

**MILWAUKIE CITY COUNCIL  
WORK SESSION  
DECEMBER 17, 2001**

The work session came to order at 5:30 p.m. in the City Hall Conference Room.

City Council present: Mayor Bernard and Councilors King, Marshall, and Newman.

Staff present: City Manager Swanson, Interim Community Development Director Rouyer, Acting Planning Director Gessner, and Program Specialist Herrigel.

### **Information Sharing**

1. **Councilor Marshall** commented on a letter received from North Clackamas School District Superintendent Naso and suggested the City Council respond.
2. **Councilor Marshall** asked the status of the electric truck, and staff reported it is being used by the engineering department.
3. **Councilor Marshall** thought Milwaukie should ask Metro if it intends to reimburse the City for Measure 7 claims. While Title 3 may be a great concept, it is another un-funded mandate.

**Swanson** explained cities choose to adopt and enforce regulations and must deal with any lawsuits. Milwaukie will enforce, and people will generally comply.

**Rouyer** added the attorney advised adopting an escape clause.

**Councilor King** suggested cities share legal teams and staff.

### **Purchase of Old Police Building, 2566 SE Harrison Street**

**Swanson** was contacted by a person interested in the property at 2566 SE Harrison Street who may address the City Council at its regular session. This person spoke with the previous city manager and was told the property was not for sale. Swanson explained the staff is finalizing its inventory of City-owned property, and the city attorney is developing a policy for acquisition and disposal. The City Council may decide to continue with the sale to the Burkett's or advertise the property as surplus.

### **Meeting with Clackamas County Board of Commissioners**

**Swanson** will reschedule the joint work session since most discussion issues are still in the developmental stages.

## **Code Enforcement Cases**

**Swanson** said Forris Frick would like to discuss the tree replacement on his property prior to the scheduled January trial. The City Council expressed no interest in a discussion prior to the trial.

**Swanson** recommended proceeding with code compliance action on the Hov case and not waiving the variance application fee. Based on its research, staff does not believe the pergola could be considered an accessory type dwelling.

## **Other**

**Councilor Newman** clarified his comments on acquisition of trail property which appeared in a recent *Oregonian* article. He acknowledged he intended to say getting to the waterfront is a priority.

## **Open Public Forum**

None.

## **Harmony Road Draft Letter**

**Swanson** discussed Clackamas County's plan to widen Harmony Road from 82<sup>nd</sup> Avenue to Fuller Road. The project was approved as part of Milwaukie's Transportation System Plan (TSP) in 1997 by a previous City Council. Staff spoke with Metro and found an amendment would be acceptable. He suggested going through the Draft Environmental Impact Statement (DEIS) process which requires citizen input and assures that residents in the impact area have a chance to be heard and receive published reports.

**Edie Kerbaugh**, Linwood Neighborhood District Association (NDA), understands the widening project alterations would be on the north side of Harmony Road and would incorporate a transit option including busway or light rail. Cedarcrest residents have been contacted, but there is no clear story from the County.

**Councilor Newman** added the funds which had been identified for engineering the Harmony/Linwood overpass have been downgraded to fund Sunrise Corridor engineering. He felt traffic should be diverted from Harmony Road to Hwy 224 by adding an additional southbound left-turn lane at 82<sup>nd</sup> Avenue and Sunnyside Road.

**Swanson** will contact County staff on this issue.

**Councilor Marshall** recommended the City Council be united on its issues before meeting with the Commissioners.

## **Clackamas County Coordinating Committee**

**Swanson** reviewed a memo from the Clackamas County Coordinating Committee staff person Donna Peterson asking for informal city votes on the proposed Library/Parks District and countywide utility fee. Thus far, he felt the Committee has been presented with issues which specifically reflect County problems and concerns.

**Swanson** discussed the history of the library levy which funds the network and supports local services. This levy has been renewed and increased over a number of years, and he believes the voters have spoken in support of their libraries. If sheriff department shortfalls are made up through the proposed public safety levy, the libraries will probably be safer. However, if that levy fails, one commissioner was heard to say the shortfall will be made up by a general fund transfer resulting in reduced library funding. Further, cities with their own police departments will not see any service improvements if the general fund transfer is made to sheriff patrol activities.

The second issue is the proposed countywide transportation utility fee. **Swanson** questioned the advisability of entering into an agreement for funding of any sort without an agreement that city money goes for city streets. He also stressed the need to control consulting project costs and commented on the expense of the SB 122 and Complete Communities projects. It would be good to know at the front end what projects the County has in mind and if they would benefit Milwaukie. The County has asked cities to respond by December 20, and Swanson understands most cities as well as Oak Lodge Sanitary District will say "no". Milwaukie is in the position of needing the County in order to accomplish removal of the Kellogg Treatment Plant in the near future. He prepared 2 draft letters for Council consideration. The first simply said "no", and the second left room for discussion. Both letters discussed the issue of who should really be providing urban services. He recommended the more gentle approach to keep discussions open on other issues.

**Mayor Bernard** and **Councilor Newman** favored draft #2.

**Councilor Marshall**, a CCCC member, understood there would be a pool of projects to which transportation fee funds would be allocated, and the Committee would be responsible for prioritizing them. Members are also concerned about how election campaign costs would be allocated. He felt the CCCC should step back and make some general policy decisions.

**Swanson** said most cities are concerned about the funds being spent on the Sunrise Corridor. He plans to meet with the County transportation director to discuss maintenance fees, but, overall, he feels it is important to keep discussions open.

## **Other**

### **South Corridor Policy Group Meeting**

**Swanson** discussed the projects under consideration including I-205 and McLoughlin Corridor light rail and the gap between the amount of money available and the projected costs. Late in the process, the Association for Portland Progress (APP), a private, non-profit association of central city business leaders, weighed in with a letter saying none of the proposed projects help the multitude of downtown problems and suggesting downtown mall improvements instead.

At a meeting earlier today, Metro staff proposed continuing with the DEIS currently underway and starting up a separate project to look at the downtown Portland issues. The Tri-Met General Manager was concerned the Federal Transit Administration would not be comfortable with this approach without plans for a new bridge. The Milwaukie NDA leadership responded quickly to these recent developments and prepared a letter with its input on this latest proposal.

**Councilor Newman** said, although I-205 and McLoughlin Corridors have been scaled down, no one can figure out how to pay for either one. Clackamas County claims to have some funds available so is that much closer to getting the I-205 project started. Options for closing the funding gaps, including a regional vote, are being considered. At this point, a parallel process to study downtown Portland problems seems appropriate.

**Councilor Marshall** felt downtown Portland is a separate problem and suggested someone tell Portland and Metro the world does not revolve around them.

**Swanson** said the NDAs dealt with the APP letter very swiftly and let the staffs at the regional level know they are harming their own credibility. Metro representatives are scheduled to meet with NDA chairs on January 19.

**Councilor Newman** said the project must be as lean as possible while serving the greatest number of people. It may be necessary to resurrect the bus option. The new proposal on the table from APP will likely make things more complicated and expensive. A relatively small project like McLoughlin Corridor should not take on the added burden of solving other problems.

**Councilor Marshall** added the complaint has always been that the projects are too expensive. We need to get down to the business of moving people.

**Ed Zumwalt** said a lot of people worked very hard on the South Corridor Study, and Metro still has a credibility problem. He believes it is all politics and money, and neighborhood volunteers will not work to support the additional projects.

## **Adjournment**

**Mayor Bernard** adjourned the work session at 7:00 p.m.

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Pat DuVal, Recorder