

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
SEPTEMBER 2, 1997**

The one thousand seven hundred and seventy-fourth 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:

Mayor Lomnicki, Mayor Carolyn Tomei	Jean Schreiber Rob Kappa Don Trotter
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Also present:

Dan Bartlett, City Manager Charlene Richards, Assistant City Manager Pam Beery, City Attorney	Maggie Collins, Community Development Director Paul Roeger, Civil Engineer Rob Shelton, Engineering Intern
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CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the Consent Agenda which consisted of the City Council minutes of August 19, 1997. Motion passed unanimously.

AUDIENCE PARTICIPATION

Nancy Faber, 12109 SE 22nd Ave. She asked the process for interviewing applicants for vacancies on the Traffic Safety and Transportation Board (TSTB) and noted the Board's activities were currently suspended for lack of a quorum. She endorsed Eric Main as a candidate for the TSTB.

Mayor Lomnicki said Board and Commission interviews were scheduled for the first meeting in October, and staff will contact applicants to schedule appointments. He noted there were currently three applicants for the TSTB.

Analise Hummel, 2802 SE Monroe St. Referring to a *Pilot* article, she found it hard to believe there were no qualified local applicants for the City's Neighborhood Services Coordinator position. Her second concern was the monthly sewer and storm fees. She felt one person in one house she should not have to pay the same amount as a household with more people. **Hummel** discussed her concerns with diminishing world-wide water tables and the need to conserve resources. Her next issue was recycling, and she suggested the City provide its citizens with more information and encouragement in the City newsletter. She urged the City Council to make its decisions with everyone in mind. **Hummel** expressed concern with littering and said the gutters on Harrison were cleaner than those on Monroe Street. She asked everyone to be attentive to de-forestation. She thanked the Milwaukie Police Department for helping her in a private matter. She discussed the City Manager's salary increases over the past two years.

Mayor Lomnicki responded to Hummel's concerns. The City of Milwaukie has taken the position that, in order to best serve its citizens, it wants to hire highly qualified people, and the Neighborhood Services Coordinator position was nationally advertised. The Citizens Utility Advisory Board (CUAB) reviews proposed sewer rate increases and makes a recommendation to the City Council. Rates are evaluated on the basis of adequately funding City service levels. He noted there was also a low income program.

Bartlett added the rate was set based on the average water usage equivalent per dwelling unit and is not broken down by the number of people in the unit. It is based on typical usage in the winter months, so the rate is not calculated on high summer volumes. The rate formula is reviewed annually to assure sufficient, but not excess, funds to maintain the system. He discussed the Water Supply Study in which conservation was a primary strategy.

Mayor Lomnicki discussed the City's ongoing recycling efforts using Metro grant funds. Addressing the street cleaning concern, he noted only streets with curbs have cleaning services. Regarding the City Manager's salary increases, **Mayor Lomnicki** said, since 1989, it has been the City's policy to be within 95% of the regional average salary. Last year's 20% increase brought Bartlett, who has been with the City of Milwaukie for nine years, within that range. The 3.5% increase was equivalent to that that given other City employees this fiscal year.

Councilmember Tomei suggested Hummel contact Nancy Bond, Program Coordinator – Conservation, for information on City projects.

PUBLIC HEARING

Willow Street Local Improvement District

Mayor Lomnicki called the public hearing on the Willow Street Local Improvement District to order at 7:27 p.m.

The purpose of the hearing was to consider formation of a local improvement district. On July 15, 1997, the City Council adopted Resolution 27-1997 declaring its intent to form a local improvement district for street and storm drain improvements on Willow Street in the Lewelling area of the City. Notice of the public hearing on the proposed district was mailed to owners of the property benefited by the proposed improvement on August 22, 1997.

This public hearing provided an opportunity for the owners of benefited property to present oral and written testimony on the proposed district to the City Council for consideration. If a benefited property owner did not remonstrate prior to the close of the public hearing, the owner waived any objections to forming the district. Oral or written remonstrances by the owners of two-thirds of the property to be assessed for the proposed improvement would suspend formation of the district for at least six months. If insufficient remonstrances are received to suspend formation of the district, the Council would consider adopting the proposed ordinance establishing the local improvement district.

Staff Report: **Roeger** presented the staff report. The scope of work included street paving, curb, sidewalk, and storm drainage benefiting three tax lots in the Lewelling Neighborhood. Affected properties are located between two subdivisions already having curb and sidewalk improvements.

Staff met with the affected property owners on August 26, 1997. The issue with the Love property, 5511 SE Willow, was resolved when it was found that the public road easement was established prior to Love's owning the property. Two of the three property owners signed an Agreement for Real Property Improvements and waived remonstrance rights.

Correspondence: None.

Audience Testimony: None.

Staff Comments: None.

Questions from the Council: None.

Close of Public Testimony: **Mayor Lomnicki** closed the public testimony portion of the hearing at 7:35 p.m.

Deliberation and Vote:

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance establishing the Willow Street Local Improvement District for Street and Storm Improvements 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 Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance establishing the Willow Street Local Improvement District for Street and Storm Improvements 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 Councilmember Schreiber and seconded by Councilmember Kappa to adopt the ordinance establishing the Willow Street Local Improvement District for Street and Storm Improvements. Motion passed unanimously.

ORDINANCE NO. 1821:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING THE WILLOW STREET LOCALIMPROVEMENT
DISTRICT FOR STREET AND STORM IMPROVEMENTS.**

OTHER BUSINESS

Installation of ‘No Thru Trucks’ Signs

Shelton presented the staff report in which the City Council was requested to approve a traffic regulation for installation of “No Thru Trucks” signs on Lake Road and Monroe Street. Public Works receives complaints on a daily basis regarding trucks on Oatfield Road and Monroe Street between Hwy. 224 and 99E. Staff requested the assignment of “No Thru Trucks” signs authority be given to the City Manager for the purpose of expediting installation. The purpose would be to create an exclusion zone for trucks except for local deliveries.

Councilmember Tomei noted that ODOT had rejected installation of signs on Hwy. 224 and 99E and expressed concern the signs would not be seen until the drivers had already turned onto the City streets. **Shelton** said ODOT refused to install these signs on its right-of-way. The intent would be for the drivers to see these signs and find an alternate route the next time.

Councilmember Kappa had seen similar signage in other cities. Drivers will see the signs, and the message will get out, although it will take a while.

Bartlett said, if the City Council directed, staff would prepare an ordinance addressing recommendations 2 and 3: approval for the City Manager to have authority over future placement of “No Thru Trucks” signs in accordance with the Transportation System Plan (TSP); and approval for exemption from the “No Thru Trucks” regulation for local deliveries, including truck traffic generated by businesses located on a street that is posted with “No Thru Trucks” signs. The resolution before Council allows the City Manager to take action in only this specific instance.

Councilmember Kappa asked Shelton to define trucks as referred to in the resolution. **Shelton** said the municipal code defines a truck as any vehicle over seventy-two feet or in excess of six thousand pounds.

Mayor Lomnicki said delivery trucks with a downtown destination could use Monroe Street. **Shelton** said he understood a delivery in the downtown area would be considered local.

Councilmember Tomei asked the consequences. **Bartlett** said a fine could be rendered based on the bail schedule, and the vehicle could be impounded.

Councilmember Kappa noted the availability of state truck routes such as Harrison to 17th Avenue. **Shelton** discussed the desirability of truck routes and avoidance of the transit mall.

Hummel hoped this was not a “Band-Aid” approach and suggested traffic calming devices as a solution.

John Coryell, 5501 SE Willow, suggested the signs have a phone number for additional route information.

Councilmember Kappa commented local delivery trucks use the optimum route and urged drivers to be aware of the neighborhoods especially when making late night deliveries.

It was moved by Councilmember Trotter and seconded by Councilmember Tomei to adopt the resolution authorizing installation of “No Thru Trucks” signs on Lake Road and Monroe Street. Motion passed unanimously.

RESOLUTION 30-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE INTENT TO INSTALL NO THRU TRUCK SIGNS ON MONROE STREET WHERE IT INTERSECTS WITH STATE HIGHWAY 99E AND STATE HIGHWAY 224, AND ON LAKE ROAD WHERE IT INTERSECTS WITH FREEMAN WAY AND 21ST AVENUE.

It was moved by Councilmember Tomei and seconded by Councilmember Trotter to direct staff to prepare an ordinance addressing recommendations 2 and 3 in the staff report for Council consideration. Motion passed unanimously.

Grogan Street Improvements

Roeger presented the staff report in which the City Council was requested to authorize the City Manager to award the project if the lowest responsible bidder was within 10% of the engineer's estimate.

Both 36th Ave. and Grogan St. were candidates for the 1997 - 1998 street overlay project based on their low Pavement Quality Indexes. Staff determined the south half of Grogan could not be overlaid in its current condition, and the north half of the street, recently improved, is in excellent condition. Public Works advertised for half-street improvements, and ten contractors requested bid packages.

Councilmember Tomei asked if this was the type of project for which the monthly \$4 storm fee was used. **Bartlett** said the fee would go toward the storm drainage portion of the project.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to authorize the City Manager to award the project if the lowest responsible bidder was within 10% of the engineer's estimate. Councilmember Trotter noted for the record that Grogan was at the end of his street, but he had nothing to do with project. Motion passed unanimously.

Suspend Council Rules

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to suspend City Council rules to discuss an additional action item. Motion passed unanimously.

County Gas Tax and Vehicle Registration Fee

Bartlett presented the staff report in which the City Council was requested to adopt a resolution authorizing the Mayor to sign a Resolution agreeing to the financial terms of the proposed sharing of the gas tax and vehicle registration fee.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the resolution endorsing the County Gas Tax and Vehicle Registration Fee Ordinances and authorizing the Mayor to sign an intergovernmental agreement regarding the financial terms of sharing revenues if approved. Motion passed unanimously.

RESOLUTION NO. 31-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE COUNTY GAS TAX AND VEHILLCE REGISTRATION FEE ORDINANCES AND AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT CONCERNING THE FINANCIAL ALL TERMS OF SHARING REVENUES FROM THESE ORDINANCES IF APPROVED BY VOTERS.

It was moved by Councilmember Trotter and seconded by Councilmember Kappa that the City Manager negotiate a fair share amount of the election fees, approximately \$5,600, if the measure succeeds. Motion passed unanimously.

Councilmember Kappa asked for clarification of the “No Thru Trucks” sign process. **Bartlett** said staff would revise the ordinance so that he could process this type of request as if it were a traffic control device request. If requests are submitted before the ordinance is adopted, City Council will have to consider them on a case-by-case basis.

Councilmember Kappa asked the status of the downtown parking lot project. **Bartlett** said the enforcement program began in 1993 - 1994, and it is time for a periodic review. The City will evaluate the current service provider and the feasibility of using technology and other innovations in parking management.

INFORMATION

1. **Councilmember Tomei** read the press release announcing that Mayor Lomnicki had been presented the fifth annual Oregon Mayor's Leadership Award sponsored by the Oregon Mayor's Association. **Mayor Lomnicki** said he appreciated this recognition by his peers.
2. **Bartlett** discussed the Johnson Creek Watershed Council and the Milport project.

ADJOURNMENT

Mayor Lomnicki announced the work session would continue after adjournment of the regular session. He adjourned the meeting at 8:32 p.m.

Pat DuVal, Recorder/Secretary