

**MILWAUKIE CITY COUNCIL  
WORK SESSION  
JUNE 19, 2000**

The work session came to order at 5:30 p.m. in the Milwaukie City Hall conference room.

Council Present: Mayor Tomei and Councilor Newman.

Staff: City Manager Bartlett, Assistant City Managers Bennett and Richards, and Program Specialist Herrigel.

### **Information Sharing**

Council directed staff to prepare thank you letters to David Bragdon, Metro Presiding Officer, for providing neighborhood scholarships and Siri and James Bernard for the Bing Cherry Festival.

### **Open Public Forum**

**Jean Schreiber** reiterated her previous comments about Council and staff drinking bottled water rather than Milwaukie water. She discussed the City budget and the general attitude of the public. She thought the City could be more sophisticated in its planning to help overcome the conflict between the City Council's vision and vocal community members while addressing the needs of the silent majority. Schreiber recommended looking more closely at the characteristics of the population and be more in harmony with what the community wants from life. She discussed the need for appropriate housing, public transportation, safety, and security.

**Schreiber** went on to discuss the Public Safety Building and how the City Council at that time envisioned it as a facility that would address growth issues and regionalization. The City Council was looking for ways to share the financial burdens with other agencies, but then voters approved the tax limitation measures. Now residents think they were sold a bill of goods for a facility that was built and equipped to handle a consolidated dispatch center. People are concerned about jobbing out a service to LO-COM which has no room for expansion. It is important for the City to determine if it is prioritizing its projects for the short or long term. She suggested the City look at building capacity so it can sell some of its services to other agencies.

**Ed Zumwalt** referred to comments made by Councilors King and Lancaster at the June 6 meeting about people wanting a lot of services but not willing to pay for them. Citizens paid for the Public Safety Building, and he found it hard to understand why there was not a contingency to install a computer-aided dispatch

system. This type of thing makes people question their support of future bond measures. He suggested a \$900,000 bond measure to upgrade the 9-1-1 system and properly equip officers on the street. A lot of residents are asking why the City is anticipating a \$2 million shortfall in fiscal year 2001 - 2002.

**Bartlett** responded that the Budget Committee asked for a 5-year projection. He factored in those programs and projects the Committee wanted to add, the current inflation rate, salaries, and repayments to dedicated funds for park property acquisition. His projection indicated inflation at \$12 million with revenues coming in at \$10 million. The result is a \$2 million shortfall in the general fund. The interest rate on interfund loans is 6%.

**Melanie Downs-Phillips** spoke to the City Council about traffic congestion and pedestrian safety on Lake Road. She has already spoken with Councilors, the City Manager, police department, and school district about her concerns with drivers passing in the bike lanes. Many students in the Rowe attendance area walk to school, and, with dismissal being at 3:50 p.m. next year, they will be walking home during rush hour. If the Clackamas Education Service District facility opens near Lake Road, there will be additional traffic. She noted private roads in the neighborhood are being closed to pedestrians.

**Bartlett** said he would look into the private roads being closed. Flashing lights will be installed this summer in the Rowe Middle School zone, and staff is working with Metro on the Lake Road Multimodal Plan.

**Mayor Tomei** was concerned people were being encouraged to walk but were not provided with safe walkways.

**Schreiber** commented it was known five years ago the City would not be able to meet contemporary needs with old-style funding methods.

**Bartlett** addressed Zumwalt's comments about the Public Safety Building. The Dispatch Center is roughly 1000 square feet, and the rest of the building is being used as the voters were told. There was no contingency for CAD because it was and still is being debated about who can provide the best service at the best price. Milwaukie police officers can talk with Portland radios from car to car, but they do not have that capability with Clackamas County because that agency has not funded an 800 MHz system.

### **Johnson Creek Boulevard Project**

**Bennett** and **Brett Kesterson**, City of Portland Sr. Engineer, briefed the City Council on the Johnson Creek Boulevard improvement project which began in 1993.

**Kesterson** said the one recurring theme is the 40- vs. 44-foot right-of-way. The original charge was to minimize takings and keep the improvements within the 40-foot right-of-way. To receive federal funding, certain multimodal improvements including bike lanes and sidewalks are required, and it became

apparent these improvements could not be accomplished within a 40-foot right-of-way. This became clear in 1991, and the 44-foot right-of-way number has been used in all subsequent meetings.

In some portions of the project, from 36<sup>th</sup> Avenue to the bend, the road is being moved to the south to avoid the very steep slope and Portland's environmental zone or E-Zone. From a planning bureau point of view, it would be a real battle to even think of moving into that zone. Responding to a question from Mayor Tomei, Kesterson said no houses will be taken, but he noted the locations of several retaining walls that would be impacted.

**Bennett** added 60% of the project, which is now up to the third phase, is in Milwaukie and referred to staff report page 40 that gave a general description of the project. She pointed out the Lillie home which would be affected. The City of Portland decided to contract with ODOT for right-of-way acquisition, and the intergovernmental agreement spells out the project expectations. This agreement will initiate phase 3 of the project. Staff has been advised this agreement is mostly a formality for Milwaukie.

**Kesterson** discussed the inconsistencies between the 1917 and 1924 surveys that were discovered when county subdivision records were pulled. Research showed a dedication in 1917, and this was how the property on the north side was platted. In 1924, subdivisions were developed on the south side, but the plat submitted changed the north boundary without authorization. The 1917 survey is the legal document. He added that Clackamas County did accept the City of Portland's work and plat.

**Bennett** explained property owners who dispute the boundary can mediate with Clackamas County. Both the 1917 and 1924 surveys are Clackamas County documents, and the road is under county jurisdiction. There are five affected properties, and the Lillie house was built based on the 1924 survey.

**Rebecca Lillie** said she talked with the County, but she feels she is being thrown around between jurisdictions.

The group referred to a large drawing indicating those properties most affected by the project.

**Councilor Newman** asked why the County was not more involved.

**Bartlett** said that was a policy question. Former County Commissioner Lindquist was committed to solving this problem in exchange for Milwaukie's taking over the road when it was brought up to urban standards. The current Board of Commissioners is more concerned with Sunnyside Road.

**Bennett** said staff is working on an agreement with Clackamas County to resolve the survey issue. The County is actually saving money because of the federal dollars going toward the improvements. Once the project is 100% complete, Milwaukie will accept jurisdiction. Unless City Council directs otherwise, staff will continue in this manner with construction beginning in 2002.

## **Garbage and Recycling Rates**

**Herrigel** and **Estele Harlan**, solid waste franchisee representative, reported the haulers show a 9.9% rate of return for calendar year 1999. This is within the 8% - 12% operating margin established by Clackamas County and used by the City, so no rate increase is being requested. **Herrigel** also provided information on comparative rates in the region.

**Councilor Newman** asked what reinvestment capital was, and **Herrigel** responded that it was mainly for new trucks or retrofitting old ones. She briefly discussed Metro fees.

## **Garbage Franchise Fee Relief**

**Herrigel** requested a policy change which would authorize staff to relieve the seven franchise haulers from paying fees on recycled material taken to manufacturers, recycling facilities, or material recovery facilities from a non-residential, single generator account. Staff is also requesting authorization allow franchise haulers to compete for this type of service in the City. She reviewed current franchise agreement provisions.

She discussed a recent case A.G.G. Enterprises brought against Washington County and the City of Beaverton. The District Court Judge entered a permanent injunction barring enforcement of certain sections of exclusive solid waste franchise ordinances for these jurisdictions. Milwaukie has this type of exclusive system with its seven haulers. **Herrigel** discussed the long- and short-term impacts for the City.

**Harlan** said the decision was based on a United Parcel lawsuit having to do with equal rights and transporting property of some value. The judge's decision in the Washington County case is being appealed.

**Herrigel** explained the crucial impact is on Milwaukie's current franchise haulers. The non-franchised hauler would not have to pay a fee while the franchised haulers would not be allowed to compete based on the current franchise agreement. Clackamas County has taken action to what Milwaukie staff is currently recommending.

**Councilor Newman** noted this would also allow franchised haulers to compete with A.G.G. for this type of service. He asked the financial implications to the City.

**Herrigel** said she would provide that information before Council makes its decision at the regular session. She suggested that the City might consider a permitting system and per ton fee for this kind of service.

### **Wide Open West (WOW) Franchise**

**Herrigel** discussed the Metropolitan Area Communications Commission (MACC) intergovernmental agreement (IGA) being drafted for Council consideration on July 10. If the IGA is approved, MACC will complete WOW negotiations for Council approval as well as administer the AT&T franchise.

### **Other**

1. June 26 at 5:30 p.m. Clackamas River Water treatment plant tour, dinner, and discussion of draft water plans.
2. June 26 at 7:30 p.m. Metro meeting at Public Safety Building to talk to the public about proposed charter changes.
3. June 28 meeting scheduled with North Clackamas School District delayed until July.
4. Councilor Newman will not attend the July 10 Council meetings.

### **Adjourn**

The work session ended at 7:25 p.m.

---

Pat DuVal, Recorder