

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JUNE 16, 1998**

The one thousand seven hundred and ninety-third meeting of the Milwaukie City Council was called to order by Mayor Tomei at 7:03 p.m. in the Milwaukie City Hall Council Chambers. The following Councilors were present:

Larry Lancaster
Mary King

Rob Kappa
Jeff Marshall

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant City Manager
Jim Colemam,
City Attorney
Michelle Gregory,
Neighborhood Services
Coordinator

Jim Brink,
Public Works Director
Rob Shelton,
Associate Engineer
Kelly Somers,
Fleet/Facility Manager
JoAnn Herrigel,
Program Services Coordinator

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Milwaukie Downtown Development Association Quarterly Report

Dodie Linder, Milwaukie Downtown Development Association (MDDA) Manager, presented the organization's quarterly report. Jim Bernard, MDDA Board President and Image Committee Chair; Paul Graham, Niche Committee Chair; and Kelly Hood, Membership Participation Committee Chair were present to discuss their committee work.

Linder said there were currently 690 employees in the downtown area, which is well within the employment capacity parameters. Libbey will reopen the fast food restaurant soon, and there are several proposals for the US Bank building. She explained the MDDA does not assume the role of realtor or broker, but it does act as a facilitator in filing vacancies.

The Board adopted a joint landscape and litter control plan with the City of Milwaukie. There are downtown areas with litter problems in the public right-of-way, so the City and MDDA will share to cost of a part-time summer employee. In addition to litter patrol, this person will be responsible for landscape maintenance and assist with the tree-planting project.

The MDDA now has its website operational in addition to having e-mail. She encouraged people to contact the Association with any ideas or issues.

Linder and the Board members have become actively involved with the Historic Milwaukie Neighborhood District Association (NDA), Problem Solving Partnerships, Festival Daze, and the Business Retention and Recruitment Committee that is developing a strategic plan for Clackamas County. The Board submitted a position paper in favor of light rail and will continue to actively support that stance.

The MDDA has also added several new members, Monroe Sweetland and Charles Stoudt. Terry Kruger, Key Bank Relations Manager, is a new Board member who has been very active in niche development and business recruitment.

Linder provided a copy of the 1993 contract with the City of Milwaukie, which outlined the Association's responsibilities: organization, promotion, design, and administration. This would clarify that the MDDA is not a licensed realtor or broker. The Association receives public funding, and there is a potential for conflict of interest if the group were to recruit new businesses. She works with the property owners to share the downtown vision and help them recruit compatible businesses.

The MDDA is looking to the City to help the organization achieve its mission by removing obstacles to business recruitment and retention. The Association was also interested in making contact with other communities that have gone through the revitalization process.

Councilor Lancaster asked how the downtown cleanup would continue after the summer help left. **Linder** said the MDDA and business owners would have to be more diligent after the three-month period ended. She was planning an education process and has been working with code enforcement on certain sites. **Councilor Lancaster** hoped people would have community spirit and look after the areas beyond their property lines.

Councilor Kappa asked Linder to comment on developers. **Linder** said the MDDA would appreciate leads and contact ideas from the Council.

Paul Graham, Niche Development Chair. The draft vision states that in the near future Milwaukie will become a family entertainment center, with bustling streets, outdoor art, and fountains. Locals and tourists enjoy Milwaukie streets. There are high quality restaurants, family-friendly entertainment, and retail stores.

These stores convey a sense of inventiveness and stock high quality merchandise. The downtown performing arts center is the home to plays, dance, music, and waterfront concerts in the summer. The vision of a revitalized downtown articulates a niche that includes Main Street, City Hall, and the neighborhoods.

The encapsulated version of the niche is “Downtown Milwaukie thrives as a center of high quality entertainment and lively retail.” The goal is to bring in one niche compatible business this year. The Committee feels it is important to set a timeline and to meet as often as it takes to reach its goal. He said the Committee is looking to expand the group that now includes business owners, property owners, employees, and neighborhoods by adding realtors, developers, planners, and architects. Livable Oregon is working with Milwaukie and has helped other communities redevelop their central areas after major declines.

Graham said the goal is to agree upon a concept and develop and articulate the niche plan. The Committee is working with the Perry Pharmacy building owners on locating a niche compatible business in that key location. The Niche Committee is mindful of being compatible with the Regional Center Master Plan. Malcolm Johnson, who has worked with McMinnville, is acting as a consultant to facilitate property owners, potential tenants, and realtors. He is working with the MDDA to identify phases of the project, determine the costs, and articulate funding sources. The MDDA is increasing its communication abilities through the website and upgrading its recruiting materials.

Councilor Kappa asked Graham to address parking issues and compatibility of a business like the Mission Theatre. **Graham** saw no conflict at this point in the downtown’s evolution. He felt it would work for the community, and there was property downtown that would support that type of business. Parking could be shared between daytime and evening uses.

Councilor Marshall commended the MDDA leadership for its endeavors and urged it to move forward. The City and the Council will help when it can.

Councilor King said the Ardenwald Park summer concerts have been very successful, and she suggested concerts at the Jr. High School to draw people downtown.

Mayor Tomei commended the MDDA and Niche Committee for including Neighborhood District Associations (NDA) particularly Historic Milwaukie. She felt it was appropriate for all residents to be involved in planning for the downtown core. Graham agreed and encouraged people to get involved.

Councilor King added the visionaries at the Livable Oregon Conference said the components needed to revitalize a downtown were a post office, city hall, library, and perhaps a small community pool. Milwaukie has all of these key elements.

Councilor Kappa thanked Graham for being so involved in his community.

Jim Bernard, MDDA President and Image Committee Chair. The Image Committee will begin planting trees in the downtown area next week, and the ultimate goal is to replace the dead or dying cherry trees with 156 new sunset maples and chanticleer pears. The Committee hopes to have test sites completed for Festival Daze.

Bernard spoke in support of light rail and urged the community to get behind the project and work with the City to select the best sites. Light rail needs to come into downtown Milwaukie to stimulate activity.

Bernard urged the City to streamline its permit process and work with new businesses that wish to remodel. That process needs to be resolved and clarified to facilitate new businesses.

Councilor Kappa appreciated the light rail comments and particularly those which pointed out obstacles impeding business promotion.

Mayor Tomei agreed the City wanted to facilitate businesses coming into Milwaukie and felt there were ways to help them meet code requirements.

Councilor Marshall suggested the MDDA work with the City to develop a business move-in package.

Kelly Hood, Membership Participation Committee Chair and Milwaukie High School Principal. **Mayor Tomei** added for the audience that Hood had been honored as the Oregon Secondary School Principal of the Year. **Hood** said his purpose was to update the Council on membership activities and involvement. The City can have a ghost town mentality, or it can have the positive attitude of a place with a future. He discussed the upcoming membership appreciation dinner to build spirit and encourage a commitment to attendance and participation. The event will be held on July 1 at the Amadeus Restaurant. Gresham Mayor Gussie McRobert will be the keynote speaker to discuss what that City has done toward revitalizing its downtown. Milwaukie High School, as the largest downtown employer, has a stake in the community's future and wants to be involved. A flourishing City benefits everyone.

1997 – 1998 Neighborhood Grant Program Report

Gregory presented the staff report on the status of the Neighborhood Grant program. Each NDA could apply for a \$5,000 grant, and the Grant Committee awarded a total of \$33,600. The proposed projects included membership drives, physical improvements, donations to the pool, and specific programs such as community clean-ups. Each NDA applied for Milwaukie Pool funds, and a total of \$11,250 was awarded. The original pool request was for \$2,000, so the balance will go into a reserve fund for future funding and maintenance needs.

The ad hoc Grant Committee was impressed with the variety of projects submitted, but there was some concern with the limited amount of detail in the applications. The Committee did acknowledge, however, that this was likely due to the short time frame in which the NDAs had to organize their thoughts. The NDAs were concerned that applications did not necessarily represent all residents, and, again, that was attributed to the tight timeframe. Next fiscal year's program should provide a clearer process with a longer application period.

Councilor Kappa was impressed with the applications and asked for a description of the Ardenwald NDA's summer reading program request. **Gregory** understood the NDA wanted to work in partnership with the school to develop a summer program by purchasing books and holding sessions for the neighborhood children.

Gregory said the Grant Committee did stipulate that all spending and matching contributions will be monitored with quarterly reports to Council.

Councilor Lancaster recommended the City conduct a grant writing training session. **Gregory** said this is being planned.

Councilor Lancaster asked who would review future applications. **Gregory** said the ad hoc Grant Committee was appointed by the City Council for this one round of grants. The Committee and other stakeholders will be debriefed, and that information will be forwarded to the City Council for its evaluation.

Councilor King was delighted by the applications and felt the program was a tremendous success.

CONSENT AGENDA

It was moved by Councilor Kappa and seconded by Councilor Marshall to adopt the Consent Agenda that consisted of the following:

1. City Council Executive Session Minutes of May 5, 1998;
2. City Council Executive Session Minutes of May 12, 1998;
3. City Council Work Session Minutes of May 26, 1998;
4. City Council Regular Session Minutes of June 2, 1998; and
5. City Acceptance of Home and Monroe Drywell Replacement Project

Motion passed unanimously.

AUDIENCE PARTICIPATION

Daytime Curfew

Kelly Hood, Milwaukie High School Principal, 11300 SE 23rd Avenue. His concerns were: (1) students loitering on downtown merchants' property and potentially bothering paying customers; (2) spiraling absentee and drop out rates; and (3) student safety and welfare. The state requires that all youth between the ages of six and sixteen be in school. His plan was to convert the old cafeteria into a recreation facility to keep students on campus.

He asked the Milwaukie City Council to consider instituting a daytime curfew so students who are on the street can be taken back to school. He was striving to help students understand the importance of being in school and getting an education. He suggested a City/High School partnership based on the premise of a daytime curfew. This would also address problems with students coming to the Milwaukie High campus from other schools. Staff is preparing information for the upcoming school year, and he requested the City Council consider his proposal.

Councilor Lancaster supported the idea and the importance of developing partnerships.

Light Rail

Dale Potts, 12177 SE Grove Loop. He supported Hood's plan to keep students on campus. One of the things he felt was important was a carryover from the June 2 meeting that needed to be dealt with and resolved. This was City Manager Bartlett's vote in favor of light rail.

He asked how many of the downtown business owners lived in Milwaukie, or do they live somewhere where they do not have to worry about light rail. He was very concerned about the types of things that would be brought to Milwaukie

High School by the device. He felt his comment at the previous meeting had been summarily dismissed, so he decided he should try to draw a better picture. Milwaukie is community that has never favored light rail, and that has been clear in every vote or other opinion-measuring device. For the City Manager to be in a position where he can support light rail sends a negative message to Milwaukie citizens. He thought the City Council was supposed to be in charge. He recommended Bartlett's position on the Project Management Group be terminated, or he seek employment elsewhere.

Riverfront Planning

Jean Schreiber, 10753 SE 29th. She was pleased to hear Milwaukie High School's interest in the community's development and its desire to create partnerships.

She listened to the Council's discussion about establishing a long-term Riverfront Committee and sought clarification. She understood a conceptual plan had been developed, and the next phase was to be a Master Plan that would go to the community for comments. She asked what the responsibilities of the long-term Committee would be and to whom it would answer. That piece of ground is part of the Historic Milwaukie Neighborhood District Association (NDA) and the region. She felt the accountability pattern must be clear before any work was begun. Because of its geographic location, the City cannot function or move forward without establishing some necessary partnerships. She asked Council to clarify its policy of how it deals with regional pockets within the City.

Mayor Tomei said the Council is in the process of developing a Request for Qualifications (RFQ) for a consultant to help the City draw up its plan. Councilor Marshall proposed appointing a Riverfront Board that would follow the plan through the duration of the project.

Schreiber was concerned about a nebulous body being appointed without establishing accountability. **Mayor Tomei** said the Board would be accountable to provide a plan for the riverfront.

Councilor Marshall understood the process would take ten to fifteen years. When he proposed the Board, he intended to establish a body that would provide continuity to deal with just the things Schreiber had mentioned and to address the bigger picture.

Schreiber asked how that related to the NDAs and the North Clackamas Parks and Recreation District (NCPRD).

Councilor Marshall said Council would address those issues in a work session.

Councilor King agreed the MDDA and NDAs need to partner with the City on the riverfront development.

Schreiber appreciated the Council's trust in naming her as one of the City's SB 122 Citizens Advisory Committee representatives.

Councilor Kappa hoped to see some riverfront product within the next several years. He reminded people the riverfront is open to the public, and the multi-use path will be officially opened next week.

Councilor Marshall commented the log dump is a good fishing spot and provides an excellent view of the river. He also looked forward to Schreiber's being instrumental in relocating the sewage treatment plant.

Transit Options

Art Lewellan, 3205 SE 8th, Portland. He reported on the Loop-Oriented Transit Intermodal (L.O.T.I.) Plan. He was not in favor of the South/North Project because of its cost.

Councilor Marshall asked Lewellan why he was so concerned with the City of Milwaukie if he lived in Portland. **Lewellan** said the South/North Light Rail is not good in its entire length. This is a compromise proposal he has presented to other entities.

Tobacco Free Coalition of Clackamas County

Scott France, Project Manager for The Tobacco Free Coalition of Clackamas County, 1501 SE Holly St., Portland 97214. The goal of the project is to reduce tobacco sales to minors by training youth volunteers to visit stores and try to purchase tobacco products. The project is funded by the National Institute of Health.

The City Council agreed to sign proclamations supporting the program.

Councilor Kappa commented that Milwaukie Together has been involved in a similar project.

South/North Light Rail

Paul Graham, 11904 SE Main Street. He has been doing business in downtown Milwaukie for thirty years. The Comprehensive Plan was written to describe the retail center as being on Hwy. 224 and the office center on Main Street causing a sales decline downtown. He understood the City could not go back in time and was not advocating for that. He addressed the downtown framework and why light rail was important to its vitality. A vital downtown is important to the

community as are its schools and neighborhoods. Malls are not the center of a community, and the downtown has been in a state of decline over the years. All partners in the community need a shared vision and support its downtown businesses. Without light rail, the City core will continue to decline. He saw the area as a people place with multiple modes of transportation to get them there. Light rail can supply amenities beyond the station and tracks, and the north end station made sense. He urged the City Council support the light rail alignment that served the downtown area as part of the vision for a revitalized community center.

Mayor Tomei read a letter from Bob Ewald, former Milwaukie Councilor, who wrote regarding light rail and encouraged the Council listen to both the vocal minority and silent majority when making its decision. The *Clackamas Review* article could have lead with either “More than 150 people attended” or “Less than 150 people attended.” Even those who are silent need the Council to speak for them.

OTHER BUSINESS

Summer Youth Center Proposal

Gregory presented the staff report. The Teen Center is scheduled to operate a pilot program between July 1 and September 11 in the vacant Safeway site. Milwaukie youth clearly need a place for to gather and not loiter in the transit area. That segment of the population that is under-served. The City has several resources to offer: the Safeway facility, School Resource Officers to provide some security, some staff resources to help with programs, and its liability insurance. Modest repairs in the amount of \$30,000 are being done to provide for temporary occupancy.

Community partners are the City and its resources; North Clackamas Parks and Recreation District will provide staff coordination assistance; North Clackamas School District Community Education will conduct classes if funding is identified; Portland State has authorized an unpaid internship; Milwaukie Together will donate portable skatepark equipment; the National Guard will provide mentoring; Budget Baby Shop will donate 25% of the proceeds from its Festival Daze sale; Fr. Toll of St. Johns Episcopal will donate \$300; and there are numerous youth and adult volunteers. The facility will operate from 2:00 p.m. to 9:00 p.m. The program will be evaluated at the end of the pilot project based on attendance levels, incident reports, financial stability, accomplishments, compatibility with the surrounding community, and human resources.

Councilor Lancaster commended her on organizing the project in such a short time period. He did have some concerns about the liability insurance covering all occupants for all purposes. **Gregory** had submitted the uses to the insurance company, and the rate was an additional \$650 annually.

Councilor Lancaster asked if there would be supervision in equipment use. **Gregory** said Sylvia Milne of Milwaukie Together was preparing safety instructions.

Councilor Marshall asked why access would be limited to 11,000 square feet. **Gregory** understood that was the amount of space that could be made accessible and have reasonable supervision. More area would increase improvement costs for the pilot project. **Somers** added there are more code requirements for a larger amount of square footage.

Councilor Marshall understood this was a pilot project in which the City of Milwaukie has invested a lot of staff time and money. He expressed his disappointment in the involvement by both the Parks District and the School District. He felt those two partners had let down the community and the youth in the region. **Gregory** said this type of project has to be planned more in advance to be included in the agencies' budget cycles. They have been enthusiastic about the project and may wish to become more active partners.

Councilor King was concerned that if there were a gap in adult supervision that the youth would have to go home. They might have a tendency not to go home. **Gregory** hoped to develop schedules a week in advance so the participants would know it would not be open.

Councilor Kappa thanked Gregory and Milne for their work. The pilot project provides an evaluation opportunity for a longer-term program. He hoped the City's NCPRD representative would bring this project forward and determine if there was money in the contingency to help fund it.

Sylvia Milne, 1864 SE Ansbach, Oak Grove. Milwaukie Together is developing a grant application for Children and Family Services. The City has offered office space at the site which the Milwaukie Together Board will consider at its next meeting.

Councilor Lancaster said security is an issue, and the staff report referred to the School Resource Officer and the COPS MORE grant program. He asked if the teens had any plans for self-monitoring. **Gregory** said the Code of Conduct Committee would be the first committee to mobilize. That group wants to develop a social contract that all users would be asked to sign. The baseline would be any rules that apply to minors in Oregon.

Councilor Lancaster asked if this would include an agreement or code of conduct that users would sign. **Gregory** said those wishing to enter would have to sign an agreement to abide by the rules. There will be a database of participants' names and perhaps school photo identification will be used.

Councilor Lancaster asked how much the City would pay Community Education. **Gregory** said the fee is \$8 - \$12 per hour.

Councilor Marshall had a policy question about those who do not have school identification and asked if they would be discouraged from being allowed on the premises.

Councilor King asked the upper age group. **Gregory** said one has not been established, and she recommended polling other agencies with similar facilities.

Councilor Kappa agreed staff should work through these concerns and update the Council. It was important to mention teens and young adults have a stake in this project, and peer pressure works well in this type of situation.

Councilor Lancaster asked what was left to do before the opening. **Gregory** said the interior space and infrastructure needed to be completed. Milwaukie Together is using the interior to build the temporary skateboard park for Festival Daze. Vending machines will be ordered and other things needed to legally occupy the space.

Eric Pogla, 2421 SE 145th, Portland, told Council not to worry about security. If the teens really want the facility, they will take care of it.

Milne explained that Eric attended Milwaukie Presbyterian Church. Since the word has gone out about the center, resources of all types have become available.

Mayor Tomei commended Sharon Van Horn of the Ardenwald neighborhood for her involvement and encouragement throughout the project and Gregory for her hard work.

It was moved by Councilor Marshall and seconded by Councilor Kappa to approve the preliminary plan for a Pilot Youth Center Project at the Safeway site from July 1 through September 11.

Councilor Lancaster suggested the Council be available to meet on an emergency basis to work out any last minute details prior to the July 1 opening.

Councilor Kappa added the grant application requires a City sign-off and asked if that needed to be included in the motion.

Councilor Kappa made a friendly amendment authorizing City Manager Bartlett to sign the letter of support to the funding agency, Commission of Children and Family Services. Councilor Marshall, as the maker of the motion, accepted the amendment.

Motion passed unanimously.

PUBLIC HEARING

1998 – 1999 Budget and Capital Improvement Project Adoption

Mayor Tomei called the public hearing on the 1998 – 1999 Budget to order at 9:25 p.m.

The purpose of the hearing was to consider ordinances and resolutions required to be enacted prior to the beginning of each fiscal year. Mayor Tomei reviewed the conduct of the hearing.

Staff Report: **Bartlett** presented the staff report. He reviewed the Budget Committee process and those motions necessary to complete the adoption process. The legally established process includes: a resolution creating new funds; a resolution adopting the budget; an ordinance to accept state revenue sharing; a resolution certifying the City provides certain services; and an ordinance determining the Economic Improvement District (EID) assessment. He noted the City received its final permanent rate, and the budget will be reduced by \$505.

Correspondence: None.

Audience Participation: None.

Staff Comments: **Coleman** recommended the Council adopt each ordinance and resolution as a single item.

Questions of Clarification: None.

Mayor Tomei closed the public testimony portion of the hearing at 9:35 p.m.

It was moved by Councilor Kappa and seconded by Councilor King to adopt the Resolution adopting the Budget, making appropriations, and levying and categorizing taxes. Motion passed unanimously.

RESOLUTION NO. 15-1998:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, TO ADOPT THE BUDGET, MAKE APPROPRIATIONS, AND DECLARING AND CATEGORIZING THE AD VALOREM TAX LEVY FOR FISCAL YEAR 1998 – 1999.

It was moved by Councilor King and seconded by Councilor Kappa to adopt the resolution establishing funds for the 1998 – 1999 Budget. Motion passed unanimously.

RESOLUTION NO. 16-1998:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING NEW FUNDS FOR THE 1998 – 1999 BUDGET.

It was moved by Councilor King and seconded by Mayor Tomei to read the ordinance declaring the City's election to receive state revenues 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 declaring the City's election to receive state revenues 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 declaring the City's intent to receive state revenues. Motion passed unanimously.

ORDINANCE NO. 1834:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.

It was moved by Councilor Kappa and seconded by Councilor King to adopt the resolution certifying services provided by state revenue sharing. Motion passed unanimously.

RESOLUTION NO. 17-1998:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CERTIFYING SERVICES PROVIDED FOR STATE REVENUE SHARING.

It was moved by Councilor King and seconded by Councilor Kappa to read the ordinance determining Economic Improvement District assessments 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 King and seconded by Councilor Kappa to read the ordinance determining Economic Improvement District assessments 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 King and seconded by Councilor Kappa to adopt the ordinance determining Economic Improvement District assessments. Motion passed unanimously.

ORDINANCE 1835:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DETERMINING THE ECONOMIC IMPROVEMENT DISTRICT ASSESSMENTS FOR FISCAL YEAR 1998 – 99 AND DIRECTING THAT THEY BE CERTIFIED TO THE CLACKAMAS COUNTY TAX ASSESSOR FOR COLLECTIONS.

OTHER BUSINESS

Tree Cutting Moratorium

It was moved by Councilor Marshall and seconded by Councilor King to read the tree cutting moratorium ordinance for the second time by title only. Motion passed 4 – 1 with the following vote: Mayor Tomei, Councilor King, Councilor Lancaster, and Councilor Marshall aye; Councilor Kappa nay. The ordinance was read for second time by title only.

It was moved by Councilor Marshall and seconded by Councilor King to adopt the tree cutting moratorium ordinance.

Councilor Lancaster was concerned about property owners having adequate notice. He did not want a property owner subjected to a penalty if he or she did not know the ordinance existed. What is the notification mechanism?

Bartlett said staff would look at situations in which people may have innocently cut a tree in the public right-of-way, not knowing a permit was required. Notice will be in the papers, and staff has developed a procedure. Staff needs to know how this ordinance will apply to the sidewalk project and the MDDA Image Committee's street tree project.

Councilor Lancaster asked how the public right-of-way can be described to people. **Bartlett** said it can vary because streets are not always in the center of the right-of-way. A rule of thumb is that people generally construct fences just inside their property lines.

Councilor Kappa had reviewed the work session audio tapes on this topic, and he had spoken adamantly about having a public education process before adopting the ordinance. He did not want to put people in the position of being fined. This was a good step to take, but the education process needed to take place first.

Mayor Tomei said people could be notified through *The Pilot* and local newspaper articles, and **Councilor Lancaster** suggested writing an article for the first edition of the Council newsletter in August.

Councilor Kappa did not understand the problem with waiting a few weeks in order to give people adequate notice. **Bartlett** said staff is asking, if Council does adopt the ordinance, for preliminary direction on projects already in process. Staff believes the community development director can, under the approval standards in C.1.B & C, make the determination for the MDDA street tree project.

Motion passed 4 – 1 with the following vote: Mayor Tomei, Councilor King, Councilor Lancaster, and Councilor Marshall aye; Councilor Kappa nay.

ORDINANCE NO. 1836:

AN ORDINANCE ADOPTING CHAPTER 16.32, TREE CUTTING, OF THE MILWAUKIE MUNICIPAL CODE CREATING INTERIM REGULATIONS RELATING TO TREE CUTTING IN PUBLIC RIGHT-OF-WAY.

Milwaukie Downtown Development Association Image Committee Street Tree Project

Bartlett presented the staff report in which the City Council was requested to allow the Milwaukie Downtown Development Association (MDDA) Image Committee Street Tree Project under the approval standards of the Tree Cutting Ordinance.

It was Council consensus of to allow the Milwaukie Downtown Development Association (MDDA) Image Committee Street Tree Project under the approval standards of the Tree Cutting Ordinance and that staff brings any difficult-to-resolve issues before the Council for a decision.

Tree Removal in Public Right of Way to Construct Community Development Block Grant Sidewalks

Shelton presented the staff report in which the City Council was requested to authorize staff to remove trees as necessary in order to carry out the Community Development Block Grant (CDBG) sidewalk project. The projects were designed prior to the passage of this ordinance, and staff acknowledged its intent and the inherent value of the street trees. He reviewed the notification process. The staff report lists at least four and possibly twelve trees destined for removal. The project is in the construction phase, and these restrictions were not in place when the design was completed. Staff requested the authority to remove trees as necessary. The fiscal impact will be about a \$200 per tree replacement.

Councilor Lancaster noted the diagram indicated trees would be replaced behind the sidewalk. **Shelton** said appropriate new trees will be selected, and **Mayor Tomei** suggested he contact the Tree Committee for a list of acceptable types of street trees.

Councilor Marshall had looked at the trees located on Washington Street between 37th and 42nd Avenues and talked to neighborhood residents. He understood from these conversations that the original proposal was for a sidewalk on only the south side of the street. The bid responses were low, so staff decided to put a sidewalk on the north side too. **Shelton** interjected the north side would be constructed only if there were additional funds. He had spoken to the property owner about his concerns.

Councilor Marshall was concerned about using the extra money to put sidewalks on both sides of a street when there were many other areas near schools that had no sidewalks at all. He was also concerned about the steep slope and removing healthy trees. This was part of the reason the tree ordinance was enacted. The property owner indicated he would allow the sidewalk on his property to avoid having these trees cut.

Councilor Marshall also put it on record that these neighbors are very concerned about the streets being widened. Narrow streets are a method of calming traffic. Trees can be preserved by moving the sidewalk toward the street not unlike what was done on Olsen Street.

Mayor Tomei said, as the City installs more sidewalks, this will continue to be an issue. She was concerned about the time it will take City Council to consider each application.

Bartlett said the key to remember was that this is an interim ordinance, and in the near future the Tree Committee will be delegated the authority. That mechanism, however, is not yet in place. The Council's discussion is very instructive for staff in how to interpret the new ordinance.

Mayor Tomei said it is also instructive in that the City Council will guide the Tree Committee these sidewalk and tree preservation issues.

Councilor Kappa was not convinced there needed to be sidewalks on both sides of every street. Narrowing the street is a legitimate traffic management method. He discussed storm water management issues.

Mayor Tomei asked if it was Council's prerogative to narrow streets. **Bartlett** said there are street design standards that need to be applied in each situation.

Councilor Marshall said there were three reasons for narrowing Washington Street: protect the trees, add character to the neighborhood, and calm the traffic.

Shelton explained that section of Washington was 24 feet from curb to curb, so it is already relatively narrow.

Bartlett said staff would look at Washington Street's functional classification, the standards adopted in the Transportation System Plan, and the subdivision ordinance to determine what standards were applicable.

Coleman added, that if the Council wanted to vary from the street standards, some sort of process would have to be followed rather than addressing the issues on an ad hoc basis. There will likely be some who will want to vary the street standards for other reasons.

Councilor Lancaster suggested steel grates as an option to preserve established trees to provide a walkable surface.

Shelton reiterated the design has been finalized.

Councilor Marshall said, in his opinion, the trees being discussed would not have any more or less impact than what was done on Olsen Street.

Councilor Kappa asked if there were storm water management techniques to address the issue and protect the trees.

Brink said, if there is enough money, the sidewalk can go around the trees. The residents on the downhill side all want to keep water off their properties, and curbs are a significant storm water improvement. He discussed the projects requested in the Hector Campbell School Trip Safety Plan.

Councilor Kappa recommended, in order to save the trees, putting sidewalks on the south side with curbs and gutters on the north.

Councilor Marshall there are sidewalk needs in other areas near schools he believed should be addressed.

Mayor Tomei said the Hector Campbell NDA has asked for this improvement, and she was concerned about rescinding part of this project without talking to the neighborhood.

Donald Hammang, 11104 SE Home Avenue, Hector Campbell NDA Chair and Planning Commissioner. Public Works -- Engineering made a presentation at the last NDA meeting and told the group there was a possibility of trees being removed. Residents do want sidewalks for children walking to school, and they would prefer it on one side rather than none at all. He did find, however, there were no construction drawings, and tree cutting was being given blanket approval. He felt unprepared, and the Council probably did too. He did not feel there was enough information to consider the full range of choices that might include curb extensions.

Bartlett reminded Council the ordinance had an emergency clause, so it was already in effect. There is an identified process that includes a hearing request. He deemed these comments as a hearing request with Planning Director Heiser. The question was whether Council wanted to make every decision on every issue. This is a matter of improved communication. Hammang's comments about having construction drawing for the neighborhood were appropriate.

Hammang indicated the Hector Campbell NDA would be willing to distribute flyers and solicit participation in the hearing.

Councilor King said these were the original drawings before the Tree Ordinance was adopted. Would staff look at redesigning the project to preserve at least some of the trees even before the hearing?

Brink responded staff had planned to preserve trees when possible because it is less expensive than removal. The issue is making a street too narrow. This design has planting strips in several areas, and staff will do what it takes to preserve the trees and construct sidewalks around trees when possible.

Mayor Tomei asked Council if it was comfortable with the hearing process and notifying the neighborhood.

Councilor King was comfortable with what was suggested and asked if the issue would come back to the City Council before any trees were cut. **Brink** hoped staff would resolve the issue through the hearing process.

Bartlett said the comments before City Council at this meeting will be considered a written request. Heiser will schedule a hearing, and Hammang will help notify the neighborhood.

Councilor Kappa understood from Hammang that sidewalks on one side of the street would be acceptable. **Hammang** said the neighborhood would accept that in order to save the trees. Construction plans would help clarify the options.

Councilor Lancaster asked Hammang where the NDA would like to have sidewalks if there were funds left at the end of the construction project. **Hammang** said the NDA would probably prefer a sidewalk on one side of another street.

Councilor Lancaster had looked at all the sites, and they were all clearly marked. Several residents were happy to see the trees go because they were considered dangerous. The only trees of any real consequence were the large maple trees, and most of them indicated they felt there had been adequate communication. He suggested not delaying the process and felt it was clear that staff should work to save any tree possible.

Councilor Marshall's issue was putting sidewalks on both sides of the street. He had no problem with setting policy and having staff act on it. There are trees other than the maples that are healthy and should be preserved.

Councilor King felt the Council's discussion had been, in itself, a good educational process.

David Murray, 4055 SE Washington. People who should know better have given Council misinformation. The trees were marked with spray paint, and he did not know of anyone on Washington Street who wanted sidewalks at all or wanted their trees removed.

Mayor Tomei recommended Murray make his comments at the hearing.

Bernice Vickerman, 3930 SE Washington, commented she was concerned about her neighborhood livability if the trees were removed.

Gary Michael, 11907 SE 19th, had not heard a decision other than there would be a hearing in two weeks. He wanted an agreement that sidewalks and curbs could be redesigned, and Public Works seemed willing to do that. There were no accurate surveys to locate trees, and the original design could have been

prepared to save those trees. The NDA could have had a better understanding of the project and options by reviewing the plans. There are a number of ways to preserve the trees such as narrowing the sidewalk around the trees and adding curb extensions. There is sufficient right-of-way to do some of these things. The small expense incurred by curving sidewalks and curbs around trees would be offset by not cutting down the trees. Trees of the same caliper inches should replace those trees cut. He felt the City could hire an arborist to work with staff to help make its decision.

Bartlett clearly heard people's frustrations, and hiring an expert was within the direction of the ordinance. Heiser may determine it is necessary to hire a consultant to work with her. There are certain standards outlined in the ordinance and documents to be reviewed on an individual basis.

Councilor Marshall felt, since this is a new ordinance and Council is providing direction and setting precedent, the issues should be held over to the next meeting and staff provide a report. He was not opposed to staff's hiring an arborist. He felt Council needed to take the time to deal with the issue properly.

Bartlett pointed out the City Council had adopted the ordinance, and staff was clearly given the responsibility. The agenda was prepared so that the MDDA and sidewalk projects would be considered before the ordinance. He trusted staff's competency and felt there was clear direction from both Council and the citizens. Staff can repair a report on the resolution of the issue.

Vickerman was satisfied with what she heard at this meeting.

Councilor Kappa recommended sidewalks on one side of the street as long as storm water issues were addressed. Staff should be directed to hold the hearing with the affected neighbors and report to the City Council at the appropriate meeting.

Councilor Marshall pointed out trees are impacted on both sides of the street, and **Councilor Kappa** said more so on one side than the other.

Mayor Tomei said it should be left up to staff as Bartlett suggested with direction to staff to prepare a report after the neighborhood hearing.

Solid Waste Rates and Franchise Fees – Resolution

Herrigel presented the staff report in which the City Council was requested to adopt a Resolution implementing a 1.2% decrease in residential and commercial garbage rates and a 2% increase in the franchise fee. This is a result of the financial data submitted by the haulers which showed a 15% rate of return before taxes. Staff recommended the rate decrease to reflect Metro's reduced tip fee.

It was moved by Councilor King and seconded by Councilor Kappa to adopt the resolution amending Resolution No. 17-1992 to decrease the residential rates by 1.2%, commercial rates by 1.7%, and increasing the franchise fee from 3% to 5%. Motion passed unanimously.

RESOLUTION NO. 18-1998:

A RESOLUTION OF THE CITY OF MILWAUKIE AMENDING RESOLUTION NO. 17-1992 TO DECREASE THE RESIDENTIAL RATES BY 1.2%, COMMERCIAL RATES BY 1.7%, AND INCREASE THE FRANCHISE FEE FOR GARBAGE COLLECTION FRANCHISES FROM 3% TO 5%.

Surplus Printer Donation

Bartlett said agencies are allowed to donate surplus property to non-profit organizations with the Chief Executive Officer's approval. In this case, Councilor Kappa is the Chair of Milwaukie Together, so he felt it was important to get authorization from the entire Council.

Councilor Kappa said he would not vote on the proposed donation.

It was moved by Councilor King and seconded by Councilor Lancaster to authorize the City Manager to donate a surplus ink jet printer to Milwaukie Together. Motion passed 4 – 0 – 1 with the following vote: Mayor Tomei, Councilor King, Councilor Lancaster, and Councilor Marshall aye; no nays; Councilor Kappa abstained.

Suspend Council Rules

It was moved by Councilor Kappa and seconded by Councilor King to suspend Council rules to continue the meeting beyond 11:00 p.m. Motion passed unanimously.

Fiscal Year 1998 – 1999 New Classifications and Compensation

Bartlett discussed the proposed three portfolio model with the existing City Manager and two Assistant City Managers. Richards would be responsible for Community Services and Human Resources, and the new Assistant City Manager -- Community Development would be responsible for Public Works, Planning, and Economic Development. Bartlett would maintain the internal services including Police, Finance, Records and Information, and Information Systems and Technology. Several positions have been reclassified to address staffing needs and provide checks and balances.

Richards presented the staff report in which the City Council was requested to consider new classifications and compensation for fiscal year 1998 – 1999. The new MEA/AFSCME positions are the Permit Specialist and Information Specialist. The Accountant is a reclassification to meet organizational needs. The non-represented reclassified or rewritten positions are Administration Specialist, Planning Director, and Public Works Director/City Engineer. The Assistant City Manager – Community Development is a new management position.

The compensation plan is geared toward making sure people are paid equitably within the organization for the work performed. The salary ranges were set by a market study about four years ago. The salaries of represented and supervisory personnel are designed to maintain a differential. She also requested a 3.4% increase in the City Manager's salary equal to that of other non-represented City employees.

Councilor Kappa said the Budget Committee approved the classifications, and this is the process staff brings before the City Council. He had no problem with adopting staff's recommendation.

It was moved by Councilor Marshall and seconded by Councilor King to authorize the City Manager to amend the MEA/AFSCME agreement's 1998 – 1999 payable and the Non-represented and Management 1998 – 1999 payable and to grant the City Manager the same economic increase as other non-represented employees and to reconfirm his existing contract.

Councilor Lancaster said he and Bartlett had discussed certain issues, and he felt it would be appropriate to review the components of that discussion in executive session. **Bartlett** said that discussion included pay for performance, gain sharing, and performance expectations. **Councilor Lancaster** was comfortable adopting the motion.

Motion passed unanimously.

Mayor Tomei stated for the record that the City Council received materials from his immediate employees, and she was very impressed with the positive comments which they made anonymously to an outside interviewer. She felt the City was fortunate to have Bartlett and the staff he has hired. Others in the region see Milwaukie as a well-run City with a good manager and employees.

Appoint City Representative to North Clackamas Park and Recreation District Ad Hoc Committee

Richards presented the staff report in which the City Council was requested to appoint Sharon Van Horn, City of Milwaukie Park and Recreation Board Vice Chair, to the North Clackamas Parks and Recreation District (NCPRD) ad hoc committee being formed to improve the NDPRD budget process.

It was moved by Councilor King and seconded by Councilor Marshall to appoint Sharon Van Horn as the City's representative to the NCPRD ad hoc committee. Motion passed unanimously.

Sewer Rate Increase

Brink presented the staff report in which the City Council was requested to adopt a resolution increasing the sewer rate by 6% for residential and commercial customers and leaving the rate for low income customers unchanged. At its May 5, 1998 meeting, the City Council directed the Citizens Utility Advisory Board (CUAB) reconsider its recommendation by considering an 8% increase in order to accumulate adequate contingency. The CUAB met and voted to uphold its recommendation for a 6% increase.

Councilor Lancaster noted there were comments in the staff report about purchasing software that would provide for more flexible billing. **Brink** understood the City was in the process of doing this along with considering Year 2000 compliance issues.

Bartlett noted low income customers are billed at the full rate and the City makes a portion of the payment on their behalf.

Councilor Kappa asked what the CUAB meant by "exploring all available avenues to minimize future rate increases." **Brink** said expanding the base referred to annexation and getting more customers. Alternative service delivery strategies could refer to looking at other treatment options.

Councilor Kappa said there were several unsewered areas in the City and asked if the CUAB was looking for funding options. **Brink** said the CUAB have not been given that charge.

Mayor Tomei was disappointed the CUAB did not agree with the City Council's recommendation. She disliked the 6, 6, and 8 percent increase method. She proposed changing it to 8, 6, and 6%.

Councilor Marshall added this was the same resolution Council considered in May. He suggested the Council consider the 8, 8, and 8% option. It is consistent, and the increase to the customers from 6% to 8% was only 60 cents

every two months. Low income customers will still be served at their current rate. The economy is good, and it is time to put some money in the bank.

Councilor Kappa supported the CUAB's recommendation.

Councilor King felt the cost was very minimal to single family residences. **Brink** said the commercial customers would be impacted more.

Councilor Lancaster said the additional 2% would be \$3.60 per year.

Councilor King explained the Council's intent was to put money in the contingency fund.

Motion passed 4 - 0 - 1 with the following vote: Mayor Tomei, Councilor King, Councilor Lancaster, and Councilor Marshall aye; no nays; Councilor Kappa abstained.

RESOLUTION NO. 19-1998:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING FEES FOR SANITARY SEWER SERVICE AS PROVIDED BY THE 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 18-1997.

City Hall Roof Replacement

Somers requested the City Council authorize the City Manager to sign a purchase order to Arrow Roofing and Sheet Metal in the amount of \$51,164 to replace the City Hall roof. The roof will be white, so it will reflect about 15% of the heat and, therefore, reduce energy costs. This system has been installed at 40th/Harvey and the Ledding Library. There is a 30-year full warranty.

It was moved by Councilor Marshall and seconded by Councilor Kappa to authorize the City Manager to sign a purchase order to Arrow Roofing and Sheet Metal in the amount of \$51,164 to replace the City Hall roof. Motion passed unanimously.

Board and Commission Appointments

Mayor Tomei recommended appointing Don Leamy to the Library board, and Council concurred.

Manager's Musings

Councilor Lancaster read a portion of the newsletter. Public Works employees Ferguson, Ronfeld, and Hough responded with a heavy duty forklift to put a car back on a hoist.

Budget Transfers for Fiscal Year 1997 – 1998

Bartlett presented the staff report in which the City Council was requested to adopt a resolution amending the appropriation levels for fiscal year 1997 – 1998. This action would transfer \$4,000 into Public Works Appropriations from Future Capital Projects and contingency. A little more was spent on the multi-use path than anticipated. Some of the money will likely be reimbursed by ODOT but not in this fiscal year.

It was moved by Mayor Tomei and seconded by Councilor King to adopt the resolution amending appropriations for fiscal year 1997 – 1998. Motion passed unanimously.

RESOLUTION NO. 20-1998:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO AMEND APPROPRIATIONS FOR FISCAL YEAR 1997 – 1998.

INFORMATION

Councilor Kappa wanted time scheduled to discuss voting in work sessions.

ADJOURNMENT

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

Mayor Tomei adjourned the meeting at 11:40 p.m.

Pat DuVal, Recorder