

AGENDA

MILWAUKIE CITY COUNCIL APRIL 4, 2006

MILWAUKIE CITY HALL
10722 SE Main Street

1979th MEETING

REGULAR SESSION – 7:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance

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

3. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the “Consent” portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
 - A. **City Council Minutes**
 1. **February 7, 2006 Work Session**
 2. **February 7, 2006 Regular Session**
 3. **February 21, 2006 Work Session**
 4. **February 21, 2006 Regular Session**
 - B. **Construction Bid Award for Lewelling Community Park**
 - C. **Contract Amendment with David Evans and Associates for Planning Services**
 - D. **Transferring Appropriation Authority -- Resolution**
 - E. **Fourth Amendment to Personal Services Contract with Ramis, Crew, Corrigan, LLP (Firm) -- Resolution**

4. **AUDIENCE PARTICIPATION** *(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are “not on the agenda” may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, “all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous.” The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)*

5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

Measure 37 Claim -- submitted by LeRoy and Chelsea Hummel ("applicant") for the properties located at 4791 King Road and 4813 King Road (Susan Shanks)

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
- A. **Amend Title 8 of Municipal Ordinance to Include Clean-up Requirements for Properties Declared Unfit for Use – Ordinance (Les Hall).**
 - B. **Amend Title 8 of Municipal Code to Address Inoperable Vehicles on Private Property – Ordinance (Les Hall)**
 - C. **Council Reports**

7. **INFORMATION**

Center/Community Advisory Board Minutes February 10, 2006

8. **ADJOURNMENT**

Public Information

- Executive Session: The Milwaukie City Council may meet in Executive Session immediately following adjournment pursuant to ORS 192.660(2).

All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION February 7, 2006

Mayor Bernard called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Manager Mike Swanson, Community Development/Public Works Director Kenny Asher, Resource and Economic Development Specialist Alex Campbell, Information Coordinator Grady Wheeler, Finance Director Stewart Taylor, and Community Services Director JoAnn Herrigel.

North Industrial Planning

Mr. Campbell reported that the 300-acre North Industrial area represented almost 10% of the City's property tax base. There were 2,000 – 2,500 jobs in that area with about 1/3 of those related to transportation activities. Another third were in specialty construction such as Portland Mechanical and the Stoner Group. The average wages were \$50,000 - \$60,000, and higher degrees were not necessary. Freight was central to those business practices, and issues existed regardless of light rail considerations. The 2003 study took as its baseline the notion that the area was not working and needed to be redeveloped. He believed the area was working better than anticipated at the time of that study, and the spaces were being re-used for similar functions. He noted there was a growing sense in the region that it was important to protect industrial land. There was resistance to some of the proposals that came out of the land use study and concerns about introducing other uses that were in conflict with the existing uses.

Staff was seeking direction from Council about initiating preliminary discussions with the Oregon Department of Transportation (ODOT) to determine what the actual issues were and to determine next steps. Mr. Campbell asked who, if the Council thought this was a good idea, should be contacted in addition to the local business owners. The thought was to initiate a planning process that would focus on the existing local businesses and talking about freight issues. This starting point might put other planning processes on a better footing.

Mayor Bernard would attend the Clackamas County Business Alliance, and he understood there was a group looking at the area for a metal fabrication training school. He noted that warehousing was changing, and smaller companies were looking at facilities with less square footage.

Councilor Collette understood the primary focus of the proposal was to look at the issues and consider ways to resolve them.

Mr. Campbell said that was an open question at this point. While talking with ODOT and the transportation consultant Randy McCourt he got the feeling that

the traffic counts alone did not necessarily get at the business owners' issues. The most recent study related to the park-and-ride indicated that truck counts at the intersections had increased by about 200% over the past couple of years. These businesses were going concerns, and owners predicted more and more trucks moving through that area.

Councilor Stone asked if there was a count of the actual number of trucks.

Mr. Campbell said there were September 2005 counts at a couple of intersections, and ODOT suggested gathering data from shipping logs. Traffic counts were conducted at certain intersections during peak times, but that did not necessarily provide the full picture. There was an hourly count at Milport and Main that showed the morning peak increasing from 20 to 50 trucks an hour.

Councilor Collette understood some of the intersections were almost failing at this time.

Mr. Asher replied these intersections were not failing in terms of transportation planning. City staff felt fortunate to have finally gotten ODOT's attention because the concerns were escalating. The City was trying to get beyond simple traffic counts and understand what was going on with the businesses that relied on those roads. His sense was that there had been a lot of hysteria around this issue on both sides, but he felt that could be reduced by gathering more information to understand the actual movements. There was no clear truck route, and gathering more data on the times of day trucks were actually using the intersections would be helpful.

Councilor Loomis observed numbers did not tell the real story, and he felt that staff was going in the right direction.

Councilor Stone was pleased that ODOT was at the table and interested. In looking at the businesses and identifying mitigation options, she also wanted to look at the entire area that might include light rail, a park-and-ride, and a parking structure. All of those should be incorporated in the event routes and roads were reconfigured. It would make sense to do major regional planning.

Mr. Asher thought the region would agree in principle. There was a lot of agreement from Metro, TriMet, and ODOT that this was a regional asset. The light rail discussion would not go very far unless some of these issues were addressed. When the light rail question was thrown into the middle of it, then the talks did not go very far toward finding answers. Until the base issues were understood, light rail was simply confusing and tended to polarize the parties.

Councilor Stone added in terms of her idea of looking globally she hoped to consider Amtrak, heavy rail, and possibly a Greyhound bus station. Milwaukie could be a true transportation hub. Based on her travels, she understood that Europe had true hubs that included all forms in one modality. Milwaukie could be a real regional model.

Mr. Asher thought that could make sense. The question was where such a thing would be built. He thought the North Industrial business owners would be very concerned about land availability and truck movement. He agreed in principle

because Milwaukie was already a sort of transportation hub, which would be important to its future. It was a sensitive subject in which he felt more investigation needed to be invested.

Councilor Stone had not intended to say such a facility would be located in Southgate. The City needed to look more broadly and consider all the options.

Mayor Bernard commented that most of the focus on transportation related to job creation, and for that reason, this was a very important area. The smaller warehousing facilities were now located in some of the cities rather than along the I-5 corridor for instance. Warehousing was often more compatible with the smaller-sized facilities.

Mr. Asher observed North Industrial was an interesting area. Parts of it were down and out, and other parts were vibrant. That, he felt, contributed to the chaos. The report may indicate that matters were not that grave, and that there was nothing ODOT would be interested in working on. There may be a different conclusion on the economic development side related to transportation needs to support those efforts. Staff proposed taking several months to sort things out, and Mr. Asher asked if Council had any suggestion of whom to contact.

There was general consensus from Council that staff should proceed with the process it suggested.

Clackamas Fire District #1 Annexation Tax Issue

Mr. Swanson discussed the issue that came out of a mistake when the City went out with the question of whether the City should annex to Clackamas Fire District #1 (CFD1) and reduce the tax certification to prevent a tax increase. The annexation question had previously been on the September 2004 ballot and was defeated. In May 2005, the question was presented as a straight annexation with a net zero fiscal impact. Mr. Swanson outlined the measure summary that stated the measure also required the City to reduce its property tax certification so that the total rate levy of the City and CFD1 was no more than the total rate currently levied. As part of the current fiscal year budget process, the City's maximum permanent rate allowed, \$6.5379, was reduced by CFD1's permanent rate of \$2.4012. The City levied the resulting \$4.13. The explanatory statement committed that the City would also amend the municipal code to adjust the property tax rate by reducing the City's tax rate by \$2.4012. The City did that during the budget process, and the City levied a portion of its permanent rate in the amount of \$4.1367. The District also levied its permanent rate which was \$2.4012, but that was not all that happened. The error in the ballot measure was that the District bonded debt would have to be assumed by the City as an annexing party.

The rate of that indebtedness for 2005 – 2006 was \$0.1520/\$1,000 valuation. The City made a commitment when it went to the voters in May 2005 that there would be no increase in anyone's property taxes as a result of the annexation. The effect of the bonded debt was to increase everyone's property tax bill, so the City needed to take action to honor its commitment. The county assessor was

correct and levied the bonded debt. The District did not realize any additional revenue from this occurrence even after taking in the new area. In Oregon, a taxing entity can levy either by a rate or by an amount. In the City budget, there were two funds that existed either in whole or in part through the permanent rate. In June when the City Council adopted the budget, it would also take action to levy a rate. There was the public safety debt service fund that was retiring the debt on the public safety building, and an amount was levied for that. Sometime after July 1, the assessor will translate that amount into a rate but not all that information was available when the budget was being prepared.

The error was admitted, and the City said it would find a way to hold to its commitment. There were two general approaches one could consider. Some advocated for sending out checks to everyone in the amount of the overpayment, but that was not Mr. Swanson's recommendation. He recommended adjusting the annual levy downward to reflect the amount collected in excess. The Oregon tax system would make it difficult to cut checks for people. The assessor currently had 6,096 residential accounts within the City of Milwaukie. There were a total of 7,857 accounts, so the City would have to issue that number of checks. What was not known was under what plan people paid their property taxes – full payment or by installments. There was also the issue of not knowing who was delinquent in their payments. If checks were cut, some of them would be very small. The average assessed value for residential property in Milwaukie was \$130,580, which meant the refund would be \$19.85. This option would be expensive and would include a lot of manual work to calculate who had or had not paid and how much. The less costly approach would be to adjust the levy further. He proposed that the City annually adjust its levy further downward to reflect the amount that was over the commitment for the life of the bond until it matured in 2015. The difficult thing about that option was that it would always be done in arrears because the assessor did not calculate the effective rate until after the City certified its taxes. The City would take the assessor's effective rate in 2005/2006 and apply that to the value to determine the overpayment to recalculate the amount Milwaukie would levy.

Mr. Swanson could not predict what this meant in future years because the rate would change as values changed. The District's rate would drop because it had a reserve for payment of the bonds. He surmised that the District levy less and make at least portions of its payments out of the reserves. The Oak Lodge bond measure retired in 2005, and one remained. To implement this action and meet its commitment, the Council would need to amend the municipal code. There would be a *Pilot* article in March and one at the end of the budget process along with a handout for the public. It was important to acknowledge this was a commitment the City made, and the error would not be taken lightly.

Councilor Stone asked what that mean over the next few years.

Mr. Swanson replied the District's debt would retire in 2015, and he thought a healthy reserve fund had been established. He guessed taxpayers would see a declining amount, but he could not predict beyond the next budget. He would draft an ordinance for the next City Council meeting. He believed the amount

this year would be \$198,000 though it would decline annually. The District would have to use its excess reserve on the debt instruments. To him this was about keeping the City's word, so it needed to be done.

Mr. Taylor added the Budget Review Board considered and supported Mr. Swanson's proposal at its meeting last week.

Mayor Bernard announced his intention to appoint Jeremy Ferguson to the Budget Committee, and the Councilors concurred

Mayor Bernard announced the Council would meet in executive session pursuant to ORS 192.660(2)(e) to conduct deliberations with persons designated to negotiate real property transactions and (h) to consult with attorney regarding legal rights and duties in regard to current litigation or litigation likely to occur.

Mayor Bernard adjourned the work session at 6:19 p.m.

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 7, 2006**

CALL TO ORDER

Mayor Bernard called the 1975th 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	Carlotta Collette

Staff present:

Mike Swanson, City Manager	Tom Larsen, Building Official
Gary Firestone, City Attorney	George Macgregor, Civil Engineer
Ken Asher, Community Development/ Public Works Director	Paul Shirey, Engineering Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Recognize Kathy Buss for Service to the Community on the Park and Recreation Board

Ms. Herrigel recognized Kathy Buss for serving on the Milwaukie Park and Recreation Board for 8 years. The Mayor and Councilors thanked Ms. Buss for her contributions to the community on the Board and through the neighborhood programs.

B. Metro Natural Areas Bond Measure

Metro Councilor Brian Newman commented on the improvements he saw coming into Milwaukie for the meeting including Three Bridges, North Main, and McLoughlin Boulevard Enhancement. The Metro Council was currently deliberating on referring a bond measure to build on two successful programs in November 2006. The first successful effort was the \$136 million 1995 bond measure that acquired over 8,000 acres regionally and 74 miles of river frontage. Those funds would be expended by this October. Metro had also adopted a moderate regional fish and wildlife program that related to stream corridors as well as the Nature in the Neighborhoods program. He discussed regional growth and development and the importance of protecting these natural areas. \$25 million of the 1995 bond went to local share projects in cities and parks districts. Volunteers put in about 25,000 hours to maintain the parks and plant over 1 million trees. In 1995, Milwaukie received \$334,853 in local shares that was spent on the Minthorn North wetland, Springwater corridor connection in Ardenwald, native plantings in Furnberg Park, trail access improvements to Kellogg Lake, and the

Willow Place wetland enhancement. He discussed the strategies employed by the various jurisdictions in using their local shares.

Metro wants to build on the successes of the 1995 bond measure and purchase land before it was developed. The ballot measure would contain three general elements: regional natural areas acquisition, local acquisitions and improvements, and the opportunity grant program. A Blue Ribbon Committee chaired by Fred Miller, retired PGE executive, recommended 11 target areas, 6 greenways or trail corridors, and continued investment in existing areas. The total package was \$220 million with \$44 million going to local share, \$11 million to opportunity grants, and \$165 million for regional target areas. The rate was approx \$0.18 per thousand assessed value. A scientific work group that was a subcommittee of the Blue Ribbon Committee selected the target areas. Their work focused on water quality, habitat, rarity, parcel size, restoration, connectivity, scenic resources, public access, and partnerships. He pointed out the target areas on a map that included areas both inside and outside the urban growth boundary (UGB). Target areas in and near Milwaukie were the Willamette Greenway, Springwater Trail completion, and Johnson Creek and watershed. All the purchases would be from willing sellers. The local share allowed councils, commissions, and parks districts to acquire property to land bank for natural areas or active recreation uses. Jurisdictions can also use local share funds for restoration, improved public access to nature, trail design and construction, and environmental education facilities. Milwaukie's proposed local share would be approximately \$657,000. Metro was working with Ms. Herrigel to identify priorities for the use of those local share dollars, and he urged the Council to adopt a resolution listing its priorities by March 1. The North Clackamas Parks and Recreation District, which included the City of Milwaukie, would receive about \$2.4 million some of which could conceivably be spent in Milwaukie.

The opportunity grant program was directed toward making funds available to cities, neighborhoods, watershed councils, and non-profits to re-nature areas and build partnerships. He discussed Nature in the Neighborhood grants that focused on leveraging resources for unique opportunities. Preference would be given to projects in economically distressed areas or those with few natural resources.

The vision was to build on the success of the 1995 bond measure to renew and extend efforts to protect water quality and critical habitat and to secure a legacy for future generations. Metro was in the process of doing outreach to city councils in the region, and that would be followed up by public forums and Metro Council public hearings. If approved, the measure would be on the November 7 general election ballot.

Councilor Loomis understood there was some money spent on the trail access at Kellogg Lake. He asked for clarification of the term active park.

Councilor Newman said there was property acquired between the Cash Spot and the trestle for access. The regional program was focused on natural areas, but the local share could be used to acquire land for either natural areas such as the Minthorn Springs or land for playgrounds and ballfields. Based on feedback from Clackamas County Coordinating Committee (C4) and other groups, Metro decided to be more flexible in the new program by allowing property acquisition for land banking. Metro funds could not be used for capital development.

CITY COUNCIL REGULAR SESSION – FEBRUARY 7, 2006

DRAFT MINUTES

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Councilor Loomis commented that Clackamas County had different needs and was lacking in active recreation facilities.

Councilor Newman received calls from people in Milwaukie regarding their properties and encouraged the owners to contact the Council regarding the local share program.

Councilor Collette understood Metro was not asking the Council to locate projects on a map but rather to identify priorities.

Councilor Newman replied that if the Council already knew of a willing seller, then it would be appropriate to identify the site.

The group discussed the Three Bridges color that was orange.

Mr. Shirey introduced George Macgregor, licensed professional engineer.

C. Riverfront Concept Survey Results

Ms. Herrigel discussed the public input process that included two open houses and surveys that were available to the public via direct mail, the City website, the Farmers' Market, and open houses. The City received 1,871 paper responses from the 97222 zip code, an 11% return, and 2,244 total responses. Seventy-five percent of those responding preferred Concept #2 that included a boat ramp and parking between the creeks. Twenty percent of the respondents preferred Concept #1 that had a dock but no boat ramp with parking south of Kellogg Creek. Five percent marked neither concept or both concepts. Some amenities like picnic tables and parking between the creeks were ranked highly on both concepts.

The next was a discussion of the responses at a January 2006 Riverfront Board meeting. The Riverfront Board recommended that Council allow the Board to integrate the results of the survey into a final concept. The Board would meet in February to finalize a package of policy issues and what it would convey to a consultant or designer about the desired outcome. The March and April meetings would be facilitated at which time the Board would actually work on the design. She would solicit help from people with expertise in landscaping, boat ramps, and parking lots along with manufacturers of materials such as pavers.

Mayor Bernard appreciated the Board members' years of work and fully supported the proposed direction.

Councilor Loomis appreciated the time and hoped the Board would come up with a final design and concept. In reading some of the comments, he noted that respondents wrote that they wanted to see something done. He hoped Ms. Herrigel would deliver that message to the Board.

Councilor Barnes agreed that should be a strong message.

Councilor Collette observed that the Board had served the City well, and the survey provided more insight into the community's desires. Let the Board take it to the next step and move forward on the project. She added that it would be a challenge to get all those amenities into a relatively small area.

Councilor Stone liked the idea of having professionals in the room looking at design concepts and ways to solve parking issues. Parking was the biggest issue. The land

was finite and the future of Clearwater was unknown. She hoped people would be open-minded and creative in looking at ways to solve the parking issue. She was reluctant to see precious green space devoted to parked vehicles. She supported the Riverfront Board's taking it forward and developing some ideas for the City Council.

Mayor Bernard did not believe parking needs could ever be accommodated on that property. Trailers had been lined up along McLoughlin Boulevard as long as he could remember. His goal was to move the Farmers' Market to the riverfront someday, and Mayor Bernard hoped the Board would keep that in mind.

Ms. Herrigel would report back in May with either an answer or a deadlock.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the consent agenda. Motion passed unanimously. [5:0]

A. Milwaukie City Council Minutes

1. Work Session January 3, 2006
2. Regular Session January 3, 2006
3. Work Session January 17, 2006

B. Contract Award for North Main Village Streetscape.

AUDIENCE PARTICIPATION

- **Greg Chaimov, Library Board Vice-Chair, 12323 SE 25th Avenue.**

Mr. Chaimov commended the Council on behalf of the Board for having the foresight to purchase the property located at 2215 SE Harrison Street next to the Ledding Library. The Library, run by a fantastic staff, was a facility much smaller than it should be for the number of patrons it served according to state and federal standards. He hoped this acquisition would help alleviate that problem to some degree. He expressed concern with the suggestion that the School District would be using the building for the next 15 years and not the Library. To put that in context, by the time the Library got to use the property, he would be on social security. He hoped that the City would have a chance to make broad use of that building for the community.

PUBLIC HEARING

Findings and Conditions for Norm Scott Subdivision, 8555 SE 28th Avenue, Appeal File AP-05-03

Mayor Bernard said the Council first heard this matter on November 15, 2005 at which time Council took testimony from the appellant and other interested parties. The public testimony portion of the hearing was closed on that date. The hearing was continued to February 7, 2006 so the Council could consider the findings and conditions in support of the tentative subdivision approval and denial of the street vacation requests. The public comment portion of the hearing was closed.

Mayor Bernard asked if any members of the Council wished to announce any ex-parte contacts that may have taken place since the November 15, 2005 hearing.

Councilor Collette had conversations with Mr. Scott about whether this matter was on the agenda.

Councilor Stone said on the night of the public hearing she and Mr. Scott talked briefly. She had asked Mr. Scott about the houses he was planning to develop on the property, and Mr. Firestone astutely suggested she might not want to do that.

Mr. Firestone provided the staff report. The City Council made a tentative decision subject to the adoption of additional findings and conditions. The additions were findings 17 through 26 and were intended to justify the transportation public improvements including street, sidewalk, and pathway based on the area of the subdivision and the number of authorized dwelling units. Staff recommended that the Council affirm its earlier decision and approve the findings and conditions as presented.

It was moved by Mayor Bernard and seconded by Councilor Barnes to approve findings and conditions in support of the Council's November 15, 2005 tentative subdivision approval and denial of the street vacation requests. Motion passed 4 –0 with the following vote: Mayor Bernard and Councilors Barnes, Loomis, and Stone voting 'aye' and Councilor Collette abstaining.

Mayor Bernard provided Land Use Board of Appeals (LUBA) information.

OTHER BUSINESS

A. Municipal Code Amendments to Title 15 – Ordinance

Mr. Larsen discussed the three elements of the proposed ordinance amending the code. These included adoption of new Residential Code Standards and Appendix J of the Structural Specialty Code, the grading ordinance. The third element had to do with swimming pool barriers. Until 1996 it was up to the individual jurisdictions whether those regulations were adopted or not. In 1979, Milwaukie created an ordinance that was similar to the provisions in the building code. This was retroactive, and code enforcement would respond to any complaints. Staff recently received a complaint about an indoor pool but could not act because of the existing ordinance. The code did not require self-closing doors when the walls of a house comprised part of the required barrier around a swimming pool. Any pool built after 1996 with a permit needed the barrier as outlined in the proposed ordinance. This was a good safety feature, and he noted annually there were 500 drowning deaths of children under the age of 6 plus several thousand emergency room visits.

Councilor Stone understood the City had to add the self-closing door requirement in order to comply.

Mr. Larsen said anything built after 1996 was in the code. It was adopted in 1979 that a barrier was required. Even if a pool were built in 1930, one technically had to have some kind of barrier. Enforcement of that section of the code was primarily complaint driven.

Councilor Stone asked if the City would be liable if it did not add that requirement to its code and a child drowned in a pool that did not have a self-closing door.

Mr. Firestone would argue the City was not liable because it is a legislative decision. The City was not required to ensure people's safety but was authorized to provide

safety regulations. If the City could strengthen the code to provide additional safety measures, then that was to the benefit of the community.

Councilor Stone was concerned about fingers getting smashed in self-closing doors.

Mr. Larson said as an alternative, one could use a powered pool safety cover.

Councilor Stone asked if other cities in the regional had similar self-closing door requirements.

Mr. Larsen believed West Linn and Oregon City had similar provisions in their codes.

Councilor Barnes asked for clarification for the public of what people would be required to do if they bought a pool from K-Mart.

Mr. Larsen replied one would need to contact the building department for a permit, have a fence that was at least 4-feet tall with openings of less than 1-1/2 inches, self-closing gates, and self-closing doors if the house was part of the barrier. The requirements would apply to any pool that was 24-inches deep or greater.

Councilor Stone understood one could not have a pool that was more the 24-inches deep without a barrier.

Mr. Firestone understood these regulations applied to pre-existing, and new construction requirements were addressed in the statewide building code.

Mr. Larsen said residential, meaning one- and two-family dwellings, pools were regulated by the building department through the building code. Pools in apartment complexes were regulated by the state health division and had similar requirements.

Councilor Barnes understood that referred to new construction of the fences rather than the K-Mart pool.

Mr. Firestone did not know the extent to which the regulations applied to temporary inflatable pools. It was his understanding the building code had to do with permanent structures.

Mr. Larsen explained an in-ground pool would require a permit. A pool one bought from K-Mart that was a foot or two high did not require a permit, but the barrier would be required. That was how the City ensured the barrier was constructed correctly.

Councilor Stone asked how this would realistically be regulated. She understood anything currently being constructed would be covered by the building codes in effect. If someone bought a K-Mart pool that was 24-inches deep, then he would have to get a permit to install a self-closing door. That seemed to be over-regulating things, and she was not sure she could support the code amendment. Small children and especially those who did not know how to swim should not be left unattended for any period of time. The problem was not whether or not there was a self-closing door. She knew of people who had been right next to the pool when their child drowned. It was not the door that would necessarily prevent them from drowning; it was a matter of supervision. She did not like the idea of the Council's making such strict regulations. Everyone had pools in the yards during the summer, and some of them were quite large. She thought it would be ridiculous to expect people to obtain a permit from the City and questioned whether the regulation would be enforceable.

Mr. Larsen said this regulation had been in effect since 1979 and did not exempt anyone from having a barrier.

Mayor Bernard understood that someone buying a large pool at Costco would be required to put a barrier around it. The code was not being changed.

Councilor Barnes said the requirement of a self-closing door was being proposed.

Mr. Larsen explained it would apply to anything built since 1996. The ordinance was being proposed for problem cases of existing pools. In 1979 the City felt it was important enough to adopt an ordinance, and this was an attempt to give it more teeth.

Councilor Loomis asked if the door to the house had to be self-closing.

Mr. Larsen said a pool with a fence entirely around it with a self-closing gate would meet the criteria. In that case, a self-closing door to the house would not be required. In most cases the house was the barrier, and a self-closing door or a powered safety cover would be required. One alternative was a self-latching screen door.

Mayor Bernard suggested that Council adopt the ordinance but delete 15.28.020.

Mr. Firestone said in that case, the Council would be adopting amendments to 15.04.170 but not to § 15.28.020

It was moved by Mayor Bernard and seconded by Councilor Barnes for the first and second readings by title only of the ordinance amending Section 15.04.170 – various specialty codes and standards adopted – of the Milwaukie Municipal Code.

Mr. Swanson explained the Council would only be adopting the changes on staff report pages 6.A.4. and 6.A.6.

Motion passed unanimously. [5:0]

The City Manager read the ordinance two times by title only and explained the change that amended Milwaukie Municipal Code § 15.28.020 and declaring an emergency.

Mr. Firestone said apart from the change read by the City Manager, Exhibit A was amended by keeping the first page while deleting the second page.

The City Recorder polled the Council: Mayor Bernard and Councilors Barnes, Collette, Loomis, and Stone voting ‘aye.’ Motion passed unanimously. [5:0]

ORDINANCE NO. 1957:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 15 OF THE MILWAUKIE MUNICIPAL CODE REGARDING STATE BUILDING CODE UPDATES AND DECLARING AN EMERGENCY.

B. Electrical Fee Update

Mr. Larsen reported that Clackamas County administered the City’s electrical inspection program, and the proposed resolution allowed the City to update the fee schedule by reference.

It was moved by Mayor Bernard and seconded by Councilor Stone to adopt the resolution setting fees for services. Motion passed unanimously. [5:0]

RESOLUTION NO. 4-2006:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING FEES FOR SERVICES; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B, OF THE OREGON CONSTITUTION.

C. Purchase of Property Located at 2215 SE Harrison Street – Resolutions

Mr. Swanson reported the first resolution conformed the purchase of the property located at 2215 SE Harrison to Milwaukie Municipal Code § 3.15.030 requiring that the City Council approve the purchase of real property in excess of \$25,000 and included a statement that the appraisal had been commissioned and provided to the Council. The second resolution was a transfer of appropriation authority in the amount of \$80,000 from the general fund intergovernmental account to the Library in order to meet the escrow payment, amount due at closing, and the closing costs.

For some time the Library Board had been considering future Library expansion. The challenge in doing that was the fact that the current Library site was a gift and included within the deed a restriction on an alternate use of the property. If the property ceased to be used as a Library, then it would revert to the estate and any heirs. Planning was limited on that site because the Library was located there. It was a good facility but difficult. Plans have been prepared, but expansion would have to be vertical because of the size of the property.

Several months ago the property at 2215 SE Harrison Street was listed for sale. It was directly east of the current Library on the other side of the pond. It was Mr. Swanson's experience that if something became available adjacent to or had a future use then it was worth looking at. He felt the property had potential for Library expansion in a way that was not as restricted, and the pond and its possible uses intrigued him. He thought there could be a great marriage between the existing facility and 2215 by using the water feature to create a signature area. He had proposed to the Council that the City enter into negotiations with the seller, but the first attempt did not reach a meeting of the minds. After some time passed, discussions took place again, and the City made an offer that the seller accepted. The purchase price was \$400,000 with a real market value of \$403,000. The current owner would carry the paper at 7% interest with a 15-year amortization. That would work out to about \$2,800 per month and would be budgeted in the Library fund for the 15-year period.

There were discussions with the School District about using in the building as an interim community learning center, and talks were continuing. County Community Development Block Grant (CDBG) staff indicated that it would recommend a \$100,000 grant to help renovate the facility for School District purposes. It would be a 15-year use. Mr. Swanson stressed that the ultimate use of the property would be for the expansion of the Ledding Library, and this purchase was banking for the future. He thought the property presented numerous opportunities for the community. Once the City put itself out there and made the commitment, the possibility for grants or

foundations appeared to be better. Closing was scheduled for February 8 if approved by Council. The Budget Review Board considered this matter and supported it.

Mayor Bernard understood the CDBG agreement would have to come to the City Council for approval.

Councilor Collette asked if there was any idea of how much space the District wanted.

Mr. Swanson replied there would be a tour the house on Friday. One of the immediate uses for a portion was for storage. Another possibility was to reserve a certain amount of property for a booktique to raise funds for the Library. He did not know at this time how much the District would use, but it was important to identify Library space.

Mr. Asher added the District was not sure it was interested in the space at this time. Further, the District had not done any preparation other than to work on a grant application based on the idea of a community learning center. The acquisition and interim use were separate projects. It was rather a surprise to both the City and District that this grant might come together. The house was listed as being 1,800 square feet, and there would be ADA issues with the hallways and stairs.

Councilor Stone was concerned about the 15-year commitment if the CDBG grant were awarded. She hoped by then there would be funding to use that building for a true Library expansion.

Mr. Asher agreed. The Library Foundation could repay the grant with interest and reclaim the use. If that were the case, then there would need to be an operating agreement as to how the tenant would occupy the space.

Councilor Stone asked if it was remotely possible that the City could apply for Metro funds for this property.

Mr. Asher suggested asking Ms. Herrigel that question.

Councilor Loomis asked if the District would pay rent.

Mr. Asher said the District made it clear that it would not have been interested in the grant if it were a matter of renting space. The value to the District was that programs could be consolidated in that building and it would save funds. Maintenance and utilities could be subject to an agreement. Unless it was cost neutral, the proposal might not make sense for the District. The City would have to make a decision about the interim use of the property. Some use was more desirable than no use, and Mr. Asher was willing to seek grant funds. Right now this was an opportunity, and there was a population in need of those services.

Councilor Barnes added that the clientele and demographics included migrant workers and ELL students, and there was no place in downtown Milwaukie for a family to seek help. That segment of the population was growing in the community. The Library already included foreign language books and movies because the demographic was becoming huge. She noted the current facility at Lot Whitcomb was being overwhelmed. The \$100,000 was just a start, and more grants could be generated. She was motivated by being able to help people in the community, and the money would help renovate the building to start up a new relationship with the District while helping people in the community.

Mr. Swanson agreed there was a need and thought there might be another potential location.

Mr. Asher spoke with the Library Board and county community development staff. It appeared the Library could certainly use the conference room and part of the building for storage as long as it could be shown it was not the primary use.

Mayor Bernard agreed with Councilor Barnes that there needed to be a location, and he discussed the Library's being responsible for the administrative fee. He was concerned the Library might end up being the loser in this situation.

Councilor Stone noted in the staff report that there were some models for this type of center. She asked how much traffic it might generate.

Mr. Asher thought there could be 5 – 6 District employees, and a couple of people using the facility at one time. The site was constrained and had parking issues. Another use was an option for the City Council to consider.

Mr. Swanson understood there was an interest in making certain the intent of this purchase was followed through on and that there was a need for this type of facility. He agreed with Councilor Barnes that for some period of time there was a less than cordial relationship with the District. He would look into the other option that might serve both interests.

Councilor Collette commented that if there was another opportunity to house the school facility, then it would be a good partnership to build. She was concerned about tying up the use for 15 years. She heard no disagreement in purchasing the property and pursuing uses of the site.

Ed Zumwalt 10888 SE 29th Avenue. He spoke informally on behalf of the Library Board. This matter came up quickly, and the Board had not met although he spoke with members Greg Chaimov and Jeff Dahl. Mayor Bernard, Mr. Swanson, and Mr. Asher had answered some of his questions. If the City went through with the CDBG application, then he understood preliminarily there would be basement storage, a meeting room, and perhaps a booktique and coffee shop. He was concerned about book storage in the basement and the parameters and limitations of the loan. The booktique would be a good source of revenue for the Friends. He had concerns about facility maintenance charges and other potential budget liabilities. What condition would the building be in after 15 years of use by the District? Would it be a parking lot if the building to the north were purchased? There was mention of paying off the loan early with foundation funds, and he noted that most of the members were looking for money to build a new wing on the Library. He commented that every room had to have a Library employee to watch over it. He would discourage bleeding money off from building a new wing. These were all matters he hoped the City would consider when it looked for tenants.

It was moved by Councilor Barnes and seconded by Councilor Collette to adopt the resolution approving the purchase of real property located at 2215 SE Harrison Street.

Councilor Loomis noted the resolution stated that the seller would have naming rights according to the City policy.

Mr. Swanson explained the City had a policy that outlined the process for naming facilities. The seller had originally wanted the facility named after him, and the trust deed said he had such naming rights as may be available pursuant to the City's policies related to the naming of City property. It went on to say that was to notify him that may result in no naming of the facility. The City had discretion, and it might be that there was no recommendation positive in renaming.

Councilor Loomis understood the \$100,000 grant was for renovation for purposes of the School District program and that that matter would come back to the Council for final approval.

Councilor Stone asked if naming property after a person was more in conjunction with a donation rather than a sale.

Mr. Swanson said in the 1991 agreement for the Kronberg property there was a finding that there was \$44,000 in value that was not paid to the seller. That one would be pursuant to a donation. The Board would look at that if there were a request made. The matter might come up, but the seller was still on notice that it might be rejected in the City's process.

Motion passed unanimously. [5:0]

RESOLUTION NO. 5-2006:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PURCHASE OF REAL PROPERTY LOCATED AT 2215 SE HARRISON PURSUANT TO MILWAUKIE MUNICIPAL CODE SECTION 3.15.030.

It was moved by Mayor Bernard and seconded by Councilor Collette to adopt the resolution transferring appropriation authority in the amount of \$80,000 from intergovernmental to library. Motion passed unanimously. [5:0]

RESOLUTION NO. 6-2006:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON TRANSFERRING APPROPRIATION AUTHORITY IN THE AMOUNT OF \$80,000 FROM INTERGOVERNMENTAL TO LIBRARY.

Mr. Swanson briefly reviewed the naming policy and the standards that would be used.

- **Jim Lotz, 5537 Harlow Street.**

Mr. Lotz expressed concerns about police brutality and traffic situations related to senior citizens. Many Milwaukie citizens were arming themselves. He alleged that no one would disclose to him how many officers the City had.

Mr. Swanson said the City had 29 sworn officers and 2 sworn command staff, and the numbers were included in the budget.

Council Reports

Mayor Bernard attended a meeting at the Bomber, and the County announced it would not be using the motel across the street to house sex offenders. He was scheduled to go to Washington, D.C. with the Joint Policy Advisory Committee on Transportation (JPACT) group later in February.

Councilor Loomis announced the Saturday Coffee with Council and suggested the Council talk about reinstating the open public forum. He recommended the Council discuss the regional committee assignments. He was interested in being on the District Parks Advisory Board.

Councilor Barnes thanked the Ledding Library for graciously allowing her students to film an on-location breakfast club.

ADJOURNMENT

It was moved by Councilor Barnes and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously. [5:0]

Mayor Bernard adjourned the regular session at 8:57p.m.

Pat DuVal, Recorder

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION February 21, 2006

Mayor Bernard called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Manager Mike Swanson,

Board and Commission Interviews

Council interviewed Ed Zumwalt and Greg Chaimov for reappointment to their positions on the Library Board and Scott Churchill for a vacant position on the Design and Landmarks Committee.

Reschedule July 4, 2006 Council Meeting

The Council directed staff to prepare a resolution that rescheduled the first work session and regular session meetings in July for July 6, 2006.

Regional Committee Assignments

The group discussed the regional groups in which they participated. **Mr. Swanson** said the Clackamas Cities Association determined the representation on such groups as Metro Policy Advisory Committee (MPAC) and the Joint Policy Advisory Committee (JPACT). The City participates on the Clackamas County Coordinating Committee (C4) and the Regional Water Providers Consortium, and there were many more ad hoc groups that were on a more volunteer basis. He thought the best approach was for the Council members to let staff know what their activities have been to make sure the City was represented.

Mayor Bernard reported there was no longer a staff person for C4, and he doubted it would continue much longer.

Councilor Collette had been attending C4 for about the last year.

Mayor Bernard was a JPACT alternate, and he hoped to be the primary representative in the near future. He thought there should be Council representation on the Parks District Advisory Board. Both Councilors Loomis and Stone indicated interest depending on when the meetings were scheduled. Mayor Bernard reviewed his involvement including the North Clackamas Chamber of Commerce and the economic development team.

Councilor Stone suggested it would be helpful to have a list of all the committees and when they met and who was representing whom.

Mr. Swanson commented that not all groups had a City of Milwaukie position per se. He discussed the South Corridor Policy Committee, which did require a Council representative.

Councilor Barnes said a school board member had requested a joint work session with the City Council. Mr. Swanson would contact the superintendent.

Mayor Bernard added that most of his involvement was voluntary, and he was not representing the City Council. The group discussed the Johnson Creek Watershed Council and suggested that Ms. Herrigel develop the list.

Street Funding Options

Mr. Swanson hoped to get a sense from Council of the direction in which it wished to proceed regarding the deteriorating road conditions in Milwaukie. This could take the form of a privilege tax, a road user fee, or some type of property tax. Simple, basic maintenance would cost \$600,000 annually. The problems are not readily apparent because most people see a surface when there is in reality the unseen base. He thought there was also a potential for weaving in other elements such as sidewalks and railroad quiet zones. He would like staff to spend a few months going to each neighborhood to talk about priorities in terms of transportation issues, sidewalks, and quiet zones and then come back before the City Council mid-summer with a proposal. The citizen members of the Budget Committee met and determined that road conditions was a problem that needed to be addressed because it would not get any better. Members of both the Budget Committee and Citizens Utility Advisory Board (CUAB) were notified of this meeting.

Charles Bird, CUAB member, said the initial information on the road conditions was anecdotal. Being an engineer, Mr. Bird hated anecdotal information. He was a strong advocate of the pavement management system (PMS) that assigned a numerical value that engineers could understand. This was information to take to the citizens so they could decide if they wanted to pay to make the streets better. The PMS was telling the City that the condition of its streets was declining, and residents should know about that and respond.

Mayor Bernard noted that the City had worked with Clackamas County on a transportation utility fee, and the study provided some valuable information. There were some communication flaws in that process, and it did not gather sufficient support. He expressed his ongoing concern about street lighting costs.

Councilor Stone thought the money paid for street lighting could go to street maintenance, and she hoped the City could find a creative way to shift that burden. She was concerned that every option in the report had to do with taxes, and she hated to see that happen. She would want to be sure the City looked at every possible option including grants. TriMet buses wreaked havoc on City streets, and they did not have to pay a user fee. All of the burden should not fall on the shoulders of the citizens. She wanted to make sure the City had looked at trimming operations and all other options before taxing people.

Councilor Loomis would like information from staff on where the money was currently being spent because citizens would want answers to questions like that. It sounded like the Mayor was sold on a particular option, but he wanted to look at the feasibility of a levy and what streets would be repaired with the funds. He would like staff to come back with options – not just one plan.

Mr. Swanson said that was the intention. After talking with people, staff might find that the public was not at all receptive. The City needed to be clear about what people could expect based on realistic promises. The street lighting situation was widespread during the era of high gas tax revenues, and many communities still paid for their street lighting that way. When compared with roads, streetlights did not come out that favorably, but they were essential to community safety.

Mayor Bernard clarified that he wanted to look at all the options and did not just support one solution. He wanted to do what the citizens wanted. He commented on the future of transportation funding and shrinking gas tax revenues. One issue constantly facing cities was the need to match federal funding. He would like to see a reserve fund built up for matching transportation funds. He hoped to someday get money for Logus Road, but that would mean diverting money from another project.

The group discussed outreach efforts that included a campaign effort in addition to *Pilot* articles and staff attending neighborhood meetings.

Mr. Swanson heard that staff should move forward with a focus on public input, and the Council would like to see the pros and cons of the various options.

Mayor Bernard commented that many communities such as Wilsonville and Tualatin had been successful because they went to the business community to gauge support.

Mr. Swanson announced the Council would meet in executive session pursuant to ORS 192.660(2)(i) -- performance evaluation of public officers and employees

Mayor Bernard adjourned the work session at 6:30 p.m.

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 21, 2006**

CALL TO ORDER

Mayor Bernard called the 1976th 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	Carlotta Collette

Staff present:

Mike Swanson, City Manager	Willie Miller, Facilities Maintenance Coordinator
JoAnn Herrigel, Community Services Director	Ernie Roeger, Fleet Supervisor

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

Milwaukie High School Student of the Month

The City Council recognized **Kirk Wright** as the Milwaukie High School Student of the Month. Mr. Wright recently developed the Milwaukie High Life web page, and with his 4.0 GPA is in contention for a valedictorian spot. While taking many advanced placement classes, Mr. Wright also finds time to volunteer at the Annie Ross House and the Blue Heaven Horse arena where he gives riding lessons to disabled children. He plans to attend Oregon State University and study engineering.

Mayor Bernard congratulated **Marcus Chaney** of Troop 911 for attaining the rank of Eagle Scout and **Christina Hodge** who received the Girl Scout Gold Award.

Mr. Swanson announced that the city attorney was excused from attending this meeting pursuant to Resolution 9-2003.

Mayor Bernard announced that the Council interviewed Ed Zumwalt and Greg Chaimov for reappointment to the Library Board and Scott Churchill to the Design and Landmarks Committee. The Council would be making these appointments.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the consent agenda. Motion passed unanimously. [5:0]

- A. Milwaukie City Council Minutes, Regular Session January 17, 2006;**
- B. Amend Contract Amount for HVAC Repairs and Maintenance for City Facilities – EW Consulting and Services; and**
- C. Amend Contract and Purchase Order Amount for Carpentry Work and Repairs for City Buildings – Craftsman Home Remodeling Services.**

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AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Milwaukie Projects in Proposed Metro Natural Areas Bond Measure – Resolution

Ms. Herrigel requested that the City Council adopt a resolution supporting a list of local share projects to be funded by the \$220 million Metro Open Space bond measure proposed for the November 2006 ballot. Milwaukie's local share would be about \$657,000. Metro asked that the City develop a list of projects to inform voters of how the funds would be used. In the 1990's a list was developed that identified areas of Milwaukie that were lacking in parks and open space. Subsequently, properties were purchased in the Lewelling and Hector Campbell Neighborhoods. Two areas remained underserved. These were an area west of 32nd Avenue in the Ardenwald Neighborhood and an area south of Lake Road. She recommended looking at what had been done in the past and bringing those forward to ensure the original needs were filled before new projects were added. After speaking with Johnson Creek Watershed representatives, Ms. Herrigel added parcels along Johnson and Kellogg Creeks for acquisition as well as site enhancements at the Milwaukie Riverfront Park, Spring Park, Homewood Park, and a Minthorn Wetland.

The Park and Recreation Board (PARB) thought acquisition should have priority over enhancement, and that the City should purchase property as it became available and bank it. The suggestion was for an 80/20 or 70/30 split of funds. She attended the January Neighborhood District Association (NDA) leadership meeting to solicit comments on the proposed list. The only comment was from the Linwood NDA chair who suggested there might be park and open space area in that neighborhood to pursue. Ms. Herrigel responded that \$80,000 was spent from the 1995 bond measure on the Furnberg Park wetland enhancement and path area in the Linwood Neighborhood. There were two other open space areas in the Neighborhood that were not yet enhanced. Metro will use the list Milwaukie submits to help sell the 2006 measure to the public. The list will be modified based on public input if the voters approve the bond. She noted the 1995 bond measure list was adjusted to meet needs and opportunities.

Councilor Stone understood the language on the ballot measure would refer to potential use of the funds.

Ms. Herrigel replied the project list could be modified, and upon passage of the bond measure the City would enter into an intergovernmental agreement (IGA) that would establish the list.

Councilor Stone did not want the public to think it had voted for one thing and then got something else.

Councilor Collette referred to the open space in the Linwood Neighborhood and asked Ms. Herrigel if there were other open spaces around the City the might be acquired.

Ms. Herrigel said opportunities come up almost annually. There were properties in the Ardenwald and Lake Road Neighborhoods right now that were available. In the past, several properties had to be passed up due to lack of funding. The GIS system could be queried to create a vacant lands inventory.

Councilor Collette thought that type of inventory would be useful to help prioritize habitat and wetland characteristics and to identify open spaces in general. She noted there was a lot of open space in the annexation areas, but the City may not have access if those were part of the urban renewal district.

Councilor Loomis understood this resolution did not commit the City.

Ms. Herrigel said it identified an area rather than a specific property. Metro just wanted to know that Milwaukie had begun its process.

Councilor Loomis was not comfortable putting things out there if the City did not know what it was going to do. He was all right with the two items on the acquisition list. He asked if Kronberg Park had come up in her conversations with people.

Ms. Herrigel replied that it had not come up forcefully.

Councilor Loomis thought Kronberg Park should be on the list for enhancement and perhaps master planning.

Ms. Herrigel would pursue whether hiring a consultant for master planning would be funded. She recommended Council approve the resolution to meet Metro's March 1 deadline, and she would commit to coming back to Council to discuss further refinements.

Mayor Bernard commented that a grassy field did not say something was happening or that the riverfront would someday be a park. He was not comfortable with the percentages. He commented on the Rowe Middle School grounds. He asked Ms. Herrigel which property in the Lake Road Neighborhood was available.

Ms. Herrigel said the property on Bowman was currently owned by the Oak Lodge Sanitary District.

Mayor Bernard noted that one of the problems was that Milwaukie was built out. He wanted to ensure something would happen and that locations like Kronberg would be improved. He noted there were also grant funds for enhancements.

Councilor Barnes understood this was not set in stone. If the Council indicated it backed the bond measure, then it could discuss specifics to send to Metro. This is a sales tool, so the City needed to be clear with Metro about what it wanted.

Councilor Collette asked if there had been specific sites identified along Johnson and Kellogg Creeks.

Ms. Herrigel and people from the Johnson Creek Watershed looked at a map and identified some vacant parcels. She had not done that with the Friends of Mt. Scott and Kellogg Creeks, but she intended to meet with Dick Shook and Steve Berliner. She added there might need to be some easements in the Kellogg Lake area.

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It was moved by Councilor Barnes and seconded by Mayor Bernard to approve the resolution identifying Milwaukie's local legacy program project list.

Councilor Stone agreed that Kronberg Park should be on the draft list. It received so much publicity in the past few months. She asked if bond money had been used to purchase the property.

Mr. Swanson replied there was a small triangle north of the trestle that was purchased with the last bond money.

Councilor Stone said from that standpoint she thought the City was committed to making it into a park. There was a commitment to make it a park with signage. For the sake of the donation and the fact that it has been 14 years, it should be on the list of priorities. The Riverfront Park was also a priority. Kronberg Park would be equally important in terms of getting downtown development going. The City would need places for people to go as they moved into downtown to live and utilize the businesses. She wanted to see Kronberg on the draft list as it went forward.

Mayor Bernard remarked that the riverfront has been a goal for many years as has access to Elk Rock Island. He felt those should be priorities. Everyone in the community was focused on the riverfront, and the Island Station Neighborhood had been focused on Spring Park for many years and residents had put in many volunteer hours. He recommended that grants be pursued.

Councilor Stone suggested using neighborhood grant money for Homewood Park play equipment.

Ms. Herrigel said her thinking that if grant funds were available then the list could get longer.

Councilor Stone thought there were funding alternatives.

Councilor Loomis thought Ms. Herrigel might give Metro the message that the Council wanted more information because there were a lot of ideas. People would want to be involved, and he was happy with its not being written in stone at this time.

Councilor Collette thought the priority was on acquisition of open space. Land was disappearing, and Milwaukie was built out. There were few opportunities to acquire and secure open space, and she thought the priority was fine. There were grants available to develop sites once they were acquired. She agreed with riverfront development because it was a gateway with the McLoughlin Boulevard improvements and was pleased to see it was a priority. She would be concerned if Kronberg Park moved to the top of the list because there were other parks that had been in the queue for a long time. She was in favor of master planning Kronberg Park once the Corp of Engineers' creek restoration study was done before putting money into its development. She recommended staying with the priorities that had been on the table for a long time.

Councilor Stone agreed acquisition was very important and that there was very little land available. However, she disagreed that Kronberg should not be at the top of the list. It had been on the list for 14 years, and no one has really used it as a park. It was designated on a plan as a park and in the Comprehensive Plan as a green space. It

has been on a list, but nothing had been done in terms of enhancing it into a park for 14 years. She felt the City has made a commitment to do that.

- **Lisa Batey, 11912 SE 19th Avenue, Island Station Neighborhood Association Chair and Jeff Klein, 4479 SE Logus Road, Lewelling Neighborhood Association Chair.**

Ms. Batey commented on the list in general and thanked Ms. Herrigel for keeping Spring Park in mind. She wanted to address the Council because of its discussion of Kronberg Park. She hoped someday Kronberg Park would be master planned and be ready for the investment that would be necessary to make it into a park. Ms. Batey submitted that was premature and that there were already-designated parks with industrious groups of citizens working on them. To prioritize Kronberg Park ahead of Hector Campbell, Spring Park, and Lewelling would send the wrong message. She addressed the comments regarding parks' being on the list for a long time. Spring Park has belonged to the City since 1970 or perhaps longer. The City adopted the Elk Rock Island and Spring Park Management Plan in 1995 that called for wetland restoration. She observed that Kronberg Park was in the Island Station Neighborhood, and the priority was definitely on Spring Park. She did not want to impede those who wished to work on Kronberg Park, and some Island Station residents would likely participate in some of the work parties. There was not a lot going on there now, and she would discourage Council from prioritizing Kronberg Park for some rumblings people may be making but were not doing the work like people in other neighborhoods were. She encouraged the City Council to keep Kronberg Park either off the list or low on the list in recognition of what was going on in the other neighborhoods. She had been working on the Spring Park Master Plan for three years and understood how long it took.

Mr. Klein added that it took years for Lewelling Park to get where it was today. As a neighborhood chair he did not have a vested interest other than the fact that parks were an important part of the City. Acquisitions were good, but development needed to be considered. Otherwise there were just vacant lots. Kronberg Park had been sitting there for 15 years, and there was no access to the site at this point. He believed there needed to be a master plan to look at developing the area, but the fact was that there were a lot of other parks in serious need of development money right now. Acquisition was important, but there were people who could be using those parks. He would question putting 70% to 80% of the funds toward acquisition versus development.

Councilor Loomis wanted to make it clear that his bringing up Kronberg Park was not based on any rumblings he had heard. He had walked the Riverfront Park and saw opportunities for somehow linking it with Kronberg Park. He did not bring it up to knock anyone else's project down on the list of priorities. He supported Spring Park and land acquisition. He thought it was appropriate to have the discussion. It was a matter of talking about it and seeing where the City needed to go.

Councilor Collette felt one of the biggest problems in the next few months will be to get everything people requested into Riverfront Park. She thought people needed to begin thinking about uses that could be moved to Kronberg Park and perhaps integrating the two parks by providing access between them. That needed to be done with a plan. She was not saying that work should not be done on Kronberg Park, but it should be considered in conjunction with Riverfront Park.

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Mayor Bernard remarked the sewage treatment consolidation could change the whole story. He asked when the Corps would have its report done.

Ms. Herrigel did not know when it would be done, but she anticipated a report by the end of February.

Councilor Loomis would also like Spring Park and Elk Rock Island connected to Riverfront Park somehow. If Milwaukie were going to have a local share of almost \$700,000 he would like more public discussion instead of just saying this is what we are going to do to sell the bond. If that was the intent, then he felt there needed to be more discussion about what went on the ballot.

Mayor Bernard agreed that he did not want to put something on the ballot and then the City changed its mind. The way to sell any bond measure was to be as specific as possible, and this one seemed vague to him. He suggested inviting public comment at the Council sessions on this matter. He thought the riverfront survey provided a lot of information. The Park was much larger when Kronberg and Spring Parks were considered. He did not feel the bond measure would pass if it was too vague, and he hoped that could be worked out in the next month.

Councilor Stone understood there would be flexibility in the language if problems arose such as an acquisition falling through. The list would have to be tweaked. It was important for voters to know what they were going to get, but if the measure were written in such a way that they understood those were options she thought that would be enough. She did not want to mislead the voters.

Mayor Bernard did not disagree on the acquisition portion, but there were parks for which people had plans that could be specifically identified.

The motion to approve the resolution identifying Milwaukie's local legacy program project list passed unanimously. [5:0]

RESOLUTION NO. 7-2006:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE CITY OF MILWAUKIE'S LOCAL LEGACY PROGRAM PROJECT LIST TO BE FUNDED BY METRO'S PARKS AND OPEN SPACE BOND MEASURE.

Ms. Herrigel announced a Watershed-wide cleanup and enhancement event on February 25. Klein Point, donated to the City by Gary and Sharon Klein, was on the list of cleanup sites.

Mayor Bernard said there was a work session discussion about regional committee assignments and asked if there were any groups with which the Council should be involved. He discussed federal funding for the Johnson Creek Watershed and Nature in the Neighborhood Grants.

Councilor Stone asked how many Nature in the Neighborhood Grant applications had been submitted.

Ms. Herrigel said quite a few applications were submitted, and many would receive no funding or only partial funding. Ms. Batey submitted one for Spring Park, but it did not make the final list.

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DRAFT MINUTES

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B. Amend Milwaukie Municipal Code Chapter 3.20 Relating to the Annual Levy of the City's Permanent Rate – Ordinance

Mr. Swanson reported the proposed ordinance would amend Milwaukie Municipal Code (MMC) 3.20 that was created as a result of the May 2005 regarding annexation of the City to Clackamas Fire District #1 (CFD1). The question on Measure 3-166 read, "shall Milwaukie annex to CFD1 for fire and emergency medical services and reduce City tax certification to prevent tax increase?" The explanatory statement went further and noted the measure if approved, which it was by approximately 68% of the electorate, would incorporate provisions in the MMC. One provision incorporated the entire property within the City of Milwaukie into CFD1. In order to meet the commitment to avoid an overall property tax increase the City was required to adjust the property tax rate it certified annually by reducing it by the amount of the District's rate. It further required that in order to increase the City's property tax rate above that, a vote of the people would be required.

When the taxes were certified and the budgets were released, the property owners in Milwaukie ended up with an additional \$0.14 per thousand additional tax over what the City had committed to if the annexation were approved. This proposed action was about adjusting the code provision to maintain the commitment made during that electoral process so the people would not see a property tax increase. The ordinance being considered was the final step in making sure the City did meet its commitment. It added an additional section and required a further reduction as the City did its annual budget. The 2006 – 2007 levy would be reduced by the amount of the excess of the commitment 2005 – 2006. The action would be one year late because the numbers were not available, but the City would meet its commitment. That will happen as long as the two bond issues being funded were outstanding. One was actually retired December 2005. The one remaining in place was CFD1 General Obligation Series 2001. The section added would provide that the City would continue that process until both bond issues were retired at which point it would return to the rate that was originally anticipated. That would be the City's permanent rate less the District's permanent rate. The intent was to meet the commitment the City made in May 2005 and would continue until the general obligation bonds were retired.

It was moved by Councilor Collette and seconded by Councilor Barnes for the first and second readings by title only of the ordinance amending Title 3 – subchapter 3.20 relating to the annual levy of the City's permanent rate.

Councilor Collette explained that the Council was reducing people's property tax by approximately \$0.14 per thousand.

Councilor Stone understood this adjustment would happen for the next nine years until the bond retires in 2015.

Mr. Swanson discussed the District's reserve fund that might be enough to substantially reduce the levy required each year.

Councilor Stone asked if with the next tax statements next November there could be some explanation to the citizens why their rates had gone down.

Mr. Swanson said there would be articles in *The Pilot*, and he would talk about this during the budget process. There would be a flyer with the utility bills to explain the further adjustment, but the assessor would not include it in his tax statement mailing.

The motion passed unanimously. [5:0]

Mr. Swanson read the ordinance for the first and second times by title only.

The city recorder polled the Council: Mayor Bernard and Councilors Barnes, Collette, Loomis, and Stone.

ORDINANCE NO. 1958:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE TITLE 3 – SUBCHAPTER 3.20 RELATING TO THE ANNUAL LEVY OF THE CITY’S PERMANENT RATE BY REQUIRING A FURTHER REDUCTION OF THE ANNUAL LEVY AND DECLARING AN EMERGENCY.

C. Council Reports

Councilor Loomis attended the Overland Park Neighborhood meeting to determine if there was something the City of Milwaukie could do about the crime situation. Jeff Klein, Lewelling Neighborhood Association Chair, and Dolly Macken-Hambright, Linwood Neighborhood Association Chair, invited Overland residents to attend their neighborhood meetings. He felt public safety, the strong neighborhood program, and streets were the reasons people would want to annex to the City. He noted that the Milwaukie High School Girls’ Bowling Team came in first in Three Rivers League.

Councilor Stone would attend the Clackamas Cities Meeting monthly dinner. She asked for the record that a laminated copy of the Community Goals be included in the Council packet for reference.

Mayor Bernard just returned from Washington, D.C. seeking transit-oriented development (TOD) money and \$1 million for the draft environmental impact statement (DEIS) analysis for light rail. The Riverfront Board heard the rumor that the decision on the riverfront development had already been made based on a comment he made at the Saturday Coffee. He wanted to make it clear that he was only one vote and that his comments were his own. It was a meeting where attendees could speak freely, and he spoke freely. Some may have misinterpreted his comments as being those of the entire Council. He was now on the Oregon Mayors’ Association Board and would attend a retreat on mayors’ issues.

Councilor Loomis attended the Riverfront Board meeting, and he thought the group was on course for coming back with something everyone could be a part of. He encouraged everyone to walk along the riverfront and look at the improvements. One could really see the future.

Councilor Barnes walked the riverfront with Councilor Loomis. She did not have a dog in the fight, and the clearest message from the public was that they wanted to see something done. There were so many ways to get the amenities people wanted, and it should not be limited. She met with Kenny Asher and representatives of the North

Clackamas School District regarding a site that would link ELL and other services. There would be a follow up meeting with the superintendent and his staff to determine if the District wanted to be involved.

Councilor Collette met as Milwaukie's representative to Clackamas Community College school board with Clackamas County Commissioners and other groups. The project that would most affect Milwaukie was the build-out of the Harmony Road campus and programs that could be shared with the aquatic center.

ADJOURNMENT

It was moved by Councilor Barnes and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously. [5:0]

Mayor Bernard adjourned the regular session at 8:04 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Construction Bid award for Lewelling Community Park

Date: March 21, 2006

Action Requested

Authorize a bid award to the most successful bidder for the construction of Lewelling Community Park located at 9781 SE Stanley, in Milwaukie.

Background

In 2005, the City of Milwaukie was awarded a grant from the Oregon Department of Parks and Recreation to construct Lewelling Community Park. This was great victory for the City but an even greater one for the Lewelling neighborhood association, which has worked long and hard to get this park built.

A survey of the existing site conditions was completed in February and Greenworks P.C. delivered final construction plans to the City on March 1, 2006. With these final pieces completed, staff advertised a request for bids for the project in the Oregonian and the Daily Journal of Commerce on March 17. A pre-bid meeting is to be held at the site on March 23 and the bid opening is scheduled for April 13th at 10 am. Commencement of the construction period will be May 1 and the park must be completed by October 31, 2006.

Concurrence

The Community Services Director, the Finance Director and the Public Works Operations Director have coordinated on all aspects of the project bid and award process.

Fiscal Impact

The construction of Lewelling Community Park will be funded by a grant from the Oregon Parks and Recreation Department.

Work Load Impacts

The Public Works Operations Department will manage the direction and inspection of this project. The Community Services Director and the neighborhood association will provide input where necessary.

Alternatives

1. Authorize award of the contract.
2. Deny authorization for award of contract



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Kenneth Asher, Community Development & Public Works Director

Subject: Contract Amendment with David Evans and Associates for Planning Services

Date: March 22 for April 4, 2006 Regular Session

Action Requested

Approve a contract amendment between the City and David Evans and Associates (DEA) for planning services for \$9,000.

The contract was awarded on January 5, 2006 in the amount of \$15,000 for interim Planning Director services. The contract was amended on January 23, 2006 in the amount of \$9,900 when it became evident that the ongoing search for a permanent Planning Director would require a lengthier term of service from the Interim Planning Director (contractor).

The proposed amendment (\$9,000) brings the total contract amount to \$33,900. The proposed amendment is not for Interim Planning Director services (as a permanent Planning Director was hired on March 13). Rather, the amendment is for specific planning services that can be best provided by the contractor (see Background Section for details).

Background

In January 2006, upon the resignation of the Planning Director, the City contracted with DEA for planning services needed to run the Planning Department. Alice Rouyer from DEA has served as Interim Planning Director under this arrangement, and has provided essential services during the search period for a new Director. Ms. Rouyer worked in this capacity for approximately 12-15 hours per week, between January 9 and March

13. On March 13, the City hired a new Planning Director, allowing Ms. Rouyer to phase out of her role as acting Director.

Ms. Rouyer's services are still needed by the City, however. The proposed amendment will extend the scope of services and increase the contract amount to enable Ms. Rouyer to complete three specific planning-related assignments:

- On-Call Development Review Consulting: Ms. Rouyer's familiarity with the Milwaukie Municipal Zoning Code and her experience as the former Planning Director are an asset to the current planning staff, which is, on the whole, quite new to their respective positions. The contract amendment engages the contractor to provide up to six hours per week of "on-call" consulting to answer questions from staff regarding specific development review cases or Planning Department practices and processes.
- Case Management for the Southgate Park and Ride: Ms. Rouyer will manage the process to prepare the City for the pending appeal of the Southgate Park and Ride decision. She will coordinate the parties and information flow, prepare the staff report, and function as lead staff for the Planning Department when the appeal is heard by City Council on April 18. Ms. Rouyer's background with the case and the Planning Commission decision process makes her uniquely qualified to carry this work forward to City Council.
- Pending Extension-of-Services Annexations: The City, under Ms. Rouyer's leadership, is actively engaged in two annexation processes due to requests for city service (sewer) from property owners outside city limits. Ms. Rouyer's involvement with these processes, combined with her previous annexation experience, make her uniquely qualified to continue this work on behalf of the City.

It is anticipated that Ms. Rouyer will complete this scope of work by May 15, 2006 and that, barring unforeseen events, there will be no additional amendments to this contract.

Concurrence

The Planning Director supports this amendment and in fact, agrees that these services are essential for the effective continuity of project management in the Department. The Engineering Director concurs and supports Ms. Rouyer's involvement in the annexation cases, which overlap with Engineering interests. The applicant for the Southgate Park and Ride (TriMet) are comforted in the expectation that the appeal process will be managed by a planner familiar with the case and history.

Fiscal Impact

The amendment amount (\$9,000) is relatively small compared to the funds available in Planning's budget for the duration of fiscal year 2005-6 (\$196,000 as of February 28,

2006). However, resignations of both the Planning Director and Associate Planner during the third quarter have resulted in a greater reliance on consultant support than anticipated. Although the total contract amount with DEA (\$33,900) is less than the contractual services budget (\$34,000), and despite the fact that the planning budget will realize some salary savings in having gone without a Planning Director for three months and without an Associate Planner for approximately one month (estimated), it is probable that the Planning Department budget will require a small transfer of funds to balance at year end.

The CD/PW Director and City Manager are working with the Finance Director on this situation. Despite the projected shortfall in Planning's budget, staff recommends approving this amendment, as shoring up the Planning budget presents fewer challenges than covering the scope of work without the involvement of the contractor.

Work Load Impacts

Approving this contract amendment would have a positive work-load impact on the Planning Department by providing necessary expertise to the staff members of the department and assisting with the processing of the Tri-Met Park and Ride appeal.

Alternatives

Do Not Approve. This would jeopardize the quality of work on each of the work items and would likely sacrifice work quality in the day-to-day operations of the department.

Approve Limited Scope. One or two of the work scope items could be eliminated. This would lower the amount of the contract, but would sacrifice quality of work on the eliminated projects and the day-to-day operations of the department.

Attachment

Contract amendment #2 between City of Milwaukie and DEA, as proposed.

PERSONAL SERVICES CONTRACT
AMENDMENT

BETWEEN
City of Milwaukie
and
Alice Rouyer of David Evans and Associates
For On-Call Planning Services

Addendum No. Two

RECITALS

- a. The City of Milwaukie (City) and David Evans and Associates. (Contractor) entered into an agreement for Interim Planning Director services on January 5, 2006.
- b. The City desires to have the Contractor transition from Interim Planning Director to on-call Planning Consultant to provide zoning code analysis for planning staff and outside expertise for the new Planning Director. The Contractor will also manage the 3/2/06 appeal process for the Southgate Park & Ride application.

This work will be performed under the terms of the existing contract for an amount not to exceed \$9,000.

AGREEMENT

1. Section 3 of the Agreement is amended to read that the CITY agrees to pay CONTRACTOR NOT TO EXCEED \$9,000 for performance of the services described in Exhibit A.

CITY

CONTRACTOR

By: Mike Swanson
City Manager

By: Alice Rouyer
David Evans and Associates

Date: _____

Date: _____



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Stewart Taylor, Finance Director

Subject: Resolution Transferring Appropriation Authority

Date: March 22, 2006

Action Requested

Approve the resolution transferring appropriation authority.

Background

One of the major construction projects currently underway in the City of Milwaukie is improvement of McLoughlin Boulevard. Funding for the project has included federal CMAQ dollars, State of Oregon OTIA dollars and matching dollars from the City of Milwaukie Street Fund. Some of the costs associated with the project are eligible to be paid with Systems Development Charges but were not included in the Capital Outlay category of the Transportation SDC Fund when the 2005-2006 budget was adopted.

Appropriation authority exists in the Contingency category of the Transportation SDC Fund that could be made available for the eligible expenditures. The transfer of appropriation authority would allow SDC eligible expenditures to be made from the Transportation SDC Fund rather than from the Street Fund.

For the past few years, the Stormwater Fund has been making systematic transfers to the Stormwater Capital and Reserve Fund for future capital projects. In the audit report to the City Council for year-end June 30, 2005, Tom Glogau of Grove, Mueller and Swank, LLC reported that the Stormwater Fund ended the year in a deficit balance. Mr. Glogau reported that, although minor, the deficit balance was a violation of Oregon local budget law.

Appropriation authority exists in the Contingency category of the Stormwater Capital and Reserve Fund that could be made available to transfer back to the Stormwater Fund. The transfer of authority would correct the violation of Oregon local budget law in the Stormwater Fund.

Concurrence

The Public Works and Community Development Director and the Engineering Director concur with the resolution.

Fiscal Impact

The resolution transfers existing appropriation authority between categories in the Transportation SDC and Stormwater Capital and Reserve Funds.

Work Load Impacts

There are not workload impacts.

Alternatives

1. Approve the resolution as proposed.
2. Modify the resolution.
3. Take no action.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
APPROVING A TRANSFER OF APPROPRIATIONS**

WHEREAS, certain expenditures for the McLoughlin Blvd project are SDC eligible but were not included in the Capital Projects category of the Transportation SDC Fund when the 2005-2006 fiscal year budget was adopted; and

WHEREAS, the Contingency category of the Transportation SDC Fund has appropriation authority that could be made available for the eligible expenditures ; and

WHEREAS, the Stormwater Fund has been making transfers to the Stormwater Capital and Reserve Fund over the past few years to fund future capital projects; and

WHEREAS, the June 30, 2005 audit report indicated that the Stormwater Fund ended the year with a deficit balance; and

WHEREAS, appropriation authority exists in the Contingency category of the Stormwater Capital and Reserve Fund that could be made available to transfer funds back to the Stormwater Fund; and

WHEREAS, Oregon Local Budget Law allows a governing body to transfer appropriation authority by passing a resolution or ordinance (ORS 294.450(1&(3)).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie:

The transfer of appropriations is hereby approved as follows:

From:	To:
Fund: Transportation SDC Contingency \$217,000.00	Capital Outlays \$217,000.00
Fund: Stormwater Capital and Reserve Contingency \$200,000.00	Transfers \$200,000.00

Introduced and adopted by the City Council on April 4, 2006. This resolution is effective upon passage.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, & Corrigan, LLP

Pat DuVal, City Recorder

City Attorney



TO: Mayor and City Council
THROUGH: Mike Swanson, City Manager
FROM: Pat DuVal, City Recorder
DATE: March 24, 2006
RE: Fourth Amendment to Personal Services Contract With Ramis, Crew, Corrigan, LLP (Firm)

ACTION REQUESTED

Approve the proposed Fourth Amendment to the Personal Services Contract regarding the fees paid for City Attorney services and authorizing the Mayor to execute it on behalf of the City.

BACKGROUND

In July 1998 the City and the Firm entered into a contract providing for “legal representation as authorized by the City Council and/or City Manager.” Among the provisions of that agreement was a fee schedule that set forth the hourly rates to be paid. On April 19, 2005, the Council approved Resolution 18-2005 that authorized the Third Amendment to the Personal Services Agreement and established the following hourly rates for fiscal year 2005 – 2006.

Partners	\$140.00
Sr. Associates	\$125.00
Associates	\$110.00
Law Clerks/Legal Assistants	\$ 70.00

The proposed Fourth Amendment to the Personal Services contract amends the hourly rate to be paid all attorney categories by \$5 per hour and leaves the law clerk/legal assistant rate unchanged. If approved, 2006 – 2007 rates will be:

Partners	\$145.00
Sr. Associates	\$130.00
Associates	\$115.00
Law Clerks/Legal Assistants	\$ 70.00

The City has been well-served by the Firm. Prompt responses and direct answers to Council and staff requests for opinions are normal practice. By increasing rates by a limited amount on an annual basis, substantial increases can be avoided.

FISCAL IMPACT

The proposed amendment will become effective July 1, 2006. The increase will be absorbed within the approved FY 2006 – 2007 Budget.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AUTHORIZING THE MAYOR TO EXECUTE THE FOURTH AMENDMENT TO PERSONAL SERVICES CONTRACT WITH RAMIS, CREW, CORRIGAN ESTABLISHING NEW RATES FOR SERVICE EFFECTIVE JULY 1, 2006 AND MAKING OTHER AMENDMENTS

WHEREAS, the City and the predecessor in interest of Ramis, Crew, Corrigan LLP (Contractor) executed a contract in July 1998 (the Contract) whereby the Contractor assumed the duties of City Attorney on behalf of the City; and

WHEREAS, there have been three subsequent amendments to the Contract;

WHEREAS, the Contractor's performance and increased costs justifies an increase in the rate charged; and

WHEREAS, the new proposed rates are lower than the rates charged to other jurisdictions.

NOW, THEREFORE, BE IT RESOLVED by the City Council City of Milwaukie, Oregon, that:

Section 1. Section II.A.2. of the Contract be amended as follows:

Hourly Rates effective July 1, 2006:

Partners	\$145.00
Senior Associates	\$130.00
Associates	\$115.00
Law Clerks/Legal Assistants	\$ 70.00

Section 2. Other changes as shown on the Fourth Amendment to Personal Services Contract, attached hereto as Exhibit A, are approved.

Section 3. The Mayor be authorized to execute the Fourth Amendment to Personal Services Contract.

Section 4. This resolution is effective immediately, but the changes in hourly rates provided by Section 1 of this resolution shall not take effect .

Introduced and adopted by the City Council on _____, 2006.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:

Pat DuVal, City Recorder

Michael F. Swanson, City Manager

RESOLUTION NO. _____

FOURTH AMENDMENT TO PERSONAL SERVICES CONTRACT

This Fourth Amendment to Personal Services Contract is made between the City of Milwaukie, an Oregon municipal Corporation (City) and Ramis Crew Corrigan LLP (Contractor).

RECITALS

- A. City and Contractor's predecessor in interest entered into a Personal Services Contract for the provision of city attorney services by Contractor to City on July 23, 1998 (the "1988 Contract"). The 1998 Contract has previously been amended three times, in 2002, 2004 and 2005. The 1998 Contract, as amended, is referred to as the Contract.

- B. The parties wish to further amend the Contract to change the hourly rates charged for services by Contractor, to change the name of the Contractor to reflect changes in Contractor's current firm name, and to expressly provide that if Contractor changes its name or is involved in a merger or other change in organization, that the Contract shall be deemed assigned to the new entity and shall remain in effect, provided that key personnel of Contractor are with the new entity, while retaining the City's right to terminate for any reason or no reason.

AGREEMENT

- 1. Except as expressly modified herein, all provisions of the Contract remain in effect.

- 2. Effective July 1, 2006, Section II.A.3 of the Contract is amended to read:
 - 3. Hourly rates effective July 1, 2006:

Partners and Of Counsel	\$145
Senior Associates	\$130
Associates	\$115
Law Clerks/Legal Assistants	\$ 70

- 3. The name of the Contractor wherever it occurs in the Contract is amended to read: "Ramis Crew Corrigan LLP."

- 4. A new Section VI.C is added to the Contract to read:

In the event that the Contractor undergoes a change in organization, such as a name change, or is merged into or consolidated with another entity, this Contract shall remain in effect and be deemed to be assumed by the newly named entity or the entity into which Contractor is merged or consolidate with, provided that the key personnel of Contractor are

members of or employed by the new entity. The key personnel of Contractor currently are Timothy V. Ramis and Gary Firestone. The parties may, by exchange of letters, agree to modify the list of key personnel. Nothing in this provision limits the City's ability to terminate this agreement for any reason or for no reason as provided in Section VI.B.

CITY OF MILWAUKIE

DATED: _____

By: _____
Mayor James Bernard

CONTRACTOR

DATED: _____

By: _____
Gary Firestone



To: Mayor and City Council

Through: Katie Mangle, Planning Director
Kenneth Asher, Community Development and Public Works Director
Mike Swanson, City Manager

From: Susan P. Shanks, Associate Planner

Subject: Measure 37 Claim

Date: April 4, 2006

Action Requested

Deny the Measure 37 claims submitted by LeRoy and Chelsea Hummel ("applicant") for the properties located at 4791 King Road and 4813 King Road.

Background

The applicant submitted two Measure 37 claims on November 3, 2005. The claims are for adjoining properties on King Road that were purchased in 1957 and 1989. Based on the applicant's written statement and research conducted by the Planning Department and City Attorney, the City Attorney has concluded:

- The applicant has no grounds for a Measure 37 claim for the property purchased in 1989 and located at 4813 King Road.
- The applicant fails to show that the market value for the property purchased in 1957 and located at 4791 King Road has been reduced as a result of the city's current land use regulations.

The City Attorney's complete findings are provided in the attached memo.

Concurrence

The Planning Director concurs with the City Attorney's assessment.

Fiscal Impact

Denial of both Measure 37 claims results in no fiscal impact to the City.

Work Load Impacts

Denial of both Measure 37 claims results in no additional workload impacts.

Alternatives

As described in the attached memo from the City Attorney, the Council may find that the market value of the 4791 King Road property purchased in 1957 has been reduced as a result of the city's regulations. If the Council makes this determination, the City Attorney recommends granting the applicant a waiver in lieu of compensation since the City lacks the funds to pay compensation for Measure 37 claims.

If the Council opts to grant the applicant a waiver, it must waive those land use regulations that restrict the use of the property and lower its value. The attached memo from the City Attorney describes which land use regulations must be waived and which are exempt from waiver. In general, regulations that protect public safety are exempt from waiver. Regardless of which regulations are waived, granting the applicant a waiver will not result in any fiscal impact to the City.

Attachments

Memo from Gary Firestone, City Attorney.

RAMIS
CREW
CORRIGAN, LLP
ATTORNEYS AT LAW

1727 N.W. Hoyt Street
Portland, Oregon 97209

(503) 222-4402
Fax: (503) 243-2944

MEMORANDUM

TO: Milwaukie City Council

FROM: Gary Firestone, City Attorney's Office

DATE: March 6, 2006

RE: Hummel Measure 37 Claims

BACKGROUND

LeRoy and Chelsea Hummel own two adjacent lots on King Road: 4791 King Road (Tax Lot 5100) and 4813 King Road (Tax Lot 5300). They acquired the properties at two different times. They acquired TL5100 in 1957 and TL5300 in 1989. The properties were in the County until 1962 and were annexed into the City at that time.

Both lots are currently zoned R-5. At the time the Hummels acquired TL5100, it was not subject to any zoning regulations. However, TL 5300 was already in the City and zoned R-5 when purchased by the Hummels.

LEGAL ISSUES AND STANDARDS

Under Measure 37, the initial issue is whether land use restrictions have been placed on the property that restricts the use of the property that decrease the value of the property. To decide this issue, the City must determine what additional regulations restricting the use of the property have been imposed since the properties were first acquired by the current owners.

The City must then determine whether the additional restrictions have reduced the market value of the properties. That requires a comparison of the value of the property with current regulations and the value that the property would have if the only regulations were the regulations in effect at the time the property was acquired by the current owners.

The Hummels have submitted two separate claims, one for each property. Because the properties were acquired at different times, under Measure 37, different standards would be applied to each property

DISCUSSION

Tax Lot 5100

Tax lot 5100 is approximately one acre in size, and is approximately 100 feet by 435 feet. At the time it was purchased by the Hummels, it was not subject to any land use regulations. It was not subject to lot size minimums or to setback or other development standards. The Hummels claim that they want to develop it with 8 to 10 dwellings per acre, but base that amount on current zoning.

The initial step in a Measure 37 analysis is whether the property owner is entitled to compensation. Under the facts of this case, compensation would be the value of the lot subject to all current regulations (other than health and safety regulations) and the value of the lot without any land use regulations. The only evidence as to value offered by the Hummels is information that the market value of one of this property is \$185,981. However, a review of publicly available tax assessor information reveals that the market value as determined by the assessor is \$203,000.

The Hummels have not provided any appraisal of the value of the property assuming it could be developed for multiple dwellings. They have argued that lots have a value of \$70,000 per lot. However, that is the value of already subdivided lots, and the value of an unsubdivided property is far less than the total of the value of each lots if the property were already subdivided, in part because of the anticipated costs of subdividing the property, which includes planning, engineering and development costs. The \$70,000 amount represents the value of a lot that has street frontage and all utilities. In this case, there is an existing house on the property. To achieve maximum development of the property, the house would have to be removed, which would remove the major part of the current value of the property.

The Hummels have not provided information to allow the city to determine the difference, if any, between the value of the property subject to existing regulations and the value that the property in its current undivided condition would have if it were not subject to land use regulations. They have not provided any information as to what the value of the property would be if it were subdividable into 8 to 10 lots.

Furthermore, in their materials, the Hummels stated: "The City of Milwaukie has increased the value of my property through zoning, in an effort to provide more in-fill property available to meet the METRO service district's demands." This admission that the value of the property has been increased by the City's regulations is strong evidence that the Hummels are not entitled to compensation under Measure 37 because the zoning regulations have not reduced the value of the property.

Memorandum re: Hummel Measure 37 Claims

March 6, 2006

Page 3

If the Council determines that the Hummels have established that there has been a reduction in value because of the imposition of land use regulations, the City must then decide whether to pay compensation or grant a waiver.

The City lacks the funds to pay compensation for Measure 37 claims. Therefore, if the Council determines that compensation is otherwise payable, it must waive those regulations that restrict the use of the property and lower its value. Although unclear from the materials submitted, it appears that the Hummels seek a waiver of street standards and of lot size and dimension standards. However, Measure 37 does not apply to restrictions for the protection of public safety. The requirement to have adequate streets and sidewalks are regulations that protect the safety of motorists, pedestrians and bicyclists. However, some of the standards go beyond what is necessary for public safety. Therefore, if the Council determines that a waiver is needed, it can waive the requirement that the access street be dedicated to the public, but can require that the accessway meet the minimum standard of having two 10 foot travel lanes, and a 5 foot sidewalk as the minimum standards needed for public safety. The City can also require compliance with sight-distance standards for the intersection of the accessway and King Road, and can require compliance with other sight-distance and clear vision standards.

As to lot size and dimension standards, because there were no standards whatsoever at the time the property was acquired, if the Council determines that a waiver is appropriate, the waiver should be of all lot size and dimensional requirements.

The Claimants asked for a waiver of fees. Fees are not land use regulations that restrict the use of property. Therefore, Measure 37 provides no basis for the waiver of fees.

If a waiver is granted, the Council may limit the waiver to the Hummels. The state takes the position that waivers are not transferable.

Tax Lot 5300

Tax Lot 5300 was subject to the City R-5 zone at the time the Hummels acquired the property. The Hummels have not identified which R-5 regulations, if any, have changed to restrict the use of the property since it was acquired by the Hummels. Measure 37 applies only if the regulations adopted after acquisition of the property restrict the use of the property.

The Claimants sought a waiver to “lift all variances and fees.” As stated above, Measure 37 does not provide a basis for waiving fees. Furthermore, the City had variance standards in place in 1989 and those standards have not significantly changed and have not become more restrictive since

that time. The variance standards do not restrict the use of property. Therefore, the waiver sought by the Claimants cannot be authorized under Measure 37.

RECOMMENDATION

We recommend that the Council deny the Measure 37 claim as to TL 5300 for the following reasons:

1. At the time the claimants acquired the property, the property was zoned R-5 and the property is still zoned R-5. The Hummels have not identified any regulations adopted since they acquired the property that restrict the use of the property.
2. The claimants have not provided any information that the market value of the property with existing regulations is less than the market value that the property would have if the 1989 regulations (assuming that there have been changes) were in effect. The Claimants have admitted that the City's zoning regulations have increased the value of their property.
3. Even if the claimants had established that they would be entitled to compensation, the City would be authorized to provide a waiver as an alternative to compensation. Under Measure 37, the waiver is for waiver of regulations adopted after the property acquisition. The Claimants have not identified any regulations that were adopted after they acquired the property that restrict its use.
4. The waiver sought by Claimants was: "Lift all variance requirements and fees needed to develop the property." The City can only waive regulations adopted after the Claimants acquired the property. The City's variance requirements were in place before the Claimants acquired the Property. The City's fee requirements do not restrict the use of the property, so they are not subject to Measure 37.

We recommend denial of the Measure 37 claim for TL5100 for the following reasons:

1. The claimants have not provided any information that the market value of the property with existing regulations is less than the market value that the property would have if unregulated. The Claimants have admitted that the City's zoning regulations have increased the value of their property. There is no evidence in the record that the market value has been reduced because of the City's regulations.

2. The City cannot waive fees under Measure 37.

ALTERNATIVES

The City Attorney's office does not believe there is any possible basis for allowing the Measure 37 claim for TL 5300 unless the Hummels identify code amendments since 1989 that restrict the use of the property.

As to TL 5100, it is clear that there are regulations that limit the uses of property and that there were no such regulations at the time the property owners acquired the property. Whether those regulations have reduced the market value of the property is a factual issue for the Council to decide. If the Council concludes that there is sufficient evidence to conclude that the market value of TL 5100 has been reduced by the City's regulations, then the City has to either pay compensation or provide a waiver. The compensation amount sought by the Claimants is unrealistic. However, any amount probably exceeds the City's ability to pay, so the most likely option, if the Council decides that Claimants have a valid claim, is to provide a waiver to allow development of the property.

If the Council decides to grant a waiver, we recommend the following provisions:

1. The street developments standard are waived, but access must be provided consistent with vehicular and pedestrian safety. Vehicular and pedestrian safety require that all lots be on an access road with two 10-foot travel lanes, and one 5-foot sidewalk. The access road may be public or private. Site distance standards, clear-vision standards, and other safety standards are not waived and remain in effect.
2. All lot size, dimension, setback, and similar standards are waived. All structures must comply with applicable building codes.
3. The waiver is not transferrable.



To: Mayor and City Council

Through: Mike Swanson, City Manager
JoAnn Herrigel, Community Services Director

From: Les Hall, Code Enforcement Coordinator

Subject: Amend Title 8 of Municipal Ordinance to include clean-up requirements for properties declared unfit for use.

Date: March 22, 2006

Action Requested

Approve an ordinance amending Title 8 of the Milwaukie Municipal Code to insert section 8.04.070 (J) declaring houses deemed “unfit for use” due to the presence of hazardous substances/chemicals used in the manufacture of illegal drugs to be a nuisance affecting public health.

Background

Over the past several years there has been a dramatic increase in the use of methamphetamine, (meth). Meth can be easily created in almost any location. After a meth lab has been moved, or closed down by a law enforcement agency, the remaining chemicals or residue can create a substantial health risk to those that may become exposed to this residue.

The attached ordinance has the following important elements:

- Encourages timely and proper clean up of contaminated sites.
- Specifically addresses properties used in manufacture of illegal drug manufacturing.
- Minimizing citizen exposure to hazardous substances.

Current City code does not specifically address drug labs. The only re-course that we would have would be to require the property, once vacated, to be

boarded up according to our ordinance for vacant buildings. This would not address the issue of clean up.

Once a property has been discovered to contain the makings of a lab, it is declared "unfit for use" by a law enforcement agency. After being declared unfit for use, the property is not to be used or occupied. However, there is no mechanism in place for immediate clean up. Properties may sit vacant for up to six months, during which time citizens still have the potential to become exposed to any remaining residue.

With the adoption of this Ordinance, the City would, upon the property being declared unfit for use, be able to immediately notify the property owner and require that a certified contractor clean the property in a timely manner.

While there are currently no clandestine drug labs which have been declared unfit for use within the City of Milwaukie, there are several in the immediate area of the City. Having this ordinance in place prior to such a discovery would give the City a procedure to address these issues.

Concurrence

Community Services, Code Enforcement and the Police Department feel this code amendment would be a benefit to the City, as it would allow for a speedy clean up of meth labs once the property has been declared unfit for use. Even if the property is not occupied, the potential of contamination still exists as children, pets, etc. may become exposed to the residue and spread the contaminants to other properties.

After speaking with the City Attorney, Gary Firestone, he agreed that the City should amend our current ordinance to deal with the impacts of such a situation. Mr. Firestone feels that we may have some recourse under our current nuisance ordinance, but an ordinance specifically targeted towards unfit for use properties, due to illegal drug manufacturing, would give us a better alternative to deal with these types of situations.

The Police Department agrees that this would also be beneficial to the residents of the City as it would allow the City to achieve clean up faster than it would be accomplished under current rules at the State level.

Fiscal Impact

The fiscal impact would be minimal, as we would use the same resources and procedures already in place to deal with violations of the City Ordinance.

Work Load Impacts

Should such a property be discovered within the City limits, the workload would be minimal, as we already have established procedures for violations of our nuisance code.

Alternatives

Do not approve this ordinance, leaving open the possibility of discovering a meth lab within the City and being unable to take action against the owners to clean it in a timely manner.

Allow properties to remain unfit for use during the six-month period and bring suit against property owner after time has expired, with the possibility of property being used, or additional contamination occurring.

Attachments

Ordinance amending code language in Title 8 of Milwaukie Municipal Code.

**CITY OF MILWAUKIE
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 8.04.070 OF THE MILWAUKIE MUNICIPAL CODE TO ADD PROPERTIES DECLARED “UNFIT FOR USE” DUE TO ILLEGAL DRUG MANUFACTURING CONTAMINATION TO THE LIST OF PUBLIC HEALTH NUISANCES.

WHEREAS, the City Council believes that properties that are declared “unfit for use” are detrimental to the public’s health, safety, and welfare; and

WHEREAS, allowing properties that are unfit for use to remain in such a state increases the risk to the public’s health safety, and welfare.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Section 8.04.070 of the Milwaukie Municipal Code is amended to add a new subsection (J) to read as follows, with all other portions of Section 8.04.070 to remain in effect:

8.04.070 (J) Properties Declared “Unfit for Use”

(1) Property placed on the Oregon Health Division “unfit for use list” because it has been used for the manufacture of illegal drugs and that has not been issued a “Certificate of Fitness” by the Oregon Health Division.

Read for the first time on _____ and moved to a second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor this _____.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, & Corrigan, LLP

Pat DuVal, City Recorder

City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager
JoAnn Herrigel, Community Services Director

From: Les Hall, Code Enforcement Coordinator

Subject: Amend Title 8 of Municipal Code to address inoperable vehicles on private property

Date: March 22, 2006

Action Requested

Approve an ordinance amending Title 8 of the City of Milwaukie Municipal Code to include the storage of inoperable vehicles on private property and to include a definition of inoperable vehicles in Title 8 definitions.

Background

Code Enforcement staff receives numerous complaints about vehicles that are in the driveway areas of houses, which are unlicensed, have flat tires, or otherwise in a non-drivable condition being stored for extended periods of time. As many of these vehicles are not dismantled, they do not violate current code, but nonetheless detract from the livability and appearance of the neighborhood. Currently, City Code only prohibits storage of vehicles that are dismantled or unlicensed in the front or side yard setbacks. The Zoning Ordinance states that "all vehicles, licensed or unlicensed, shall be stored in driveway areas only."

The proposed code changes would:

- 1) Amend Title 8.04.070 (B) to include "inoperable vehicles" in the list of materials that are prohibited to be stored on private property.
- 2) Amend Title 8.04.010 – Definitions - to define "Inoperable vehicles" as: "any vehicle which has no current valid state vehicle license, or which cannot be moved without being repaired or dismantled or which is no longer usable for the purposes for which it was manufactured. This definition shall not include any

vehicle kept in an enclosed building or any vehicle kept on the premises of a business lawfully engaged in wrecking, junking or repair of vehicles.”

Concurrence

Code Enforcement staff feels that these code changes would be beneficial to the overall livability of neighborhoods.

Planning feels that this amendment would be beneficial to the citizens of Milwaukie.

Fiscal Impact

Compliance with this code language would have no fiscal impact on the City. , Non-compliance could cause abatements, which would be partially offset by penalties imposed by the Municipal Judge imposing penalties.

Work Load Impacts

Slight increase for Code Enforcement staff due to enforcement actions.

Alternatives

Make no changes and allow inoperable vehicles to continue being stored on private property.

Attachments

Ordinance amending code language in Title 8 of Milwaukie Municipal Code.

ORDINANCE NO. _____

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.

WHEREAS, the City recognizes the need to maintain neighborhood livability; and

WHEREAS, the parking of inoperable vehicles on private property detract from the livability of neighborhoods; and

WHEREAS, inoperable vehicles create a nuisance and blemish the visual appeal of neighborhoods;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1: Milwaukie Municipal Code Section 8.04.070(B) is amended to read as follows:

B. Debris on Private Property. Accumulations of debris, rubbish, manure, and junk, junk machinery or junk vehicles of any kind, inoperable vehicles, and other refuse located on private property that are not removed within a reasonable time and that affect the health, safety or welfare of the city;

Section 2: Milwaukie Municipal Code Section 8.04.010 is amended to read as follows:

8.04.010 Definitions.

Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine, and the following definitions shall apply:

A. "City" means the City of Milwaukie.

B. "City manager" means the city manager or person authorized by the city manager.

C. "Council" means the governing body of the city.

D. "Inoperable vehicle" means any vehicle which has no current valid state vehicle license, or which cannot be moved without being repaired or dismantled, or which is no longer usable for the purposes for which it was manufactured, and which has been in that condition for at least 15 days. "Inoperable vehicle" does not include any vehicle kept on an enclosed building or any vehicle kept on the premises of a business lawfully engaged in wrecking, junking or repair of vehicles.

E. "Person" means a natural person, firm, partnership, association or corporation.

F. "Person in charge of property" means an agent, occupant, lessee, contract purchaser or person, other than the owner, having possession or control of the property.

G. "Public place" means a building, place or accommodation, whether publicly or privately owned, open and available to the general public.

Read the first time on _____ and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____

Jim Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:

Ramis, Crew, & Corrigan, LLP

Pat DuVal, City Recorder

City Attorney

North Clackamas Parks and Recreation District
Milwaukie Center/Community Advisory Board
Minutes for February 10, 2006

MEMBERS PRESENT: Joan Staley, Molly Hanthorn, Jim McCreedy, Jane Hanno, Joy Estee, Katie Rudolf, Ben Horner-Johnson, Carolyn Mills, Kathi Schroeder, Eleanor Johnson

MEMBERS EXCUSED: Kim Buchholz, Chuck Petersen, Sharon Phillips, Ben Tabler

MEMBERS ABSENT: Joan Rowe

STAFF PRESENT: Cheryl Nally, Roy Wall, Dan Zinzer

CALL TO ORDER: Joan Staley called the meeting to order at 9:30am. Molly moved and Jane seconded approval of the minutes as presented.

GUESTS: None

CORRESPONDENCE: None

ACTION ITEM: Eleanor moved and Jim seconded a motion to accept Jane Hanno's application for another term on the Milwaukie Center Advisory Board. The board passed the motion unanimously.

SPECIAL TOPICS: Dan Zinzer reported that the sports complex designs are completed and the bids will be out this Spring. The road into North Clackamas Park will be repaved to the fields and the parking lot will be repaved when the Center has its annual maintenance closure in the Fall. Dan also reported that a stewardship committee is being formed to effect an improvement in communication. The neighborhood will be involved and Mary Stewart from PSU Mediation Services will be guiding the committee. The Board approved the May vote to annex Happy Valley into NCPRD.

Roy Wall reported that there is a need to look into earthquake readiness issues for Milwaukie Center. Staff is exploring options for funding, ie, Homeland Security funds, for this project. The recommendations from the Transportation Ad Hoc Committee will be looked at and some items will be included in the budget. The Nutrition/Transportation's savings account could be used up due to overspending the budgeted amount and not enough revenues. New money needs to be raised to offset the deficits.

BOARD/COMMITTEE REPORTS:

EXECUTIVE REPORT Did not meet

NC PARK DISTRICT BOARD: A repeat discussion of the naming of parks was held and more input from staff will be sought. The 2006 Metro bond money for target areas was discussed and a priority list was made by the Parks District. Charlie Ciecko is working on the Aquatic Park task Force recommendation to explore the formation of a fitness center being added to the Aquatic Park.

BUDGET/FINANCE: The next meetings will be March 7 & 8 to review and discuss the budget.

NUTRITION/TRANSPORTATION: No report

OTHER REPORTS:

The Friends of the Milwaukie Center, Inc.: The Spaghetti Dinner and Texas Hold 'Em Tournament will be held on February 25. The Board continues to work on funding sources and building the endowment.

GOVERNOR'S COMMISSION REPORT: Will be discussed at the next board meeting.

CENTER REPORT: Cheryl reported that a professional from Mental Health will be at the Center on February 24th at 1pm to discuss how to work with difficult behavior.

INFORMATION/ANNOUNCEMENTS: The family of Pete Knudson and the Center will hold a memorial for him on Sunday February 12 at 1pm. Pete was a long-time member of the kitchen staff.

AGENDA FOR THE NEXT MEETING: The 2006-2007 budget

The meeting was adjourned at 10:05. The next meeting is March 10 at 9:30 am.

Carolyn Mills, Secretary

North Clackamas Parks and Recreation District
MILWAUKIE CENTER DIVISION
Monthly Report for February, 2006

Program/Services:

The month of February, 2006 started off on a somber note for the Milwaukie Center when we learned of the loss of our staff, Peter Knutzen, due to pneumonia. Pete worked at the Milwaukie Center for seven years, committed to the cause that no senior goes hungry. Pete started with us as a volunteer Meals on Wheels driver for a couple of years before applying for and being appointed to the job of Nutrition Program Cook. Memorial contributions to Pete will go to the Milwaukie Center Nutrition Program Endowment Fund. Staff is currently exploring ways to remember Pete at the Center.

The Milwaukie Center has embarked on an effort to look at the name of the Center. The Center/Community Advisory Board (C/CAB) and Friends of the Milwaukie Center Board of Directors both held brainstorming sessions at their meetings and we have been soliciting patron input for potential name changes. The C/CAB has appointed an ad hoc committee to review the list of suggestions and bring forward their top recommendations.

Eighty percent of the care given to older adults with long term care needs is provided by family caregivers. A seminar on "*Difficult and Challenging Behaviors Among those you Care for*" was presented by Nirmala Dhar, Geriatric Specialist from Clackamas County Community Health Department to older adults who are unexpectedly finding themselves faced with care giving roles.

The Travel Program's Out to Lunch Bunch went to Rose's Deli for a Valentine's Day treat complete with a country ride and a beautiful flower presentation. On Feb. 24 a group traveled to the Yard, Garden and Patio Show to enjoy a day of browsing through colorful flower gardens and wonderful displays. Sign up for a St. Patrick's Day lunch at Kell's with a traditional Irish meal. The new "Tag-A-Long" program begins for grandparents, parents and kids with an inaugural trip to OMSI – an intergenerational and educational trip and you leave the driving to us!

Fund-raising:

In partnership with Milwaukie Rotary Club, the Friends held their annual All-You-Can-Eat Spaghetti Dinner – one of their major fundraising events. Dinner attendance was around 400 people with nearly 40 people volunteering to make everything go smoothly! A successful, first-ever Texas Hold'em Tournament was held in conjunction with the dinner. The first prize winner took home a \$500 gift certificate to GI Joes.

The Transportation Programs See's Candy Valentine fundraiser was a success bringing in over \$1,300 directly towards the transportation program. The continued success of this fundraiser can be attributed to the volunteers at the Milwaukie Center who help sell this candy and this year we also sold candy at the Aquatic Park and Clackamas Community Credit Union Milwaukie branch.