# CITY OF MILWAUKIE
# CITY COUNCIL MEETING
# JUNE 6, 2006

## CALL TO ORDER

**Mayor Bernard** called the 1983rd meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Deborah Barnes
Joe Loomis
Susan Stone

Staff present:

Mike Swanson, City Manager
Alex Campbell, Resource and Economic Development Specialist
JoAnn Herrigel, Community Services Director

## PLEDGE OF ALLEGIANCE

## PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

**Councilor Barnes** read a proclamation naming the month of June 2006 as *National Safety Month*.

**Mayor Bernard** and Councilors recognized Donald Hammang for his service to the community on the Planning Commission. Jeff Dahl and Brent Carter, who were not present, were recognized for their service on the Library Board and Planning Commission respectively.

**Ms. Herrigel** recognized Dolly Macken-Hambright, Ed Zumwalt, Wanda Drendel, and Lisa Gunion-Rinker for their service as neighborhood leaders.

## CONSENT AGENDA

**No items were removed from the consent agenda for discussion:**

A. **City Council Work Session Minutes of April 18, 2006**
B. **Resolution No. 21-2006: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Mayor to Sign and Renew the Intergovernmental Agreement with Clackamas County for a Grant to Maintain the Juvenile Crime Diversion Program**
C. **Resolution No. 22-2006: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Sign an Intergovernmental Agreement with Metro to Collect a Construction Excise Tax and Remit Funds to Metro on a Quarterly Basis**
D. **Payment Approval for SE King Road and 43rd Avenue Signal**

**Motion passed unanimously among the members present. [4:0]**

## AUDIENCE PARTICIPATION

- **Ed Zumwalt, 10888 SE 29th Avenue**

**Mr. Zumwalt** thanked Engineering Director Paul Shirey and Associate Engineer Brenda Schleining for their work on getting traffic calming islands installed on Monroe Street.

He addressed the Metro/Milwaukie project. The other night at the neighborhood leadership meeting Ms. Ragel asked people why they lived in Milwaukie and for how long. Almost everyone around the table – there were 10 neighborhood people – the reason they were in Milwaukie was because it had that small town feel. That needed to be remembered when the Texaco site was developed. The Council should remember what 10 neighborhood leaders said. The City cannot go into this density too strongly. In the last three or four weeks he had talked to a lot of developers, and they said that they had to be careful about the heights of buildings because the City did not have the infrastructure to handle the traffic. Everyone knew that. With your affinity for 30 story buildings, Mayor Bernard ...

**Mayor Bernard** believed Mr. Zumwalt had suggested 20-stories, jokingly of course.

**Mr. Zumwalt** was trying to cut the Mayor down from 30.

## PUBLIC HEARING

None scheduled.

## OTHER BUSINESS

### A. Park Naming for Kellogg Property

**Ms. Herrigel** asked the Council to approve a proposed name for tax lot 3100 located south of the railroad trestle, east of McLoughlin Boulevard, and west of Kellogg Lake. The Kronbergs formerly owned this property, and Ms. Dena Swanson (formerly Kronberg) and some of her family were present. In December 2005, Ms. Swanson submitted a letter to the City requesting that tax lot 3100 be named after her late husband Robert Kronberg. The property was transferred to the City in 1991 by the Kronbergs with the stipulation that it be used as a park and named after the Kronbergs. Following through on the request from Ms. Swanson this year, in January Ms. Herrigel took the request to the Park and Recreation Board (PARB) through which all naming proposals were referred. The Board referred Ms. Swanson's request to the affected Neighborhood Associations of Lake Road, Island Station, and Historic Milwaukie. Those Associations considered the issue and reported their approval of the name Robert Kronberg Park for this parcel. PARB members considered this and developed their own recommendation, which was forwarded to Council in this staff report. The recommendation was to combine this parcel with the City-owned lots just north and south of the Kronberg property and suggested it be called Robert Kronberg Nature Park. Staff suggested that Council consider simply approving the name proposed for this one lot since that was the proposal that was taken to the NDAs and upon which they voted.

**Councilor Loomis** said it was great to finally meet Ms. Swanson. As a Council member he wanted to say how sorry he was that it had taken so long. He was glad the matter was brought to the Council's attention.

**Ms. Swanson** said she called after reading an article in the paper. Bob Kronberg and his brother were the first realtors on Main Street 45 years ago and helped develop a lot

of the land. She was glad there was going to be something that was commemorative for him.

**Councilor Stone** had some questions and clarifications. On the second page of the staff report under alternatives it said to select an alternate name for tax lot #11E36CB3100A. Was that lot part of the Kronberg donation that was submerged?

**Ms. Herrigel** replied that it was a typographical error.

**Councilor Stone** liked PARB's suggestion for naming it Robert Kronberg Nature Park because of all the wildlife and restoration that the City was trying to look at in terms of Kellogg Lake. She thought that was a very fitting name. She also liked the suggestion about including the parcels of land to the north and south to be named as part of this park. It was on the City Comprehensive Plan designated as a green space and was on the North Clackamas Parks and Recreation District's roster as an undeveloped park. Frankly, there was no way to enter the park except through the piece of land that was to the south of the park. She would like the Council to consider naming that area after Robert Kronberg and name it Robert Kronberg Nature Park. She thought that would be very fitting. The other question she had to do with process. On page 6 of the staff report – City of Milwaukie Policy and Procedures for Naming Facilities – under section 5.d.ii. It read the NDA or special subcommittee will offer at least one opportunity for public comment on the proposed naming. Further hearings and input shall be at the discretion of the PARB. Then the PARB would review public input. That process was not fully honored so she wondered procedurally why not.

**Ms. Herrigel** said her interpretation was that once the question was referred to the NDAs then the Associations had to have one meeting where it was voted on and the decision relayed to staff. She asked if Councilor Stone interpreted it differently.

**Councilor Stone** said public comment to her meant at a Council meeting.

**Ms. Herrigel's** interpretation consistently throughout all of the naming processes she had done has been that it was given to the NDAs. Their meetings were public and advertised in advance, and that was the public comment. Council does have the discretion to do many things within the policy. It was a policy and not a law.

**Councilor Stone** asked why staff was not going along with the PARB recommendation to include all of the land to the north and south in the naming of this park.

**Ms. Herrigel** replied it was for consistency. She talked to PARB about this lot, and that was referred out to the three NDAs who considered the lot for naming. They voted and reported the outcome. She took that to PARB who decided to name three lots. It was probably her error since she was the staff liaison to draw it to their attention and modify it, but she failed to do so. There was only one lot that the Kronbergs had previously recommended being named.

**Councilor Stone** said now the whole thing was considered Kellogg Park. To her there was some disparity. She was thinking that when the park was renamed to honor Robert Kronberg that the City would include that entire green space. The southern entrance – the piece of property that was not the Kronberg donation – was the entrance into the park, so it was needed.

**Councilor Barnes** understood tax lot 3100 was the donated parcel, and the City owned the other two. She asked if the final decision by the three NDAs was for the one lot.

**Ms. Herrigel** confirmed the decision was for tax lot 3100.

**Ms. Swanson** asked if there would still be improvements if it was called a nature park.

**Councilor Stone** believed that the intent was to develop the park.

**Mayor Bernard** would support the process and NDA recommendations.

**It was moved by Mayor Bernard and seconded by Councilor Barnes to approve the proposed naming of tax lot #11E36CB3100 to Robert Kronberg Park.**

**Councilor Loomis** understood the other lots could be named and added at a future date.

**Ms. Herrigel** replied those could go through the renaming process.

**Councilor Stone** asked if that could be done at this meeting.

**Ms. Herrigel** replied that would not follow the policy of taking the question back out to the NDAs.

**Councilor Stone** would like to see the entire piece of land donated. She understood they did the initial donation but another private family – the Poole family – also donated a tax lot to the south that was indeed the entrance to the Kronberg site. She really felt like that entire green space as it was in the Comprehensive Plan to be Robert Kronberg. She particularly like Nature Park as it had a nice sound. Staff had gone to the NDAs and presented it in such a way that they only looked at naming that one parcel of land, so she wanted Ms. Herrigel to go back to the NDAs – all three. She would like there to be some consideration to the PARB naming recommendation. She thought they chose a very thoughtful name, Robert Kronberg Nature Park.

**Mayor Bernard** called for the vote.

**Councilor Stone** proposed an amendment that at a future date and not too far into the future such as the next Council meeting to come back and name the other parcels to the north and south in honor of Robert Kronberg as well.

**Councilor Loomis** asked Ms. Herrigel if it was possible for her to do that.

**Ms. Herrigel** could start the process. If true to the process, the proposal would go out to the NDAs again, so that would be in July. She could come back to Council in August.

**Councilor Stone** said that was fine. She had one more question in terms of Ms. Swanson's opinion of the two names that were tossed around in terms of Robert Kronberg Park or Robert Kronberg Nature Park. Councilor Stone thought Ms. Swanson should have some input in terms of the name.

**Ms. Herrigel** said in her communication Ms. Swanson preferred Robert Kronberg Park rather than simply Kronberg Park. She had not asked Ms. Swanson about the Nature Park proposal.

**Ms. Swanson** said her only question was that if "nature" were put into it that it would remain status quo. Her impression was that it was going to be developed into a lovely park for all the community to use. A nature park sounded wonderful if it was going to be developed.

**Councilor Stone** replied that it would be.

**Mayor Bernard** added the intent might be there; however, there was no money. The goal was to look for funding for all City parks. The priority at this time was on the riverfront, and some future Kellogg Lake improvements would allow the City to begin some work.

**Councilor Stone** commented that the Historic Milwaukie NDA had been working on cleanup of the site. Mr. Zumwalt was involved in getting together a group of people to help make it look a little better. She wanted to amend the motion.

**Mayor Bernard** as the maker of the motion did not accept the amendment. He would stay with what the neighborhoods said.

**Councilor Loomis** asked if Ms. Swanson was okay with either name, and she indicated that she was.

**Motion passed unanimously among the members present. [4:0]**

**Councilor Stone** said she would not make a second motion if Ms. Swanson was fine with the name. She asked that Ms. Herrigel go back to the NDAs with the naming of the other tax lots. She felt that was Ms. Swanson's wish that it all be included.

**Ms. Herrigel** understood that a proposal should be taken to the neighborhoods to name all three of the lots Robert Kronberg Park.

**Councilor Stone** said that was correct. She thought it would be odd to have all three parcels named something different.

**Mayor Bernard** added that would have to be a discussion and decision by the full Council.

**Mr. Swanson** said rather than talking about procedure, in December 1991, Ms. Swanson by deed transferred the subject property to the City. By separate letter the City made a commitment that it did not keep which was to name the property after Robert Kronberg. He first spoke with Ms. Swanson in October 2005. He felt badly that the City had not followed through on its 1991 commitment. Ms. Swanson had already been asked to play Solomon. At this point he suggested that she and her family walk away with the feeling that what the City had done was to follow through on a commitment made in 1991. If the Council wished to battle about this, there was probably a better time to do it. He for one felt both sorry and thankful that the Council did what it did at this meeting. It was an obligation that was cleaned up, and he hoped Ms. Swanson and her family could also walk away with that feeling. The City could deal with the rest of the matter at another time. He suspected that he and Ms. Swanson would keep in touch and talk about the other issues. At this time it was not about procedure or about the law, it was about keeping the commitment.

**Councilor Stone** agreed. The City had finally gotten around to naming this piece of property that was donated. However, the Council heard tonight from Ms. Swanson that she wanted to see the park developed. It was one thing to put up a fancy sign with the name but it was another to really turn it into what was intended which was to be a park. She did not see how the donation could possibly be a park without using the other tax lots to the north and south. Those lots were purchased with money specifically set aside to purchase land for parks. She would really like to see the City make a commitment to do some development at that site.

**Ms. Herrigel** said last week staff held a meeting with all the abutting property owners and the Island Station, Lake Road, and Historic Milwaukie NDAs. The intent was to brainstorm about the use of the Kronberg property as well as the two properties to the north and south. She personally thought of those as contiguous pieces that did belong together. She agreed with Mr. Swanson that the parcel should be named, and everyone should move on. She heard Councilor Stone's concern about using all three of them, and she believed the people she pulled together for the meeting would also think that. She felt there were other ways to access the site, but those two belonged there for other reasons. One could move from one end to another in a more natural way, and they were all beautiful. She agreed with Councilor Stone's goal and thought there were ways to get to the naming of all three properties, and that she would be happy to work with Councilor Stone.

B. **Amend Title 8 of Municipal Code to Address Inoperable Vehicles on Private Property – Ordinance, second reading**

**It was moved by Councilor Barnes and seconded by Mayor Bernard for the second reading by title only and adoption of an ordinance amending Municipal Code Title 8 to include inoperable vehicles as a nuisance.**

**Motion passed 3:1 with the following vote: Mayor Bernard and Councilors Barnes and Stone voting 'aye' and Councilor Loomis voting 'no.'**

**Mr. Swanson** read the ordinance for the second time by title only.

**Mr. Swanson polled the Council: Mayor Bernard and Councilors Barnes and Stone voting 'aye' and Councilor Loomis voting 'no.' The motion passed 3:1.**

**ORDINANCE NO. 1961:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 8 OF THE MUNICIPAL CODE TO INCLUDE INOPERABLE VEHICLES AS A NUISANCE AND INCLUDE A DEFINITION OF INOPERABLE VEHICLES.**

C. **Authorize Grant Application Submittal for the Construction of New Bike and Pedestrian Infrastructure on 17th Avenue**

**Mr. Campbell** said this was a formal resolution authorizing staff to submit an application for the 17th Avenue project that would create continuous bike lanes and sidewalks between downtown Milwaukie and Ochoco Street. He also asked for input on whether the City should apply and pledge the minimum match of 10.27% or whether the Council wanted to use an "over-match." He suggested the Council might consider a 12% match in the application to reinforce its commitment to the project.

**Mayor Bernard** understood the match came out of street funding, so he supported going to 11%.

**Councilor Loomis** noted part of the project was in Portland and asked if that city was willing to help out.

**Mr. Campbell** replied that question was being pursued, but he had not heard any definitive answers. This was a strong application.

**Councilor Barnes** noted 11% was $170,000 and asked if the Council was willing to give up that amount for a bike path.

**Mr. Swanson** said this was a bike path that connected directly and safely to the system that would get people between Milwaukie and Portland. When one looked at the regional goals there was an emphasis on pedestrian and bike trails in part to relieve some of the congestion that occurred on the highways. It was road money but it was also meant to displace some of the traffic by moving people in a different way. It was road money, but it moved people to the same places using a different mode.

**Mayor Bernard** asked how much it would cost to pave one block. Could the City afford to give up $170,000?

**Councilor Stone** said the City should not apply for the grant if it did not want to spend the money for the match. Milwaukie needed to know Portland's intentions about helping Milwaukie with this project.

**Mr. Campbell** did not anticipate Portland adding anything to the local match.

**Councilor Loomis** pointed out that this had been discussed in work session, and staff was directed to move forward.

**Mr. Swanson** said this project was a logical extension of the 3 Bridges Project with Portland, Metro, and ODOT.

**Mayor Bernard** agreed sidewalks and bike lanes made the proposal more attractive.

**Mr. Campbell** said the Pioneer Cemetery was one possible destination from downtown Milwaukie. One of the reasons this project came to the forefront had to do with the Springwater Corridor. There would be a multi-use trail on the current rail bed, so there could be a very pleasant walk between Milwaukie and Sellwood. That seemed to be a valuable investment in terms of revitalizing downtown Milwaukie.

**Councilor Loomis** said the Memorial Day Walk led by Ms. Herrigel and Mr. Campbell was intended to highlight the need for this project to tie the Milwaukie Riverfront Park and Trolley Trail to the Springwater Corridor. This was an important connectivity element because people did walk that area.

**It was moved by Councilor Loomis and seconded by Councilor Stone to adopt the resolution endorsing the grant application for the 17th Avenue Bike/Pedestrian Project. The motion passed unanimously among the members present, and Councilor Barnes noted her vote was with hesitation. [4:0]**

**Councilor Loomis** thanked Ms. Herrigel and Mr. Campbell for giving up their Sunday to join him and 26 others on the walk.

**RESOLUTION NO. 23-2006:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING A REQUEST FOR THE FUNDS TO THE OREGON DEPARTMENT OF TRANSPORTATION UNDER THE TRANSPORTATION ENHANCEMENT PROGRAM FOR SIDEWAK AND BIKE LANE IMPROVEMENTS ALONG 17TH AVENUE BETWEEN LAVA DRIVE AND OCHOCO STREET.**

**D. Council Reports**

**Mayor Bernard** and **Councilor Barnes** commented on the success of the Sunday Farmers' Market.

**Councilor Loomis** announced that Saturday Coffee with Council has been postponed until further notice.

**Councilor Stone** acknowledged Mr. Campbell's work on the recent Artrain event. The Ardenwald Secret Garden Tour netted about $1,200 for the elementary school.

**Councilor Barnes** congratulated the 2006 Milwaukie High School graduates.

**ADJOURNMENT**

**It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously among the members present. [4:0]**

**Mayor Bernard** adjourned the regular session at 8:00 p.m.

Pat DuVal

Pat DuVal, Recorder