on 37th near Grogan and seeded
- Located, unplugged and cleaned 3 lines and 2 basins on 17th at McBrod. Placed erosion control matting in ditch and placed rocks at outfall.
- Uncovered outfall on Waverly Dr. and placed rocks at outfall
- Had demo on steaming roots on Redwood
- Unplugged basins on 42nd at Johnson Cr.
- Reviewed erosion control plans
- Attended NPDES, CERT and DRT meetings
- Participated in code enforcement action on the Bowman wall
- Coordinated clean-up on JC w/JCWS
- Signs for detention ponds

Future Storm Activity

- Working with Engineering and Streets on the 42nd Ave sidewalk project
- Went to the City of Beaverton to see clean-out area
- Coordinating with the Johnson Creek Watershed Council on clean-up for Johnson Creek
- Catch basin cleaning
- Working with Fleet and Streets to build a cleanout area and wash bay for the Johnson Creek building.



To: Mayor and City Council
Through: Dan Bartlett, City Manager *Don*
From: Pat DuVal, Records and Information Manager *Pat*
Subject: Monthly Activity Report for October 1999
Date: November 10, 1999

Action Requested

None. This report is for information only and summarizes the activities of the Records and Information Management (RIM) division.

Staffing Activity, Training, Certifications, and Appointments

- Recruitment for Police Records Office Assistant closed, applications reviewed;
- Continue training and transition of Office Assistant to Fleet and Facilities and redistribute duties including timekeeping and room scheduling; and
- Beginning and intermediate PageMaker.

Records Management

- Continued verifying indexes and de-prepping files returned from the scanning service bureau;
- Completed fifteen boxes (11%) for re-entry into archives; and
- Purged 1 cubic foot of records in Administration.

Special Teams

- Lake Road Neighborhood District Association liaison;
- Payroll Problem Solving Team;
- Safety Committee;
- Front Desk Personnel Communications Plan role with a focus on Y2K response; and
- Finance/RIM monthly staff meetings.

Administration

- Supported 2 regular Council meetings and 2 work sessions: agenda packets, notices, and minutes;
- Supported 1 Riverfront Board meeting: agenda packets, notices, and minutes
- Supported 1 Riverfront Town Hall Meeting at Milwaukie High School;
- Supported Emergency Operations Plan drill;

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

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- Received and distributed information on document recording changes and assessed conformance of current forms with new standards;
- Responded to 2 election requests for information;
- Assisted with Mayor's response to September 30, 1999, downtown business meeting;
- Continued work with City Prosecutor on Code Enforcement cases;
- Processed 2 ordinances and 2 resolutions;
- Responded to 9 public records request;
- Processed 7 contracts and agreements;
- Recorded 1 property use agreement, 1 easement, and 1 deed;
- Processed 3 traffic regulations;
- Prepared Municipal Code in paper format for Police Chief;
- Distributed September 1999 Municipal Code Update and completed links for electronic version on shared drive;
- Produced September/October 99 edition of *Manager's Musings*;
- Continued work on Annexation Ordinance, Urban Forestry Ordinance, and preparation for Title 3 amendments;
- Updated current contact files including Riverfront/Downtown, Neighborhood Leadership, Land Use Committees, and Boards and Commissions; and
- Prepared announcements and posters for internal events including Police Chief retirement and flu shots.

Community Development/Planning

- Supported 1 Planning Commission meetings: packet, notices and set up;

Community Development/Public Works

- Continued work on contracts database and project file maintenance;
- Updated Community Development Director's mail process; and
- Prepared 1 Traffic Safety and Transportation Board (TSTB) meeting packet and notice; however, meeting cancelled.

Fleet and Facilities

- Processed 65 requests for vehicle maintenance and 31 work orders for Clackamas Fire District #1;
- Processed 239 repair orders for Public Works, Happy Valley, and Milwaukie Police;
- Processed 22 and completed 19 facilities maintenance requests and participated in monthly "walk through " of City facilities;
- Assisted new owners of previous month's auction items with keys, titles, and scheduled pick-ups and payments;
- Coordinated additional work orders and purchases for Lowry maintenance; and
- Set up special cleaning projects with janitorial service.

Municipal Court

- Scheduled and attended 2 court sessions;
- Entered 339 citations and 399 infractions;
- Scheduled 30 trials;
- Processed 1,596 after-court entries;
- Sent 320 abstracts to DMV;
- Processed 506 bills; and
- Sent 96 accounts to collections.

Police Department

- Processed 71 false alarm permit letters and accepted 10 new applications;
- Assisted with 35 background checks;
- Processed 308 reports and 77 subpoenas;
- Processed 48 validations;
- Prepared 32 letters for abandoned and towed vehicles;
- Responded to 42 insurance requests;
- Processed 26 vehicle releases; and
- Scheduled 13 room reservations and 8 cancellations.

Front Counter Activity Tracking: RIM front counter staff had direct contact, either on the phone or in person, with 3,694 customers during the month of October.

Facility	Department	Calls	Walk-ins	Monthly Totals
City Hall	Court	115	108	223
	Water	212	150	362
	Business licenses	7	5	12
	Finance	15	8	23
	Administration	65	50	115
	Neighborhood Services	18	10	28
	PSB	13	6	19
	JCB	55	14	69
	Other	67	60	127
Combined customer contacts				978
Johnson Creek	Planning	270	149	419
	PW Admin	40	17	57
	Fleet/Facilities	49	28	77
	Operations	84	15	99
	Building	94	78	172
	Permits	129	124	253
	Engineering	91	47	138
	PSB	10	1	11
	City Hall	23	4	27
	Other	92	23	115
	Interoffice	106	104	210
	Radio	45		45
Combined customer contacts				1623
Public Safety Building				
		723	370	1093

- IMPORTANT NOTICE -
PRELIMINARY 1999 POPULATION ESTIMATE

November 17, 1999

To: **Milwaukie City**

Listed below is the preliminary population estimate for July 1, 1999, as well as the final 1998 estimate and the 1990 Census figure.

If you have any questions regarding the preliminary July 1, 1999 estimate, please contact Qian Cai by December 12, 1999.

PRELIMINARY POPULATION ESTIMATE:

JULY 1, 1999: **20,075**

CERTIFIED POPULATION FIGURE:

JULY 1, 1998: **20,220**

CERTIFIED CENSUS FIGURE:

APRIL 1, 1990: **18,670**

If you have any questions, please contact:

Qian Cai
Population Estimates Manager
Population Research Center
Portland State University
PO Box 751
Portland, OR 97207-0751

Telephone: (503) 725-5157

Fax: (503) 725-5162



To: Mayor and City Council
Through: Dan Bartlett, City Manager *DB*
From: Alice Rouyer, Planning Director *AR*
Subject: Extension of Titles 1 & 6 Functional Plan Compliance
Date: November 24, 1999

Action Requested

None. This memorandum is for information only.

Background

This memorandum is to inform you that that the Planning Department has requested from Metro, an extension of time in which to comply with Titles 1 and 6 of the Metro Urban Growth Management Functional Plan. See *Attachment 1-Letter of Request*.

As you know, Metro area Cities are required to implement provisions of the Functional Plan within specified time lines. Milwaukie has already completed full implementation of Titles 2, 4, and 8 and portions of Titles 1 and 6. The remaining work on Titles 1 and 6 include the following.

- Adoption of Title 1, 2040 Main Street design-type mapping.
- Completion of Title 1, Housing and employment capacity analysis.
- Adoption of Title 6, Regulations limiting new street block-length.
- Adoption of Title 6, Regulations limiting the length of new cul-de-sacs.

The City is requesting the extension in response to a staff vacancy that has just recently been filled. The vacancy has made it difficult for Planning to manage current planning and day-to-day operations and simultaneously make headway on certain long range planning projects such as Functional Plan Compliance.

The City was previously granted an extension to December, 1999 for the outstanding portions of Titles 1 and 6. The new request seeks additional extension to July, 2000. Work on these projects is expected to begin shortly. Staff will request policy direction from the Council at a meeting to be scheduled in February or March, 2000.



November 24, 1999

Mr. Mike Burton, Executive Officer
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Report on Title 1 and Title 6 and Request for Extension to July, 2000

Dear Mr. Burton:

The City of Milwaukie has been actively working to complete compliance requirements of the Urban Growth Management Functional Plan. In April of this year the City Council adopted numerous amendments to the City's Comprehensive Plan and implementing ordinances in satisfaction Titles 2, 4, and 8. Significant portions of Titles 1 and 6 were also completed at this time.

The Planning Department is presently working on Title 3 and is expecting to adopt implementing ordinances by July, 2000 consistent with the extension approved by Metro Council.

Completion of Functional Plan compliance has been and remains a priority work item for the City, an additional extension is requested for the following remaining sections Title 1 and Title 6.

- Adoption of Title 1, 2040 Main Street design-type mapping.
- Completion of Title 1, Housing and employment capacity analysis
- Adoption of Title 6, Regulations limiting new street block-length.
- Adoption of Title 6, Regulations limiting the length of new cul-de-sacs.

The City continues to be challenged with staff transitions. The Planning Department experienced a staff vacancy this summer that has just recently been filled. The vacancy has made it difficult for the Department to manage current planning and day-to-day operations and simultaneously make headway on long range planning projects such as Functional Plan compliance.

Mr. Mike Burton
 November 24, 1999
 page 2 of 3

Consequently, we are requesting an extension to July, 2000 to complete compliance with Title 1 and Tile 6. The present work plan for Title 3 allows for coordination of public hearings that will be required for Titles 1 and 6 thus facilitating completion by the July, 2000.

A summary of remaining Title 1 and 6 compliance work and project schedule is provided below.

Remaining Title 1 and 6 Compliance Work

Title & Section	Summary	Work tasks
Title 1 3.07.130	Adopt 2040 design-types	Investigate existing land use, zoning, traffic, surrounding land use, and potential neighborhood issues. Identify alternative mapped areas. Estimate scope of work required to conduct required land use analysis.
Title 1 3.07.150	Complete housing and job capacity.	Conduct necessary analyses.
Title 6 3.063.A.1.b.	Limit new street block lengths to 530 ft. or less.	Conduct tasks as specified in TGM grant awarded to implement the City's Transportation System Plan. TGM project begins winter, 2000. Adopt implementing ordinances.
Title 6 3.063.A.2.b.	Limit new cul-de-sac length to no more than 200 ft. No more than 25 units on closed end street system.	same as above same as above

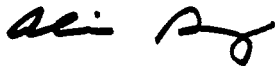
Title 1 and 6 Compliance Project-Schedule

Action	Title 1	Title 6
Commence technical work	December, 1999	January, 2000
Develop and evaluate policy alternatives	January, 2000	February, 2000
Joint City Council & Planning Commission work session	March, 2000	March, 2000
Planning Commission Public Hearing	April, 2000	April, 2000
City Council Public Hearing	June, 2000	June, 2000

Mr. Mike Burton
November 24, 1999
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I would like to take this opportunity express my appreciation and gratitude for the fine work and assistance your staff continues to provide. Please do not hesitate to contact me at 786-7654 should you have any questions or need additional information. Thank you for your consideration in this matter. I look forward to hearing from you.

Sincerely,



Alice Rouyer
Planning Director

cc: Mayor and City Council
Dan Bartlett, City Manager
Martha Bennett, Assistant City Manager, CD
John Gessner, Associate Planner
Gary Firestone, City Attorney
Brenda Bernards, Sr. Planner, Metro Growth Management