

**MILWAUKIE CITY COUNCIL
WORK SESSION
SEPTEMBER 16, 2002**

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

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

Staff present: Director of Community Development and Public Works Alice Rouyer.

Information Sharing

The group discussed restoration of an antique fire truck currently stored at the 40th & Harvey facility and suggested publishing a call for project volunteers in the City newsletter.

Councilor Marshall commented on political signs in the public right-of-way.

Councilor Newman discussed the Springwater Corridor Three Bridges Project and proposed incorporating a gateway or public art element. City Council supported his suggestion.

Councilor King discussed a seminar on ethics and civil liberties she attended the previous week.

Rouyer updated the City Council on the Waldorf School opening. Observations of the site indicate decentralized leadership and a volunteer workforce. The project fell behind on its timelines, so the school opening was postponed. City staff will work closely with school officials on daily basis to ensure student safety prior to issuing a temporary certificate of occupancy. Generally, communications are improving, and Waldorf's pressure on staff has been reduced. She added that no member of Council or the City Manager had directed staff to put a hold on the job.

Councilor Lancaster said Waldorf's failure to plan should not create a staff emergency. Although he appreciates staff's desire to accommodate the project, Waldorf failed to plan, and staff abuse is unacceptable. He feels staff should be able to recoup some of the costs related to expediting the process.

Rouyer believes staff has code authority to add fees. Inspectors are monitoring Waldorf's fire alarm and ADA plans, and the problem with the school's using non-licensed workers has been corrected.

Councilor Marshall said the job should have been shut down if workers were not licensed, bonded, and insured. It is not the City's function to help Waldorf through its project.

Rouyer updated the City Council on the vacant house stored on 21st Avenue. Following City Council direction, the Planning Director sent a letter to the owner of the house, Rich Peterson, which stated the structure must be removed by September 19 or a bond submitted. If Peterson takes no action, the City will begin enforcement. The City Council can probably expect some citizen comments.

Mayor Bernard spoke with George Van Bergen, previous owner of the structure, who indicated the railroad, which owns the land the house is sitting on, would probably have it moved in a day. He asked how much time Peterson would have if he submitted a bond.

Rouyer responded Peterson would probably be allowed 90 days if he submits a bond. His long-term goal is to place the house on that site, and, in order to do so, he would have to apply for a minor land partition. Although he has made some progress with the railroad, follow through has been difficult. Granting a minor land partition would have no long-term effect on the downtown plan.

Open Public Forum

No participants.

Briefing on Amendments to the Intergovernmental Agreement with Happy Valley for Building Official and Engineering Services

Rouyer said the City has chosen to change its inspection services provider and is currently working with a third party. She believes it is time for the City to bring inspection services in house, and, to accomplish this, the current agreement with the City of Happy Valley must be amended. Milwaukie agreed to pay Happy Valley 85% of the fees collected, and she believes the City would at least break even by hiring its own building official. It is important for the building department to be self-supporting through fees rather than general fund subsidy.

Councilor Lancaster feels Happy Valley was given sufficient notice of the customer service issues.

Councilor Marshall added, even if the program does not break even, simply the accountability is worth the money. Referring to the Waldorf School discussion, he expressed appreciation for the work staff has done in holding the line.

Rouyer will begin the position recruitment later in September and retain an overflow service for times when the building official is on vacation or ill.

Briefing on Intergovernmental Agreement with Clackamas County to Cover City's Share of Capital construction Costs at Kellogg Treatment Plant

The group discussed its general disappointment with the County's odor control efforts.

Rouyer discussed the 10-year payback agreement with Clackamas County for treatment plant capital improvements. In addition to the \$1 million annual treatment costs, Milwaukie also pays its share of improvement projects that amounts to about \$1.1 million. The City agreed to the most recent capital project through a community service overlay.

Councilor Marshall recalled Clackamas County received a grant for odor control, and **Councilor Lancaster** recollected Milwaukie's share was estimated to be about \$300,000.

Rouyer will research Councilors' comments. The Clackamas County Commissioners were concerned about the impact on Milwaukie ratepayers, so they agreed to spread the payments over 10 years with 2% interest. She understands most of the capital projects are completed. Milwaukie is giving up money for its own sewer-related capital projects; however, the operations supervisor feels comfortable with the arrangement. It will probably take about 6 months to negotiate a new treatment agreement.

Councilor Lancaster discussed rate stability and the strategy for building a new facility. He is concerned about impacting Milwaukie ratepayers or sacrificing City infrastructure to cover County Commissioners' decisions.

Rouyer replied, in the long term, Milwaukie needs a new agreement. In the short term, the City needs to sit down with County representatives to go over capital plans and find out what is anticipated.

The group agreed to remove authorization to sign the intergovernmental agreement from the regular session Council agenda. They further authorized the Mayor to sign a letter on Council's behalf expressing concerns about continuing to put money into treatment plant capital improvements when the City wishes it to be decommissioned.

Joint Session with Planning Commission

Planning Commission members present: Chair Donald Hammang, Teresa Bresaw, Rosemary Crites, and Mike Miller.

Rouyer briefly summarized the 2001 – 2002 completed projects as well as proposed projects slated for 2002 – 2003.

Hammang discussed the importance of pursuing the North Industrial Land Use Study to eventually enhance the City's tax base. He would also prioritize code revision projects to support more efficient and cost effective staff work and to keep the process saner for customers.

Miller's first concern is vegetated buffer regulations to curtail the loss of what is left of the City's natural areas. His other interest is tree preservation and establishing some sort of balance on private property. He commented that the grove of trees on the Palm property was cut within the past week. The

application to develop a subdivision on the Palm property was withdrawn but will probably be resubmitted.

Councilor Marshall agreed the City Council would have to do something about tree preservation.

Councilor Lancaster thought building a community will to purchase and preserve property with stands of trees was preferable.

Councilor Marshall hoped the City would get to the point of using the Neighborhood District Associations for feedback and perhaps distribute a form for responses on important topics.

Miller agreed a community's success is built on its neighborhoods, not the City Council or the Planning Commission.

Hammang noted those development goals which had been achieved through neighborhood involvement. He further urged that Milwaukie participate in the Johnson Creek Improvement Plan and development of storm water standards. Through this type of involvement, Milwaukie may be able to create a desirable development site in the north industrial area.

Councilor Newman noted the Planning Commission divides its time between developing long-term processes and responding to development applications. He asked the commissioners to comment on recent applications.

The Commissioners agreed there was little development going on at this time. **Crites** urged actions to stimulate the City's economy to increase tax dollars and to enhance the neighborhoods. Milwaukie must send a strong message to the development community. She is opposed to any additional low cost housing or apartment development in the community and supports home ownership.

Hammang felt the most salient point is quality of life in the neighborhoods and the struggle over small land use actions during the past 10 years.

Councilor King is looking forward to the North Main Project being a mix of uses including ownership and perhaps some other housing types.

Crites said the City needs a balance of housing, retail, and commercial. The community is already 60% renters.

Councilor Lancaster commented there are renters in this community who are very involved. He asked if the Planning Commissioners had any issues that might be handicapping its activities.

Hammang said the only impediment he has noticed is availability of staff time. He finds no process-related impediments. He has frequently noticed developments do not match the plans submitted and understands this is something being addressed by the City Council and Community Development

Director. He would like to see priority given to the North Industrial Land Use Study.

Miller recommended prioritizing code amendments so developers, Planning Commission, and staff can communicate using a clear set of rules.

Councilor Newman suggested adding the civic land overlay zone to the candidate project list. City Council had discussed rezoning school properties to protect community needs in the event sites are declared surplus and sold.

The group discussed the feasibility of the Council's reviewing Planning Commission decisions and agreed to ask the City Manager to look into the issue. Attendees discussed the appeal process and the role of the neighborhood associations.

Hammang feels it is desirable to meet with the City Council more frequently than once a year.

Councilor Marshall suggested looking into the practicability of establishing a quota on the number of multifamily dwellings in the City. The group discussed the feasibility of collecting business taxes on rental homes.

Councilor King thought language referring to heritage trees should be added to the tree preservation project.

The group discussed the general feelings related to the City Council's reversing Planning Commission decisions. **Hammang** accepts this as part of the bicameral process. **Miller** agreed, since the City Council may look at an appeal from a different perspective. **Councilor Marshall** added every Council member respects the Planning Commissioners and the deliberations supporting their decisions.

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

Pat DuVal, Recorder