CITY OF MILWAUKIE
CITY COUNCIL MEETING
JANUARY 19, 1993

The one thousand six hundred and sixty-third meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:03 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki, Mayor
Rick Farley
Jean Schreiber
Rob Kappa
Bob Knudson

Also present:

Dan Bartlett, City Manager
Mike Robinson, City Attorney
Charlene Richards, Assistant to the City Manager
Angus Anderson, Finance Director
Dan Olsen, Fire Chief
Chuck Mansfield, Police Chief
Maggie Collins, Community Development Director
Tim Corbett, Public Works Director
Paul Roeger, Office Engineer
Pat DuVal, Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

PUBLIC HEARING

Consider a Request to Vacate a Portion of SE 23rd Avenue - Ordinance

Mayor Lomnicki called the public hearing on vacation of a portion of SE 23rd Avenue to order at 7:05 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider vacation of a portion of SE 23rd Avenue in front of the main entrance to Milwaukie High School. Vacation would allow the North Clackamas School District to add on to the high school, extend the addition into the current right-of-way, and create a mall area for students.

Mayor Lomnicki reviewed the conduct of the hearing.

Staff Report: **Paul Roeger**, Office Engineer, presented the staff report in which the City Council was requested to consider the request to vacate a portion of SE 23rd Avenue. He reviewed ORS 271.110 requirements.

Staff had reviewed the petition and found it sufficient. **Roeger** indicated on a map the portion of SE 23rd Avenue requested to be vacated, the location of the high school, and those areas affected by the proposed vacation.

Roeger said the City had received a letter from Gerald Fox at Tri-Met indicating that this street might be a part of future light rail network.

Roeger stated that the City currently has water sewer lines in the area. There are also other utilities on the site. The School District would be required to move these utilities if the vacation request were granted. He said the Comprehensive Plan does not designate 23rd Avenue as a possible link in current or future planned road, pedestrian or bike path systems. There will be a new turnaround constructed at the south end of the proposed dead end according to Fire Marshal standards.

Roeger said this proposed street vacation is intended to benefit student and faculty safety and security. The traffic study indicated that there will be minimal impact to the surrounding streets. He said local business were concerned that the proposed street vacation would result in additional traffic through their parking lots. He added that the School District proposal included a staff parking area at the south end of 23rd Avenue.

Roeger stated that Public Works staff recommends approval of the requested street vacation of a portion of SE 23rd Avenue.

Councilmember Kappa asked if students drove through private property as a shortcut to other streets. **Roeger** said these parking lots were private property.

Correspondence: There was no additional correspondence added to the packet material except the letter from Gerald Fox at Tri-Met that had been distributed earlier.

Applicant's Presentation: **Ben Schellenberg**, Superintendent North Clackamas School District #12, 2867 Rawhide Ct., West Linn. He said the District began discussions with the City and business owners regarding the proposed closure about a year ago. He said the District has no plans to vacate that area as witnessed by the proposed construction.

Schellenberg reviewed some of the upcoming construction plans such as the cafetorium that would provide a meeting place 400 students or citizens. He said the planned construction would bring technology of the future to the City of Milwaukie and to Milwaukie High School. The District was seeking a safe, cohesive campus. He said there were safety and security risks in the current design. The proposed design would send a message that Milwaukie High School has definite boundaries. Those preparing the March 1991 bond levy were seeking an amount that would ensure high quality. Significant improvements to the high school were approved.

Dave Church, Director of Physical Plant, North Clackamas School District #12. **Church** said there were several reasons for the request to vacate a portion of 23rd Avenue. These included: student safety; campus unification; traffic flow improvement, which had been demonstrated during a temporary closure; security from unauthorized visitors; intersection improvement at 23rd Avenue and Washington; and efficient use of available area for expansion. The traffic study indicated that impact on the area would be minimal. The proposed design would make efficient use of limited resources and adapt the facility for future needs of the community's young people.

John Hensley, Architect, 10101 SW Barbur, showed a series of slides of the area. These included the facade of the existing main building and site plan. He said if the street vacation application were approved, construction of the commons area would begin June, 1993. Construction is anticipated to take about nine months and scheduled for completion about June, 1994. Remodelling of the main building, demolition of the annex, and completion of the pedestrian mall are also proposed. He showed slides of the current cafeteria and architectural drawings of the proposed improvements.

Tom Lancaster, Traffic consultant, offices located in Union Station, Portland. He said extensive traffic counts were taken three times a day at eight intersections. Morning and afternoon counts were done at the beginning and end of the regular school day. Traffic counts were taken both when 23rd Avenue was open and during the temporary closure. He said that comparisons indicated that there was no consistent pattern of traffic shifting one way or another. The closure seemed to involve a very small number of vehicles.

Lancaster said he conducted a level of service study. All eight of the unsignalized intersections operated at an A level. The level of service was unchanged during the temporary street closure. Other traffic evaluations indicated that traffic volume drops by 77% when the school is closed. Only 20%-25% of the volume is related to through traffic.

Councilmember Kappa asked why Friday was not representative of a typical week day. **Lancaster** said Friday is typically the most heavy traffic day of the week and is therefore discounted as being nonrepresentative of the normal day.

Councilmember Knudson asked for clarification of the parking lot expansion. **Lancaster** said plans were to expand parking on the south end of 23rd Avenue and north of Willard Street. The new parking lot would open up to the pedestrian mall.

Church said the two vacant lots at 23rd Avenue and Willard Street would be developed to further increase parking. He said there would be an overall net increase in the number of parking spaces. He said that the owners of Milwaukie Glass had been contacted regarding the proposal, and there were no difficulties.

Councilmember Farley asked how many parking spaces would be lost near the existing gym building. **Church** said there were currently about thirty spaces, and eight would be retained.

Councilmember Kappa asked for clarification of the turnaround. **Church** said a portion of the parking lot will be deeded back to the City for an emergency vehicle turnaround.

Councilmember Knudson asked if the businesses at the north end of 23rd Avenue had parking lots of their own. **Church** responded that most of the businesses did have their own parking lots. He said it was the District's goal to have all student parking on the south side of the campus.

Councilmember Schreiber asked for clarification of the correspondence from Gerald Fox at Tri-Met. **Church** responded that Tri-Met had requested that a portion of the site be reserved for the light rail transportation scheme. He said the District believes that the City's desire to hold it for a future easement is important for community growth. He said the District has reviewed Tri-Met's request. He said the District would respect the City's request.

Dean Winder, Principal of Milwaukie High School, said his primary job was to allow the students to come to school in a safe and secure environment. A street through the middle of the campus does not provide this type of environment. One of the issues heard was that high school students are adults and should be able to cross a street. It was his opinion that this is a danger to students who are trying to get to class on time. He said he also believed it was his job to keep students safe from outside influences. He said he believed a new cafeteria and commons that would be pleasing to the students would be a real plus.

Jennifer Smits discussed some of the problems of 23rd Avenue being a through street. She said the street closure would reduce noise and congestion to the businesses on the north end of 23rd Avenue.

Kiesha Bertterman said there needed to be more protection for the students. School administration does not have jurisdiction over 23rd Avenue at this time because it is public property. The street vacation would make the campus safer for students.

Jay Waldron, District board member, said the high school is open about 300 days a year and continually used. He said he believed the commons would be a great addition to the City of Milwaukie. Voters of North Clackamas County and the City of Milwaukie voted in the levy to improve the high school facilities. The commons will be a welcome addition to the downtown area. He said the District Board made sure that the Superintendent worked with the local business community to make an equitable request. He said normally property values are enhanced by a dead end street in addition to being located near a great facility like the Milwaukie High School commons. He said it is a District goal to work more closely with the community. The facility will be a hub for community activities. He said he believed the commons would enhance the image of the City and would not harm any of the businesses.

Councilmember Knudson asked for the square footage of the cafeteria. **Church** said he did not have the exact figures, but the square footage would increase. The main building was completed in 1945. The life of a school building is expected to be 50 years, but the planned improvements will increase the life span.

Councilmember Kappa asked how undesirable individuals would be kept out. He asked why a student was not covered when crossing 23rd Avenue between buildings.

Winder responded that if someone is injured in the street, that individual would be covered by private insurance. He said a through street like 23rd Avenue invites cruisers who come to the front of the building and keep going around the block. He said Willard Street is not as attractive to cruisers. He said the school administration anticipate more effective security because there will be less territory to cover. The new facility will offer more visibility from the offices to the mall area.

Councilmember Kappa asked what the plans were for the triangle at 23rd Avenue and Lake Road. **Church** said the School District owns the triangular lot. He said the plans indicate that 90% of the site will be kept in tact.

Hensley said there would be a minimum of 64 parking places on the south lot.

Councilmember Knudson asked if there would be a barricade on 23rd Avenue at Willard Street. **Church** described the removable posts that would allow emergency vehicle access.

Councilmember Schreiber asked if the Tri-Met question had been discussed with the Board. **Church** said the board had been apprised of the Tri-Met letter.

Mayor Lomnicki read the letter from Gerald Fox, Tri-Met, dated January 19, 1993 into the record. These concerns regarded the possible future routing of light rail and busses on 23rd Avenue.

Waldron said that this issue had been discussed during the bond levy with the City Manager and through other public processes. He said it now seems that someone comes up at the last minute with the idea that light rail might run through the middle of the Milwaukie High School campus.

Testimony in Support: **Vivian Garrett**, 4748 SE Fieldcrest, resident, and Milwaukie High School PTA member spoke in support of the proposal. She said she was at Milwaukie High School daily. She said a majority of the parents contacted were concerned with safety and were in favor of the closure. She said she has seen narrow escapes even when students were in the cross walks. She said she believed this was an opportunity to ensure the safety of the students and enhance the community.

Bill Haugan, 5206 SE Logus, Milwaukie High School teacher for eleven years and lifelong City resident. He said he has seen many accidents that have not been reported. Flashers and other undesirable people cruise through the campus. He said the street closure was a major concern to him. Cars come very quickly through that area, and sometimes visibility can be very poor.

Traute Goertzen, 10773 SE Riverway Lane, PTA president, advisory board member. She said parents are mainly concerned with safety and security. She requested that Council consider these two issues and approve the vacating of the street.

Erica Toussaint, 12319 SE Oatfield Rd., staff member and Milwaukie High School parent. She responded to a Councilmember's question about how this closure would keep unwanted visitors off the campus. When the street is closed, it would be a very long walk. Those who do not want to be seen or want to stay in their cars will not be able to do this. The street is now public property and a place for drop outs to gather and shout at students in classes. Currently, high school staff has to call the police department to get rid of them. She said she also believed there would be a positive impact on relations with downtown businesses. Students currently leave the campus for lunch because they perceive the cafeteria as unattractive and inconvenient.

Chuck Tomac, 5031 SE Casa Del Rey, Milwaukie High School parent said the request should not be questioned or delayed. He said the safety and security of students was the main concern. He said most of the dental offices on the north end of 23rd Avenue thrive on clients from Milwaukie High School. He said the proposed closure would keep unauthorized people out because they would no longer have legal access.

A letter from Mr. and Mrs. John E. Downey, 3110 SE Washington supporting the street vacation was submitted.

Gordon Jones, 11895 SE Kehrli Dr., member of the Planning Commission spoke as a private citizen. He said he believed the proposed improvements would enhance the downtown area. He addressed the issue of the surrounding businesses. He said businesses had testified to the Planning Commission that they were concerned that their property values would decrease. He said he believed that the District should negotiate with the businesses to mitigate the negative impacts. He said he believed the Council should consider making it a condition that the District sit down with the business owners and arrive at a fair mitigation package.

Joyce King, 2302 SE Willard, spoke in support of the proposed street vacation. She was, however, concerned with the impact to resident parking. She said parking is very scarce in the vicinity of the high school now. She said she was unable to use her driveway because it was too short and had to park on the street. She was concerned that the

proposed two-year construction project would make it more difficult. She said there had been a lot of discussion on the impact to businesses but not much concern about residential parking. She said she had problems leaving for work some mornings because the bus drop now blocks her ability to leave home.

Testimony in Opposition: None.

Staff Comments: **Dan Bartlett**, City Manager, discussed the concerns about residential parking. He said a residential permit parking plan could be implemented in the area. He said residential permit zones could be established during the Community Service Overlay process.

Church submitted a letter from Dr. Larry Froland, 2306 SE Washington. The letter indicated support of the efforts to consolidate the Milwaukie High School campus and improve the safety of its students. **Church** said the Planning Commission could address the mitigation Jones had suggested in the Community Service Overlay process. He said he believed the District would be agreeable to reasonable mitigation in the area. He expressed concern that the timeline was short, and the District would like construction to begin as early as possible.

Questions of Clarification: **Councilmember Kappa** asked where Dr. Froland's property was located. **Church** indicated the site on the map.

Councilmember Kappa asked for the location of the bus drop. **Church** indicated the bus drop site on the map. He said the bus drop site would not change significantly. He said he believed the District would be agreeable to working with Ms. King and other residents in the immediate area.

Councilmember Knudson asked for clarification of the plans for the Willard Street and Lake Road intersection. **Church** said Willard had been vacated in 1988, but had not yet been closed to traffic.

Mike Robinson, City Attorney, said the Council must determine if the three criteria were met: proper notice was given; the affected property owners consent; and the public interest is served. If the criteria were met, the City has the power to reserve easements through an ordinance. He suggested that section 2 of the proposed ordinance include "reserving a public transit easement for the City of Milwaukie."

Councilmember Schreiber said she was concerned that those business owners at the north end of 23rd Avenue who had testified at the Planning Commission were not present at the Council public hearing. **Roeger** said these individuals were aware of the City Council public hearing. He said he believed the concerns had been addressed at the Planning Commission.

Councilmember Kappa discussed the need for the School District to work with the business community.

Councilmember Knudson said he believed this issue would be addressed when the applicant appears before the Planning Commission for the Community Service Overlay.

Bartlett said the entire process, unless appealed, would take place in the Planning Commission Community Service Overlay process.

Councilmember Farley said he was concerned about the parking for the businesses to the north.

Mayor Lomnicki said the issues of both residential and commercial parking would be dealt with during the Community Service Overlay process.

Close Public Testimony: **Mayor Lomnicki** closed the public testimony portion of the hearing at 8:50 p.m.

Discussion among Councilmembers: There was no further discussion among Councilmembers.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to read the ordinance vacating a portion of SE 23rd Avenue north of SE Willard and south of the north line of Young's Addition subdivision for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance vacating a portion of SE 23rd Avenue north of SE Willard and south of the north line of Young's Addition subdivision for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt the ordinance vacating a portion of SE 23rd Avenue north of SE Willard and south of the north line of Young's Addition subdivision. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1730:

AN ORDINANCE OF THE CITY OF MILWAUKIE VACATING A PORTION OF SE 23RD AVENUE NORTH OF SE WILLARD STREET AND SOUTH OF THE NORTH LINE OF YOUNG'S ADDITION SUBDIVISION.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

Election of Council President

It was moved by Councilmember Knudson to appoint Rob Kappa as Council President. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Intergovernmental Agreement between City of Milwaukie and the Metropolitan Service District to Receive Challenge Grant Funds

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to consider an intergovernmental agreement between the City of Milwaukie and the Metropolitan Service District to receive "Metro Challenge" Program Funds for year three of the program. The City of Milwaukie has put together a plan to meet the goals of Metro. Metro encourages the City to complete these goals by offering a challenge grant. The City hired a part time Recycling Coordinator to implement the program. The Metro grant funds help offset expenses incurred by the City in its community-wide recycling efforts.

Councilmember Kappa discussed multi-family recycling. He asked if there had been any resistance to the program. **Darrell Lyons**, Recycling Coordinator, said the program has met minimal resistance. Although, there has been some resistance from owners in meeting Senate Bill requirements to offer an opportunity to recycle and provide space. He said most owners are concerned with contamination and the

inability of tenants to get the recyclables in the bin. **Lyons** said he has met with these owners to offer them some advice and help alleviate some of their concerns. He said he has received calls from two apartment complex owners who wanted a recycling workshop set up.

Councilmember Farley asked how commercial owners had responded to recycling programs. **Lyons** said he had made several presentations to groups like the Chamber of Commerce and has been asked to do several audits. He mentioned that PS Business Parks had won recognition for their recycling endeavors. He said the City has good quality programs in general, although smaller businesses may have to take some of their materials to a recycling center.

Councilmember Knudson asked if the grants can be obtained in the future. **Lyons** said Metro gets the revenue through disposal fees and filters funds back into the community for waste reduction programs.

Mayor Lomnicki asked the length of the program. **Lyons** said the current program is five years, and Metro is now working on the next 5-year plan.

Councilmember Kappa asked Lyons to discuss plastic recycling. **Lyons** said SB 66 states that commercial packaging must be 25% recycled, recyclable, or reusable by 1995. Plastics are controversial and lobbying groups are trying to get exceptions and exemptions from the packaging laws. He said the recycled plastics market is very limited.

Lyons said that magazines have been added to the list of recyclable items. He discussed a pilot project in Portland of mixed paper products. He said the City of Milwaukie has been able to significantly reduced its waste costs through office recycling efforts.

Councilmember Farley asked how one would recycle paint. **Lyons** said the South Metro disposal site collects hazardous household waste.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to authorize the Mayor to sign on behalf of the City of Milwaukie the Intergovernmental Agreement between the City of Milwaukie and Metro for the "Metro Challenge" Program. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Nominee to Metropolitan Advisory Committee

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a nominee to the Metro Policy Advisory Committee (MPAC) as provided in the Metro Charter.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to nominate Councilmember Schreiber for the MPAC alternate position. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Public Hearing Date for Weight Limit for Monroe Street

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to set a public hearing date on February 2, 1993 for a weight limit prohibiting trucks over 20,000 lbs. on Monroe Street from 21st Avenue to Highway 224.

If Council elects to hold a public hearing, Office Engineer Paul Roeger will present a staff report with a recommendation to deny the weight limit prohibition with reference to the Comprehensive Plan. Council will listen to public testimony and consider the staff report to make its determination.

It was moved by Councilmember Knudson and seconded by Councilmember Farley to set a public hearing date on February 2, 1993, 7:00 p.m. at the Milwaukie Center for a weight limit prohibiting trucks over 20,000 lbs on Monroe Street from 21st Avenue to Highway 224. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Other Discussion Items

None.

CONSENT AGENDA

It was moved by Councilmember Farley and seconded by Councilmember Kappa to adopt the Consent Agenda which consisted of the City Council Minutes of January 5, 1993. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

INFORMATION

Mayor Lomnicki discussed the Visual Preference Survey which allows residents to rate a series of 240 slides. Responses are compiled to get an idea about how each community feels about its future.

Mayor Lomnicki discussed the North/South Transit Corridor Study and the series of informational meetings.

Councilmember Schreiber urged citizens concerned with Parks District developments to contact her with specific questions.

Councilmember Knudson said he believed the City needed to hire an additional firefighter to solve the problem of overtime expenses. **Bartlett** said the Fire Chief and union president were considering line item cuts to enhance the overtime budget.

Mayor Lomnicki suggested that discussion of hiring an additional firefighter might be more appropriate in the budget process or goal setting.

Bartlett said the reason for this year's overtime would not have changed if there had been another firefighter on staff. Many of the overtime hours were a result of injuries and an unfilled captain's position.

Bartlett discussed the Public Safety Building construction progress report. Abnormally cold weather caused delays, and construction will probably be completed by August 1, 1993.

Councilmember Schreiber asked if the Milwaukie Downtown Development Association was working with the Historic Review committee on the Heritage Community Project. **Bartlett** said they probably were not currently working together but would be later in the project.

Councilmember Farley said there was a section of sidewalk on Monroe between 28th and 29th Avenues that had not been completed. **Bartlett** said staff would report on this question.

Mayor Lomnicki requested that Maggie Collins discuss the future public information meetings on light rail.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 9:45 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary