

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
MAY 20, 1997**

The one thousand seven hundred and sixty-seventh meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Milwaukie City Hall Council Chambers. The following Councilors were present:

Craig Lomnicki, Mayor	Carolyn Tomei
Jean Schreiber	Rob Kappa
	Don Trotter

Also present:

Dan Bartlett, City Manager	Maggie Collins, Community Development Director
Charlene Richards, Assistant City Manager	Jim Brink, Public Works Director
Pam Beery, City Attorney	Mike Swanson, Interim Public Works Director
Randy Bruegman, Fire Chief	

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

**Bruegman** introduced Jamie Karn, lead steward for IAFF Local 1159. **Karn** said he was vice president of an approximately 225-member, Clackamas area labor union. The executive board felt it was important to have one voice in the interagency operations discussions.

**Councilmember Kappa** asked Karn if he intended to make regular reports or would there be a process through Bruegman and Bartlett. **Karn** recommended contact be made with either the Fire Chief, City Manager, or him if there were questions.

**CONSENT AGENDA**

**It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the Consent Agenda which consisted of the City Council minutes of April 29 and May 6, 1997. Motion passed unanimously.**

**AUDIENCE PARTICIPATION -- None**

## **PUBLIC HEARING**

### **Lake Road Multimodal Connection Plan -- CPA-97-02 -- Ordinance**

**Mayor Lomnicki** explained the document was developed after an 18-month public involvement process including the Lake Road Neighborhood District Association, Technical Advisory Committee, and the Transportation and Traffic Safety Board. The Plan is proposed as an ancillary document to the Comprehensive Plan.

**Mayor Lomnicki** opened the public hearing on the Lake Road Multimodal Connection Plan at 7:12 p.m.

He explained the purpose of the hearing was to consider adopting the Lake Road Multimodal Plan as an ancillary document to the Milwaukie Comprehensive Plan. He reviewed the conduct of the hearing.

Staff Report: **Collins** presented the staff report. Randy McCourt, DKS Consulting, who assisted staff in preparing the Plan, was also present. She discussed the 18-month public involvement process and indicated the boundaries of the project on an oversized map.

The purpose of the Study was to consider Lake Road as an east/west connector and to find multiple uses for the public right-of-way. The result was a series of recommendations to develop Lake Road as a multi-use connection which also addressed safety, circulation, and multimodal accessibility in the area.

**Collins** discussed the information in the packet which included public comment written prior to the Planning Commission public hearing. The Planning Commission recommended the Plan to the City Council for adoption. She reviewed the findings which indicated the Plan was in conformance with the Comprehensive Plan, its goals, policies, and spirit; a public need for change existed; the public was best satisfied by this particular change; the change will not adversely affect the health, safety and welfare of the community; and it conformed with applicable statewide planning goals.

**Councilmember Trotter** requested Collins or McCourt to discuss the purpose of the Plan and what can be anticipated after its adoption. **Collins** responded the Lake Road Multimodal Connection Plan will be ancillary to the Milwaukie Comprehensive Plan and become the guiding document to address future improvements in the Lake Road subarea and its environs. The Comprehensive Plan provides basic guidelines, and this document will help carry out the policy.

**Councilmember Trotter** asked Collins to address funding and the benefits of having completed this Plan. **Collins** said Milwaukie will have successfully completed its TGM Grant Project. The benefit comes through supporting future funding requests with a detailed plan showing specifically what would be done if the funds were granted.

**Councilmember Tomei** asked what these future funding sources would be. **Collins** said possible sources would include ISTEPA, regional, and possibly state funds. She pointed out the letter from Metro noting this was an “excellent study” and congratulating the citizen working group, staff, and DKS.

**Councilmember Kappa** said staff did a nice job with the Working Groups. **Collins** added it was a very helpful and satisfying process.

**Councilmember Kappa** referred to report page 6 and asked Collins to comment on the differences in street classifications between jurisdictions. **Collins** explained the various jurisdictions including the City of Milwaukie, Clackamas County, and Metro have different classification naming guidelines based on its unique perspective.

**Mayor Lomnicki** asked if there were differences in design characteristics or functionality between the various classification names. **Collins** said the functionality and design would be consistent despite differences in classification names. **Mayor Lomnicki** said what is on the ground would be consistent. **Collins** said the City may be more specific on its design characteristics than the County might be at this time.

**Councilmember Schreiber** commented on Table 1 -- *Existing Traffic Data* -- on report page seven. She previously assumed traffic on Lake Road was through, but the figures indicated most vehicles go over the Kellogg Creek Bridge. This indicates Oatfield Road is at least a subregional connection. **Collins** said it is an issue that needs to be looked at more closely for the purpose of improved circulation in the area. **McCourt** said the two volumes shown on 40th and 28th Avenues were specific site volumes in two directions. He outlined the particular study area on the map.

Correspondence: None.

Testimony: **Milt Palm**, 4182 SE Lake Road. He addressed previous land use agreements, or land patents, and the market road history. He urged planning be done with property owners to determine how their land would be impacted. Lake Road was built for heavy service, and the material used to construct that road is no longer available. He felt it would be difficult to carry out improvements with modern engineering. The homes in the area need to be preserved from damage caused by vibrations. He also addressed the east/west light and the need for longer driveways. He recommended working with the State on this. He also

offered to loan the City Council some of his textbooks. **Palm** summarized by saying he was concerned with the soil and previous land use agreements.

Staff Comments: **Collins** agreed with the market road history and that Lake Road was built for heavy use. The improvements have been calculated for the existing right-of-way, and property owners will not have to donate more land. She noted on report page 33 that a geotechnical investigation would be required in preliminary engineering to determine any site specific needs affecting the pavement design. This, she added, was a direct result of Palm's participation in the public involvement process. **Collins** said she felt the concern about lights and timing of the traffic would be better addressed during the design phase.

Questions of Clarification: None.

Close of Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the Lake Road Multimodal Connection Plan at 7:43 p.m.

Discussion among Councilmembers and Vote: **Mayor Lomnicki** discussed the issues raised during the work session.

**Councilmember Kappa** referred to the report introduction and recommended adding language to read "*The City of Milwaukie became aware of potential safety, circulation, livability, and multimodal travel needs ...*" He urged the Plan contain specific wording about livability issues.

**Councilmember Schreiber** felt the issue was expressed on page five in the Working Group's mission statement: "*Produce a safe, livable, and accessible corridor area that better manages vehicle speed and volume and provides improved access for all modes; especially pedestrian, bicyclists, motorists, and transit.*" **Councilmember Kappa** said he would like to see reference to livability in the Introduction so it would be prominent.

**Councilmember Kappa** commented on the recommendation to restrict truck traffic.

**Mayor Lomnicki** asked how the City Council would like to proceed with these changes. **Councilmember Trotter** suggested a final motion, and **Councilmember Tomei** discussed doing it by consensus. **Mayor Lomnicki** said procedurally the changes would be put forward in the main motion.

**Councilmember Kappa** referred to report page 23 regarding the posting of through truck restrictions on Lake Road west of Hwy. 224 and at 34th Avenue and Freeman Way. He urged including weight and axle limits as defined in the Milwaukie Municipal Code.

**Councilmember Trotter** noted Figure 5 following report page 38 showing potential street developments north and south of Lake Road. This Figure is referred to only on report page 35. He inferred from the dotted lines in Figure 5 that these potential streets were key features to developing connectivity. He felt a statement should be added that Figure 5 represented one example of an arrangement to provide connectivity in the area of Kuehn and Licyntra as development occurs.

**Councilmember Schreiber** added there was also discussion of connecting to streets on the other side of Lake Road to provide a grid pattern.

**Mayor Lomnicki** referred to the Transportation System Plan (TSP) work session discussion during which street cross sections were considered. He was concerned that the cross sections lacked street trees. He recommended moving the bulleted item regarding street trees from "Street Features" to "Cross Section." He felt it was important to identify tree planting as a key feature carrying as much weight as travel lane widths, sidewalks, bicycle lanes, and median applications. He suggested the following language in a fifth bullet under "*Cross Section*" -- "*Where possible, street trees will be added (in planter strips or behind the sidewalk)*" Trees offer not only safety and a pleasant barrier to traffic but also provide a canopy from the sun and rain. He felt this would be in keeping with the City Council Goals and the City Mission Statement.

**Councilmember Schreiber** felt it was important to make a statement that existing trees be preserved. She encouraged people interested in the Plan to look at a copy in the Ledding Library.

**Mayor Lomnicki** agreed preservation would be preferable if it worked into the overall accomplishment of the plan. He felt the graphics should fit the text by illustrating trees in the cross section. The median remains an option, but it is not preferable.

**Councilmember Trotter** thought the "*Where possible ...*" statement was appropriate. Work will be done in the existing right-of-way, and, in some areas, a left-turn lane may be needed. It may be impossible to have street trees in some areas. He did not feel the diagrams needed to be changed since the written statement indicated the preference.

**Councilmember Tomei** asked to continue the discussion on preservation of existing trees. **Collins** said, for guidance purposes, the Plan could state that existing trees need to be part of the design.

**Councilmember Kappa** said Lake Road was an arterial that goes through a neighborhood. Traffic management is very important. He recommended a fourth bullet on report page 37 stating that *“Lake Road is an arterial going through a primarily residential area, and a traffic management program is needed.”*

**Councilmember Trotter** said he would be satisfied with the language on report page 37, paragraph 3 regarding neighborhood traffic management on 32nd and 33rd Avenues and include Lake Road with that.

**Mayor Lomnicki** suggested considering neighborhood traffic management on Lake Road and also on 32nd and 33rd Avenues in the future if they were connected to Lake Road.

**Councilmember Kappa** said he wanted to emphasize the need for traffic management similar to the suggestions emphasizing streets trees.

**Bartlett** pointed out the Neighborhood Traffic Management Program (NTMP) states that arterials are not included in the Program.

**Councilmember Trotter** suggested using *“will consider”* so that if the City Council feels it wants to modify the ordinance to allow inclusion of arterials in the NTMP, adoption of this document would not be delayed.

**Mayor Lomnicki** felt this might be confusing in the future. **Bartlett** said there are several phases in the proposed NTMP that includes enhanced enforcement and education. The question is whether the City would be going too far by applying the NTMP to arterials.

**Mayor Lomnicki** suggested continuing this discussion in the NTMP.

**Councilmember Schreiber** felt this discussion indicated a need for additional staff input on this issue.

**Councilmember Kappa** felt Lake Road was unique in that there was direct driveway access. Addressing the Lake Road issue now would help the City later. He suggested a program dealing with arterials based on the changing nature of traffic volumes and speeds in mainly residential areas of Milwaukie.

**Councilmember Trotter** said, based on the issues Bartlett raised, he felt it might be more advisable to insert a distinct bullet which states *“Consider a Neighborhood Traffic Management Program on Lake Road if appropriate.”*

**Councilmember Tomei** pointed out other streets such as River Road and King Road have similar issues, and she had mixed feelings about adding language to this particular Plan. Maybe the issue needs to be addressed later for all of these types of streets. **Bartlett** expressed concern with creating an inconsistency if the issue were directly addressed in the Lake Road Plan.

**Mayor Lomnicki** said the NTMP is probably the more appropriate document to deal with arterials. **Councilmember Trotter** withdrew his suggestion.

**Mayor Lomnicki** summarized the amendments: (1) page 1, paragraph 3 of *“Introduction”* -- add *“livability issues”* after the word *“circulation”*; (2) page 32, add bullet to *“Cross Section”* -- *“Where possible, street trees will be added (preferably in planter strips or behind the sidewalk)”* and delete that similar bullet from *“Street Features”*; (3) page 37 add language -- *“Figure 5 represents one example of the arrangement of streets to provide this connectivity.”*; and (4) correct the drafting error on the proposed ordinance relating to the file number.

**It was moved by Councilmember Trotter and seconded by Councilmember Tomei to read the ordinance adopting the Lake Road Multimodal Connection Plan as an ancillary document to the Comprehensive Plan for the first time by title only with proposed amendments.**

**Councilmember Kappa** wanted to make sure the ordinance contained the strategies and alternatives from the staff report beginning on page 18.

**Councilmember Trotter** said it would be adopted as written except as specifically amended.

**Motion passed unanimously. The ordinance was read for the first time by title only.**

**It was moved by Councilmember Trotter and seconded by Councilmember Tomei to read the ordinance adopting the Lake Road Multimodal Connection Plan as an ancillary document to the Comprehensive Plan for the second time by title only with amendments. Motion passed unanimously. The ordinance was read for the second time by title only.**

**It was moved by Councilmember Trotter and seconded by Councilmember Tomei to adopt the ordinance adopting the Lake Road Multimodal Connection Plan as an ancillary document to the Comprehensive Plan with amendments. Motion passed unanimously.**

**ORDINANCE NO. 1819:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
AMENDING ORDINANCE NUMBER 1437, THE  
COMPREHENSIVE PLAN (CPA-97-02) BY ADOPTING THE  
LAKE ROAD MULTIMODAL CONNECTION PLAN AS AN  
ANCILLARY DOCUMENT.**

**Mayor Lomnicki** expressed his appreciation to the citizens and staff who worked on the project.

**Councilmember Trotter** said some of the changes made in this document will allow incorporation into broader City issues and enhance livability on an equal standard.

**It was moved by Mayor Lomnicki and seconded by Councilmember Kappa to include Councilmember Trotter's name in the list of participants. Motion passed 4 - 0 - 1 with the following vote: Mayor Lomnicki, Councilmember Tomei, Councilmember Schreiber, and Councilmember Kappa aye; no nays; and Councilmember Trotter abstained.**

**Utility Rate Review and Systems Development Charges -- Resolutions**

**Mayor Lomnicki** noted that the City Council had been briefed on this proposal at an earlier work session, and the Citizens Utility Advisory Board (CUAB) had reviewed the consultant's report and the proposed resolutions and recommended the changes to the City Council.

**Mayor Lomnicki** called the public hearing on the utility rate review and system development charges to order at 8:32 p.m.

The purpose of the hearing was to consider resolutions establishing fees for sewer and water service and system development charges for water service. He reviewed the conduct of the hearing.

Staff Report: **Swanson** presented the staff report. He briefly discussed the three resolutions before the City Council: (1) a decrease in the base water rate from \$5.96 to \$5.95 per month; (2) an increase in sewer rates; and (3) an increase in water system development charges.

**Councilmember Trotter** said each resolution was presented to the CUAB for review and recommendation. **Swanson** said that was correct. The CUAB considered all three proposed resolutions at its April meeting and recommended Council adoption.

There was no correspondence or audience testimony regarding any of the three proposed resolutions.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the resolution establishing fees for water service and repealing resolution 41-1994. Motion passed unanimously.**

#### **RESOLUTION NO. 17-1997**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING FEES FOR WATER SERVICE AS PROVIDED BY MILWAUKIE MUNICIPAL CODE CHAPTERS 13.12 AND 13.20; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11(B) OF THE OREGON CONSTITUTION; AND REPEALING RESOLUTION NO. 41-1994.**

**Ed Cebron**, Financial Consulting Solutions Group, Inc. (FCSG) said his firm had reviewed the water, sewer, and storm water utilities. He summarized the findings: (1) water and storm water rates do not need adjustment; (2) in order to deal with its revenue shortfall, the sewer utility will need an annual increase of 6% for three years and 3% thereafter; and (3) the CUAB recommended uniform sewer rates throughout the system rather than being based on different treatment costs.

**Councilmember Kappa** said, in the course of the entire increase, he estimated he would pay an additional \$48 per year. **Cebron** said that estimate was correct.

**Councilmember Schreiber** asked if the proposed rate increase would cover all the costs or continue at the same level. **Cebron** said the series of increases will cover all the costs, and, over the years, the shortfall will decrease with adequate reserves. He assumed Clackamas Service District #1 would increase its treatment costs by about 25%. The program will fund planned improvements in the municipal system. Other treatment options are part of the 20-year regional plan.

**Councilmember Kappa** asked if the five-year fee increase would meet CIP needs. **Cebron** said the increase would meet the needs without the City's having to borrow money to carry out capital improvements.

**Mayor Lomnicki** asked the last time the sewer fees were increased, and **Cebron** responded the fees were increased in 1994.

**It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the resolution establishing fees for sanitary sewer service and repealing resolution 13-1994. Motion passed unanimously.**

## RESOLUTION NO. 18-1997

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING FEES FOR SANITARY SEWER SERVICE AS PROVIDED BY MILWAUKIE MUNICIPAL CODE CHAPTERS 13.12 AND 13.20; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11(B) OF THE OREGON CONSTITUTION; AND REPEALING RESOLUTION NO. 13-1994.**

**Cebron** discussed the proposed increase for the Water System Development Charge. The water utility is in a strong financial position, and no rate increase was projected. Based on an analysis of the cost of the existing assets and a five-year capital improvement schedule, FCSG recommended an increase from \$504 to \$1,095. He further recommended separating the reimbursement and improvement fee components to increase flexibility in capital funding.

**Councilmember Trotter** noted the chart in the staff report comparing regional system development charges. **Cebron** said Oregon City had the lowest water SDC at \$385 and Gresham the highest at \$2,200. Milwaukie would still be slightly below the average of \$1,360 if the proposed increase were adopted.

**Councilmember Kappa** commented the SDC increase is a rate increase and not a tax. **Cebron** added SDCs are imposed on new development so existing rate payers do not have to support the cost of the new development.

**It was moved by Councilmember Tomei and seconded by Councilmember Kappa to adopt the resolution setting the amount, stating the methodology, and adopting a project plan for water service system development charges and repealing resolution 43-1994. Motion passed unanimously.**

## RESOLUTION NO. 19-1997:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING THE AMOUNT, STATING THE METHODOLOGY AND ADOPTING A PROJECT PLAN FOR SYSTEM DEVELOPMENT CHARGES FOR WATER SERVICES; AND REPEALING RESOLUTION NO. 43-1994.**

Close Public Testimony: **Mayor Lomnicki** closed the hearing on the utility rate review and system development charges at 8:55 p.m.

**OTHER BUSINESS -- None.**

## **INFORMATION**

1. Councilmember Kappa discussed the Regional Transportation Summit he and Mayor Lomnicki attended at Benson High School.
2. Councilmember Trotter attended the Damascus Middle School presentation on the Minthorn Wetland located near the Milwaukie MarketPlace. It was exciting to see an example of students being both concerned about the environment and doing something about it.
3. Councilmember Schreiber discussed the SB 122 Elected Officials Workshop she, Councilmember Kappa, and Councilmember Tomei attended on May 5.

**Mayor Lomnicki** announced an executive session pursuant to ORS 192.660 immediately following adjournment of the regular session to consult with legal counsel.

### **ADJOURNMENT**

**Mayor Lomnicki** adjourned the meeting at 9:02 p.m.

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Pat DuVal, Recorder/Secretary