

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JUNE 4, 2002**

Call to Order

The 1887th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King

Brian Newman

Staff present:

Mike Swanson,
City Manager

Alice Rouyer,
Community Development Director

Tim Ramis,
City Attorney

Dennis Lively,
Engineering Director

Larry Kanzler,
Police Chief

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Rouyer introduced Milwaukie's newest Planning Director, John Gessner.

CONSENT AGENDA

It was moved by Councilor Newman and seconded by Councilor King to approve the Consent Agenda that included:

1. City Council Minutes of May 20 & 21, 2002;
2. Intergovernmental Agreement with Clackamas County regarding Industrial Pretreatment Program Implementation; and
3. Resolution 12-2002: Renewal of Intergovernmental Agreement with Clackamas County for Juvenile Diversion Program.

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Amend Municipal Code Title 1 Pertaining to Ordinance Maintenance

DuVal presented the staff report in which the City Council was requested to adopt an ordinance that would give the city recorder authority for general code maintenance and for correcting scrivener's errors.

It was moved by Councilor Newman and seconded by Councilor King to read the ordinance amending Municipal Code Title 1 pertaining to ordinance maintenance for the first time by title only. Motion passed unanimously among the members present. The ordinance was read for the first time by title only.

It was moved by Councilor King and seconded by Councilor Newman to read the ordinance amending Municipal Code Title 1 pertaining to ordinance maintenance for the second time by title only. Motion passed unanimously among the members present. The ordinance was read for the second time by title only.

It was moved by Councilor Newman and seconded by Councilor King to adopt the ordinance amending Municipal Code Title 1 pertaining to ordinance maintenance. Motion passed unanimously among the members present.

ORDINANCE NO. 1902:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 1 OF THE MILWAUKIE MUNICIPAL CODE PERTAINING TO GENERAL PROVISIONS AND ORDINANCE MAINTENANCE.

Intergovernmental Agreement for Right of Way Acquisition for the Johnson Creek Boulevard III Improvement Project

Rouyer and **Lively** presented the staff report in which the City Council was requested to authorize the Mayor to sign an intergovernmental agreement (IGA) with the City of Portland to acquire right-of-way. The impact of Milwaukie's delaying the signing would be to delay Portland's signing process. **Rouyer** said, if the agreement is not signed, right-of-way acquisition would be handled in a different manner.

David Mayfield, 3905 SE Johnson Creek Boulevard, Milwaukie, discussed the feasibility of an alternate design concept, a raised bike/pedestrian lane, which could be constructed in a 36-foot right-of-way. He does not believe the City of Portland has provided a response that honors the community. He recommends an amended IGA that includes specific protections for the residents and allows adequate time for meaningful citizen involvement.

Linda Hatlelid, 8617 SE 36th Avenue, Milwaukie, urged the Milwaukie City Council to delay entering into the IGA until the City of Portland resolves and incorporates residents' issues. The main issues that need to be addressed are: overall width of the project; traffic calming; project shift to the south; tree removal; and the environmental zone.

Carlotta Collette, 3905 SE Johnson Creek Boulevard, Milwaukie, is concerned about the decision-making hierarchy in this project and does not feel citizens' positions have been listened to over what is now a 15-year process. The issue is moving traffic through the neighborhood and making good, safe paths for bicycles. This could be one

of the City's prettier streets, but residents must deal with traffic, noise, and pollution on a daily basis.

Gene Hatlelid, 4277 SE Johnson Creek Boulevard, Milwaukie, urged the City Council to support Johnson Creek Boulevard residents by voting against signing this agreement. He feels Milwaukie has been misled several times over the life of this project. Significant concerns are: this improvement project is not actually about safety but rather a storm water and sewer project; the road is out of its right-of-way; the environmental zone; supposed standards that must be met to use federal funds; and the conflicting surveys. He recommended the Milwaukie City Council not sign the IGA until Portland makes an effort to provide what the citizens have requested. It seems premature to acquire property before resolving design issues. There have already been many exceptions made on that street, and Hatlelid feels there is probably room for more. Delaying this IGA for what he feels are the desired results is the last card the residents have to play.

Councilor Newman believes the residents' concerns are legitimate but wonders if delaying the IGA is the right avenue. Some issues may not be resolved until they go to court.

Mayor Bernard would fully support a neighborhood committee if the City of Portland chose to form one. The design is not fully completed, so there should be adequate time for input on issues. There are still some issues that need to be clarified with Clackamas County about what will be done with the property after the project is completed.

Councilor King added the IGA with ODOT is only for acquisition. There has been a promise to give back property when the project is complete.

Councilor Newman noted the travel lane widths in Mayfield's drawing are 10' 4". This concept seems to be within 4 feet of what the community wants.

Mayfield explained this is a concept, and 11' lanes may be necessary. One accepted way to slow traffic is to cut down on lane widths. Because of the proximity to the Springwater Corridor, he believes the combined 7' ped/bike lane and 8" transition would be sufficient. This is not the time to sign the IGA for acquisition because of the City's increased liability. The lack of collaboration with citizens needs to be addressed.

Swanson summarized e-mail correspondence from Steve Johnson, 3707 SE Johnson Creek Boulevard, Milwaukie. Johnson spoke to movement of the roadbed to the north, environmental zone, closure of his driveway, tree loss, the Endangered Species Act, and vested water rights.

Lillie Moore, 4001 SE Johnson Creek Boulevard, Milwaukie, discussed her participation in the initial Metro SE Corridor process where Milwaukie representatives were out voted by Portland members. She noted many large trucks still use the street although it is prohibited, and there is a lot of vibration.

Mayor Bernard said the Milwaukie City Council would reiterate the message delivered to the City of Portland several months ago. He is still committed to looking at alternatives.

It was moved by Councilor King and seconded by Councilor Newman to authorize the Mayor to sign an intergovernmental with the Oregon Department of Transportation for services to acquire public right-of-way for the Johnson Creek Boulevard improvement project.

Councilor Newman said his objective is to make the project as narrow as possible and still have safe bike and pedestrian lanes. He would ultimately like Milwaukie to take over jurisdiction of Johnson Creek Boulevard so traffic calming could be implemented. He is frustrated with Clackamas County for leaving it up to the Milwaukie City Council to resolve an issue it cannot. It has taken an enormous amount of effort to get the funds to finish the project. He feels strongly that if the project is delayed, the City of Portland will use the money on a Foster Road project. He fully supports addressing neighborhood concerns before finalizing the design.

Councilor King is opposed to moving any of the project into the environmental zone.

Motion passed unanimously among the members present.

Staff will prepare a letter from the Mayor to the Portland City Council urging consideration for Milwaukie residents' design concerns.

Other

Mayor Bernard read several letters he received after speaking to a second grade class at Hector Campbell School.

Mayor Bernard announced that ODS was awarded the Oregon Downtown Development Association Adaptive Use Award for its renovation of the Pendleton building.

ADJOURNMENT

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

Mayor Bernard adjourned the meeting at 7:00 p.m.

Pat DuVal, Recorder