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MILWAUKIE '88!

CITY OF MILWAUKIE
CITY COUNCIL MEETING
NOVEMBER 15, 1988

The one thousand five hundred and sixty-fourth meeting of the Milwaukie City Council was called to order at 7:00 p.m. in the Council Chambers with the following Councilmembers present:

Roger A. Hall,
Mayor
Craig Lomnicki

William Fitzgerald
Chere' Sandusky
Mike Richmond

Also present:

C. Dean Smith,
City Manager Pro-Tem
Tim Ramis,
City Attorney
Sandra Miller,
Assistant to the
City Manager

Bill Adams,
Community Development Director
Dick Bailey,
Public Works Director
Anne Nickel,
Development Coordinator
Pat DuVal,
Executive Secretary

PUBLIC HEARING

Stanley Avenue LID - Supplemental Systems Development Charge - Ordinance

A member of the audience made a point of order regarding the availability of the Community Development staff report. City Attorney Ramis recommended that because the meeting notice stated a staff report would be available to the public by a particular date but was not, that the Council either postpone the public hearing or continue the testimony at a subsequent meeting. It was the consensus of Council to hear public testimony at this meeting and continue the second portion of the hearing at a later meeting.

Anne Nickel, Development Coordinator, presented the staff report in which Council was requested to approve an ordinance enabling the City to recoup monies spent on the Stanley sewer main line by authorizing a supplemental systems development charge for the Ultimate Service Area. She said the City had looked to long term needs, particularly health needs, and had committed funds for a project that would serve a greater area in the future. Ms. Nickel said each property's pro-rated share would be a portion of the final construction cost divided by square footage of the benefited properties.

Testimony in Favor. None

Testimony in Opposition

Brad Roys, 10008 SE Hollywood, said he did not think annexation should be required of those receiving City services. Nickel replied that annexation of properties receiving City service was City policy.

Mayor Hall received a petition signed by approximately 50 residents of the Ultimate Service Area registering a formal protest against any attempt by the City to levy a fee, now or in the future, to cover any costs associated with construction of the Stanley Avenue sewer line.

Bill Mayes, 5431 SE Willow, said he considered the estimated cost of \$550 for sewer laterals was unreasonable. **Dick Bailey**, Public Works Director, said the cost quoted was the low bid. **Mayes** said although he was not a participant in the Stanley LID, he felt he was being forced into connecting because the line was carried right up to his house. **Nickel** said because of cost efficiency and consideration of long term needs of the Ultimate Service Area, the City extended construction of the sewer line to his property located at the end of the system. She stated no property owner outside of the City would be forced into connecting to the sewer system by the City.

Mayor Hall said there was a probability that septic tanks would not be appropriate in an urban area in the future. **Nickel** agreed and added that DEQ was requesting sewer providers to prepare proposals for sewer service in densely populated urban areas.

Palmer Larson, 5901 SE Hector, said he was concerned with being forced into annexation to the City of Milwaukie.

Dave Abraham, Director of the Department of Utilities, said as manager of the Johnson Creek Area Sewer Study for Clackamas County he had concerns regarding the proposed ordinance. His concerns were project cost allocations, cost recovery amount for an 8" line designated as a trunk line, and claims by the City staff that they were not involved in the development of the draft sewer study. **Abraham** said he hoped to reestablish a working relationship with City staff in achieving a cost effective program for sewer service to the Johnson Creek area.

Bill Loomis, 5625 SE Drefshill, said he was concerned that there appeared to be no concessions for large, non-residential lots in the computation of cost. **Nickel** stated the ordinance attachment was only an estimate and there was no real assessment involved. She said the significance of the ordinance was the formula to be used in computing the final cost. Responding to **Abraham's** comments, **Nickel** said the initial estimates for the LID were necessarily high in order that all expenses would be covered. Any benefited property would be assessed its share of any real costs.

Debbie Cutler, 9911 SE Hollywood, said it was not equitable that she and her neighbors pay for the same size line on Stanley that would eventually be constructed on Hollywood. **Bailey** confirmed that all lines would be 8". He said in the original theory, this line would have value to other properties in the area when the collection system was complete.

Councilmember Richmond requested that staff collect reports that were used to make this original determination. It was the consensus of Council to direct staff to have a complete report prepared by Public Works and Community Development at a subsequent meeting.

Brad Roys said residents had been told the Stanley line was oversized. He questioned having to pay for the same size line that would be constructed in his street.

Jay Harris, Hollywood Ave., said he did not understand being charged for a sewer line that was a portion of a gravitational flow. Nickel replied that the Stanley line was considered the key to the Ultimate Service Area, and the cost would be equally divided among those benefited.

Councilmember Richmond said for clarification that the Stanley line was not actually being subsidized, but the rest of the service area is being asked to pay for their portion of the benefit.

Members of the audience requested that the City meeting be postponed until the Clackamas County Service District had made their presentation. Councilmember Richmond asked Abraham the purpose of the meetings. Abraham replied that these meetings were a part of the public involvement process and that no additional material beyond the study had been prepared. Councilmember Richmond asked who is considered the logical service provider in this area, and Abraham responded the most logical flow was toward the Milwaukie system. He said the Johnson Creek area would be served by 12.5 miles of 8" pipe. Abraham stated that construction costs would be the same for either the City or the Service District. He said the goal of the study was to find the most cost effective sewer program and that sewer should not be used as leverage for annexation.

City Manager Pro-Tem Smith suggested that Council postpone the continuation of the public hearing beyond December 6, and it was the consensus of Council to continue the hearing in January.

Bill Loomis said he had heard Mr. Abraham state before the Boundary Commission that the Service District was not interested in serving this area. He felt this confused the residents of the area.

Nickel said in 1985 the City of Milwaukie took over the responsibility to provide future sewer service in this area. Abraham said the question was not only who would serve the area, but how financing would be handled and implementation of a safety net procedure for low-income residents.

John Hager, 2720 SW Washington, commended Council for receptivity.

Jim Kurtz, 9938 SE Hollywood, was concerned with the cost of sewers and the possibility of annexation to the City.

OTHER BUSINESS

Consideration of Endorsement of Request for State Business Development Funds for H. Bowen Company, Inc.

Mayor Hall moved this agenda item before the second public hearing. Anne Nickel, Development Coordinator, presented the staff report requesting Council approval of the resolution recommending the H. Bowen Co., Inc. expansion project to the Oregon Business Development Fund. It was moved by Councilmember Sandusky and seconded by Councilmember Fitzgerald to adopt the resolution. Motion passed 5 - 0 to adopt Resolution No. 27-1988.

PUBLIC HEARING

Extraterritorial for Extension of City Water and Sewer Service

Anne Nickel, Development Coordinator, presented the staff report requesting Council approve a request to the Boundary Commission to grant an extraterritorial extension of City water and sewer service in order to provide service to the new City shop site.

Ken Kocher, 6020 SE Johnson Creek Blvd., said he was concerned with annexation if this extension were approved.

Dave Abraham, Clackamas County, said he was concerned with the intent to annex which Milwaukie had previously declared. He said the County did not oppose the extension, but the study had shown it was critical that any work would facilitate future sewer construction to the west. Dick Bailey said it would be designed with a movable pump station and there would be no problems.

It was moved by Councilmember Richmond and seconded by Councilmember Lonnicki to approve the request for an extraterritorial extension based on report findings and forward the request to the Boundary Commission. Motion passed 5 - 0.

OTHER BUSINESS

Consideration of Resolution Regarding Road Improvements in the Area of International Way and 37th Avenue

Tim Ramis, City Attorney, explained the resolution would accomplish the original Council intent and would result in the LUBA case being dismissed. Councilmember Lonnicki asked if this would be correct street planning, and Ramis replied the resolution reflected Council's last policy decision. Dick Bailey said this configuration was approved by ODOT and would be sufficient until such time that development required further improvements.

It was moved by Councilmember Richmond and seconded by Councilmember Sandusky to adopt the resolution. Motion passed 5 - 0.

RESOLUTION NO. 28-1988:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
REGARDING ROAD IMPROVEMENTS IN THE AREA OF INTERNATIONAL WAY AND
37TH AVENUE.

Pedestrian Crosswalk - Councilmember Sandusky asked for an update on the pedestrian crosswalk at the Royal Marc on King Rd. Dick Bailey said a pedestrian crosswalk without signalization would create a safety hazard and create a false sense of safety and recommended no change.

CONSENT AGENDA

It was moved by **Councilmember Sandusky** and seconded by **Councilmember Lomnicki** to adopt the Consent Agenda which consisted of the City Council Minutes of November 1, 1988, meeting and City acceptance of Koll-Omark storm drainage project in the amount of \$695,397.00. **Motion passed 5 - 0.**

Councilmember Fitzgerald asked that staff clarify the payment to the Hooper Detoxification Center

The meeting was adjourned at 9:23 p.m.

Patricia A. Dumas
Executive Secretary

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