



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2392nd Meeting**AGENDA**

DECEMBER 5, 2023

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. For Zoom login visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-361>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 831 8669 0512 and Passcode: 023745. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council will take verbal comments.

Note: agenda item times are estimates and are subject to change.

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1. **CALL TO ORDER** (6:00 p.m.)
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**
2. **ANNOUNCEMENTS** (6:01 p.m.) **2**
3. **PROCLAMATIONS AND AWARDS**
 - A. **Christmas Ships and Winter Events – Proclamation** (6:05 p.m.) **4**
Presenter: Dan Harris, Events & Emergency Management Coordinator
4. **SPECIAL REPORTS**
 - A. **None Scheduled.**
5. **COMMUNITY COMMENTS** (6:10 p.m.)

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**
6. **CONSENT AGENDA** (6:15 p.m.)

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

 - A. **Approval of Council Meeting Minutes of:** **6**
 1. **October 17, 2023, regular session,**
 2. **November 7, 2023, work session, and**
 3. **November 7, 2023, regular session.**

7. BUSINESS ITEMS

A. Behavioral Health and Housing Services Update - Report (6:20 p.m.) 18

Staff: Luke Strait, Police Chief,
Ryan Burdick, Police Captain, and
Glen Suchanek, Behavioral Health Specialist

B. Parks Governance Update – Discussion (7:00 p.m.)

Staff: Ann Ober, City Manager

8. PUBLIC HEARINGS

A. 23rd Avenue Right-of-Way (ROW) Vacation – Ordinance (7:15 p.m.) 22

Staff: Jennifer Garbely, City Engineer

9. COUNCIL REPORTS (7:45 p.m.) 48

10. ADJOURNMENT (8:00 p.m.)

Executive Session

After the regular session Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations, and (h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



COUNCIL REGULAR SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2392nd Meeting

MINUTES

DECEMBER 5, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Ryan Burdick, Police Captain
Tony Cereghino, Police Captain
Jennifer Garbely, City Engineer
Justin Gericke, City Attorney
Dan Harris, Events & Emergency Management Coordinator
Mark Inman, Police Sergeant

Brandi Leos, Human Resources Director
Ann Ober, City Manager
Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder
Luke Strait, Polic Chief
Glen Suchanek, Behavioral Health Specialist

Council President Nicodemus noted that Mayor Batey was participating in the meeting via Zoom and would therefore not chair the meeting.

Council President Nicodemus called the meeting to order at 6:03 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Council President Nicodemus announced upcoming activities including leaf drop sessions, the Milwaukie Historical Society's Christmas at the Museum event, the Clackamas Fire District (CFD) Operation Santa Claus donation event, the city's Winter Solstice event, and the 2023 Volunteer of the Year award nomination process.

3. PROCLAMATIONS AND AWARDS

A. Christmas Ships and Winter Events – Proclamation

Harris remarked on the Christmas Ships sailing season and plans for the Winter Solstice event and **Council President Nicodemus** proclaimed December 1-17, 2023, to be Christmas Ships Days.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Council President Nicodemus reviewed the public comment procedures. **Ober** reported that staff had been working on several utility rate projects related to comments made during the November 14 community comments. **Ober** also noted the need for Council members to participate in the city's work with Clackamas County to locate a 23-hour stabilization center in Milwaukie.

It was noted that no audience members wished to speak to Council.

6. CONSENT AGENDA

It was moved by Councilor Khosroabadi and seconded by Councilor Massey to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. October 17, 2023, regular session,
2. November 7, 2023, work session, and
3. November 7, 2023, regular session.

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

7. BUSINESS ITEMS

A. Behavioral Health and Housing Services Update – Report

Burdick and **Suchanek** provided an overview of the work of the Milwaukie Police Department’s (MPDs) behavioral health specialist (BHS) and associated support services provided over the first year of the BHS position’s existence. They noted MPD’s work with the Clackamas County Housing Authority and non-profit groups such as LoveOne, Inc.

Brandi Johnson, with LoveOne and A Father’s Hearth Ministries, and **Don Holden**, with LoveOne, remarked on how LoveOne works with MPD and the BHS to coordinate services for community members in need.

Councilor Khosroabadi appreciated the work of the BHS, MPD, and LoveOne, and remarked on the importance of providing mental health support services for veterans.

Councilor Massey asked what gaps the city could work on addressing. **Holden** and **Suchanek** suggested that housing and mental health support work could use more resources, increased community awareness, and long-term residential care facilities. **Burdick** thanked Strait and Ober for supporting the work of the BHS.

Ober noted that Council would receive additional updates on housing and health support services at future meetings.

Mayor Batey remarked on the importance of supporting the BHS and housing services work and asked about a navigation center opening soon. **Johnson** confirmed a new daytime navigation center would be open in 2025 to serve all county residents in need.

Mayor Batey asked about the availability and use of Narcan and noted the impact of providing mental health support services at local businesses. **Johnson**, **Suchanek**, and **Ober** commented on the distribution and use of Narcan in the community.

Councilor Stavenjord remarked on the role of local governments and non-profit organizations in providing mental health and housing services, and the value of using trauma informed language in providing such services and building relationships.

Council President Nicodemus remarked on the impact that the COVID-19 pandemic and tragic societal events had on the city’s urgency in hiring a BHS and the city’s ability to talk about the mental health and housing crises.

Strait expressed appreciation for Holden’s work and presented MPD meritorious service medals to Suchanek and Johnson for their work helping Milwaukie community members.

Ober thanked MPD and LoveOne for their work and asked Council to identify which of its members would serve as liaisons for the city’s housing and mental health work.

Councilors Khosroabadi and Massey volunteered to be liaisons for the city's mental health and housing work. **Councilor Stavenjord** commented on the personal impact of drug addiction and houselessness and offered to serve as a liaison. **Mayor Batey** supported having Councilors Khosroabadi and Stavenjord serve as Council liaisons. The group remarked on which Council members would serve as liaisons and it was Council consensus that Councilors Massey and Stavenjord would serve as liaisons.

Council President Nicodemus recessed the meeting at 7:29 p.m. and reconvened the meeting at 7:38 p.m.

B. Parks Governance Update – Discussion

It was noted there were no staff updates or Council questions on the city's parks work.

8. PUBLIC HEARING

A. 23rd Avenue Right-of-Way (ROW) Vacation – Ordinance

Call to Order: **Council President Nicodemus** called the public hearing on the proposed ROW vacation, to order at 7:40 p.m.

Purpose: **Council President Nicodemus** announced that the purpose of the hearing was to hear the staff report and take public comment on the proposed ROW vacation.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Garbely** reported that the requested action was part of the final land use approval for the Milwaukie High School (MHS) reconstruction project, the proposed ROW vacation had been agreed to by city and North Clackamas School District (NCSD) staff, and the Planning Commission had approved the actions.

Correspondence: No correspondence on the hearing topic had been received.

Audience Testimony: No audience member wished to address Council.

Council Questions to Staff: None.

Close Public Comment: It was moved by Councilor Massey and seconded by Councilor Khosroabadi to close the public testimony part of the ROW vacation hearing. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, Nicodemus, and Mayor Batey voting “aye.” [5:0]

Council President Nicodemus closed the public comment at 7:44 p.m.

Council Decision: It was moved by Councilor Khosroabadi and seconded by Councilor Massey for the first and second readings by title only and adoption of the ordinance vacating the public street right-of-way within a segment of SE 23rd Avenue. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ober read the ordinance two times by title only.

Stauffer polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ordinance 2237:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, VACATING THE PUBLIC STREET RIGHT-OF-WAY WITHIN A SEGMENT OF SE 23RD AVENUE.

9. COUNCIL REPORTS

Councilor Massey provided an update on recent North Clackamas Watershed Council (NCWC) and Clackamas County Water Environment Services (WES) work.

Councilor Stavenjord asked if Council wanted to support a Clackamas County Coordinating Committee (C4) letter on tolling. It was Council consensus to support the regional letter on tolling that Councilor Stavenjord had asked Council to sign-on to.

Mayor Batey suggested Council think about moving the council reports part of regular session agendas to the monthly study session agenda.

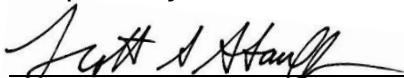
10. ADJOURNMENT

Council President Nicodemus announced that after the regular session Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations, and (h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

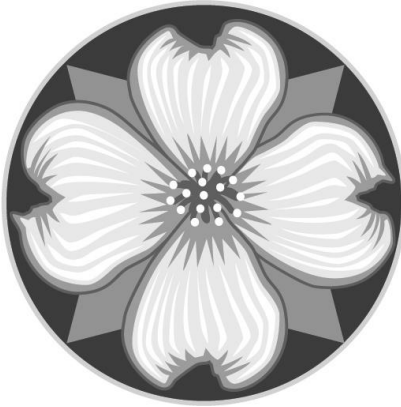
It was moved by Councilor Massey and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Council President Nicodemus adjourned the meeting at 7:52 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



RS Agenda Item

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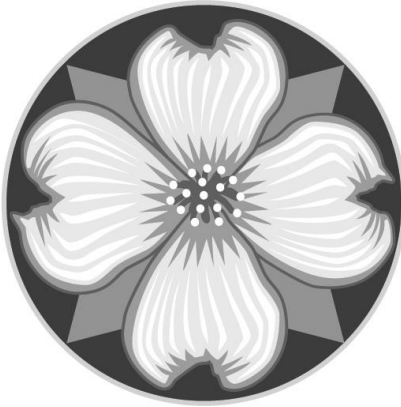
Announcements



Mayor's Announcements – December 5, 2023

- **Leaf Drop – Sat., Dec. 9 & 16 (7 AM – 2 PM)**
 - Bring along a utility bill (e-bill or paper bill) for proof of city residency.
 - Service is free, but city is collecting non-perishable food for local families for anyone that would like to donate.
 - Public Works Yard, 6101 SE Johnson Creek Blvd.
- **Christmas at the Museum – Sat., Dec. 9 (11 AM – 3 PM)**
 - Get a photo with Santa, enjoy treats, and see the museum's decorations!
 - Milwaukie Museum, 3737 SE Adams St.
- **Operation Santa Claus Donation Drop-off – Sun., Dec. 10 (12-6 PM)**
 - Help families in need by donating non-perishable food and new, unwrapped toys.
 - Event sponsored by Clackamas Emergency Services Foundation
 - Drop-off is at 10700 SE McLoughlin Blvd. – Enter and exit lot from SE Jackson St.
- **Winter Solstice and Christmas Ships Viewing – Sat., Dec. 16 (4:30-7:30 PM)**
 - Join the annual celebration to view the ships, warm by a fire, and purchase some tasty food for a great cause.
 - Milwaukie Bay Park, 11211 SE McLoughlin Blvd.
- **2023 Volunteer of the Year – Nominations Accepted Until Feb. 14, 2024**
 - Anyone who resides in Milwaukie or is a member of a non-profit or business that serves Milwaukie is eligible.
 - Those nominating the person are asked to discuss the nominee's volunteer work and how it has improved Milwaukie.
 - Nominations can be submitted at engage.milwaukieoregon.gov.

• **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](https://www.milwaukieoregon.gov) OR CALL 503-786-7555**



RS Agenda Item

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Proclamations & Awards

PROCLAMATION

WHEREAS the Christmas Ships Parade is a 69-year-old tradition; and

WHEREAS the Christmas Ships will sail to destinations on the Columbia and Willamette Rivers between December 1st and December 17th, 2023; and

WHEREAS the Christmas Ships will sail to Milwaukie Bay on December 5th, 8th, 13th, 15th, and 16th, 2023; and

WHEREAS the City of Milwaukie has planned a Solstice Celebration in Milwaukie Bay Park on the evening of December 16th to observe the Christmas Ships as a community; and

WHEREAS the City of Milwaukie wishes to thank the Christmas Ships for bringing their annual floating parades to and through Milwaukie Bay.

NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim December 1st through December 17th, 2023, as **CHRISTMAS SHIPS DAYS** in Milwaukie, and hereby extends the city's warmest wishes for a successful parade season!

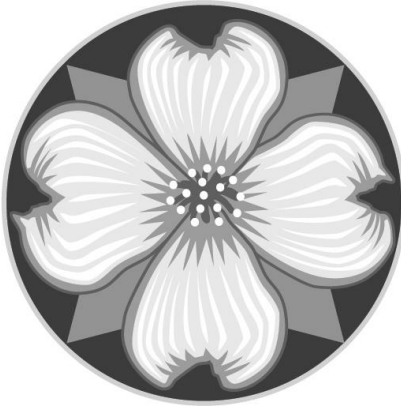
IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 5th day of December 2023.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder





RS Agenda Item

6

Consent Agenda

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2390th Meeting**MINUTES****OCTOBER 17, 2023**

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and
Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Justin Gericke, City Attorney
Brandi Leo, Human Resources Director
Ann Ober, City Manager
Peter Passarelli, Public Works Director

Emma Sagor, Assistant City Manager
Gabriela Santoyo Gutierrez, Equity & Inclusion
Coordinator
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 6:03 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the Ledding Library's fall author series, a city manager open door session, a neighborhood hubs workshop, the city's Arbor Day event, a downtown Milwaukie trick-or-treat event, and an open house at the Wichita Center. **Stauffer** noted that October 17 was National Voter Registration Day.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. North Clackamas School District (NCSD) Levy – Report

Cindy Detchon, NCSD Assistant Superintendent, provided an overview of the district and the school funding local option levy that would appear on the November 7, 2023, ballot. If renewed by voters, the levy would continue to support teacher positions.

Council expressed support for the levy and the services provided by NCSD.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures and **Ober** reported there was no follow-up report from the October 3 comments.

Milwaukie residents **Elvis Clark** and **Florisa Trapp** were concerned about the diverter that had been installed at 42nd Avenue and King Road. They suggested a roundabout be built at 42nd Avenue and King Road and a four-way stop on Harrison Street.

Eugene Trapp, Milwaukie resident, asked when the city would resurface Harvey Street and expressed concern about the diverter at 42nd Avenue and King Road.

Leesa Graetrek, Milwaukie resident, encouraged the city to update the city's historic property inventory and prioritize historic preservation work.

Nicole Perry, Milwaukie resident, encouraged Milwaukians to support the NCSD levy.

6. CONSENT AGENDA

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. September 5, 2023, work session,
2. September 5, 2023, regular session,
3. September 12, 2023, study session,
4. September 19, 2023, work session, and
5. September 19, 2023, regular session.

B. Resolution 50-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, reinstating a low-income housing water assistance (LIHWA) program agreement with Clackamas County for the extension of program funding to city residents.

C. Resolution 51-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing an increase in the project authorization for the new city hall improvements.

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Mayor Batey announced that Council would proceed to hearing item 8. A. before the business items.

8. PUBLIC HEARING

A. Substantive Code Amendments – Ordinance, 2nd Reading

Mayor Batey called the continued hearing to order at 6:54 p.m. and explained that the voice vote on the ordinance on October 3 had not been unanimous and therefore a second reading of the title at a separate meeting had been required.

Ober read the ordinance one time by title only.

Stauffer polled the Council with Councilors Massey, Nicodemus, Stavenjord, and Khosroabadi voting “aye” and Mayor Batey voting “no.” [4:1]

Ordinance 2236:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, TITLE 17 LAND DIVISION, AND TITLE 19 ZONING, TO MAKE CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2023-002).MENDING VARIOUS PARTS OF THE MUNICIPAL CODE (MMC) AS NECESSARY TO FORMALLY RETIRE THE DESIGN AND LANDMARKS COMMITTEE (DLC) (FILE #ZA-2023-002).

Mayor Batey expressed support for the overall code amendments package and noted opposition to the change that allowed metal structures to be placed near property lines.

7. BUSINESS ITEMS

A. Bertman House Update – Report

Passarelli provided an overview of the house's history, the city's use of the site, and options for dealing with the house that staff had explored based on Council input.

Passarelli reported that it was staff's recommendation to deconstruct the house and build a new home for the Swift birds that lived in the house's chimney.

Councilor Massey, Passarelli, and Ober remarked on rehoming the Swifts and the Milwaukie Historical Society's interest in taking down the house so the property could be used for expanded outdoor activities.

Council President Nicodemus and Councilor Stavenjord supported taking the house down and rehoming the Swifts. The group remarked on the height of the proposed Swift tower home and noted regional Audubon Society resources for dealing with Swifts.

Mayor Batey expressed support for deconstructing the house and having another park property. **Batey** remarked on why Swifts do not build homes in all chimneys.

Ober noted next steps staff would take to surplus the property.

B. Equity Study Report and Workplan – Discussion

Sagor and Ober reviewed the city's diversity, equity, and inclusion (DEI) work since 2020, noting the creation of the Equity Steering Committee (ESC) and hiring staff to focus on DEI projects and issues.

Annette Humm Keen, principal with Keen Independent Research (KIR), reviewed the equity study project report, noting how the study had been conducted.

Nicole Yates, KIR consultant, discussed the demographics of study participants and how the study looked at disparities and perceptions of the city's hiring, procurement, and public engagement practices, and how the city provided specific services.

David Keen, KIR principal, provided an overview of the recommendations made by the study, including hiring and procurement process improvements.

Yates summarized the study's recommendations related to the delivery of services and engaging with and communicating to the public.

David Keen observed that Milwaukie was ahead of other larger cities in its DEI work.

Councilor Khosroabadi asked about the study's finding that larger utility customers were being undercharged. **Yates** confirmed the study's finding. **Passarelli and Khosroabadi** remarked on previous and ongoing efforts to adjust utility rate structures.

Councilor Khosroabadi appreciated that the study showed public support for city events and that city events were seen as open to all.

The group remarked on how the city could develop metrics to gauge community satisfaction for events and services.

Councilor Stavenjord and David Keen, noted that the study had not differentiated between types of positions at the city and whether an employee was on probation, and they agreed that the city should conduct a separation analysis and track hiring practices. They also remarked on improvements the city could make to track the diversity of subcontractors.

Council President Nicodemus, Ober, and Sagor commented on the city's plans to track the study's metrics over time and how to get more community members to engage and volunteer for events and projects.

Mayor Batey and Ober noted that the city had an incentive program for staff to learn other languages. **Council President Nicodemus** asked why native speakers of non-

English languages were required to test their fluency to receive the incentive and **Ober** suggested staff would provide more information on testing later.

The group thanked KIR for their work on the study.

Mayor Batey noted that agenda item 9. A. would be rescheduled to a future meeting.

Mayor Batey recessed the meeting at 8:16 p.m. and reconvened at 8:25 p.m.

B. Equity Study Report and Workplan – Discussion (continued)

Santoyo Gutierrez and **Ober** provided an overview of the equity focus areas staff would work on, including recruitment, hiring, and retention; communication, transparency, and storytelling; engagement pathways; equitable procurement; accessibility; and naming of spaces and places. **Santoyo Gutierrez** reported that the ESC had identified communication, recruitment, and engagement as top priorities.

Sagor described next steps staff would take to work on the focus areas and asked for Council feedback on the workplan.

Mayor Batey observed that hiring and retention should be prioritized. **Ober** and **Sagor** explained how the ESC had prioritized the focus areas.

Councilor Khosroabadi believed the naming of city facilities, improving procurement processes, and working on retention of employees should be prioritized. **Khosroabadi** believed Council staff reports should include an equity impact section.

Council President Nicodemus expressed concern about DEI work overburdening Black, Indigenous, and People of Color (BIPOC) ESC members and city staff. **Ober** and **Sagor** commented on how city staff, other city boards and committees, and the community would be asked to carry out the DEI work.

Santoyo Gutierrez observed that if developing a naming policy were to be prioritized, other ESC and DEI projects would have to be paused. **Ober** remarked on how the ESC would support the city's equity work.

Councilor Massey asked about the engagement pathways and recruiting youth volunteers. **Sagor** remarked on preliminary tasks staff would undertake to engage youth community members.

Councilor Stavenjord asked how the ESC had approached prioritizing the focus areas. **Sagor** suggested that the ESC had considered what the city could do and **Santoyo Gutierrez** thought the ESC had considered what could and should be done.

Councilor Stavenjord encouraged the city to install multilingual signage at city hall and remarked on the importance of figuring out how to engage youth community members. **Council President Nicodemus** encouraged the city to ask youth community members about how the city could best engage with them.

Mayor Batey expressed support for the three focus areas prioritized by the ESC, noted staff's efforts to-date to engage with youth members, and remarked on the need for engaging with a more diverse range of community volunteers.

Mayor Batey and **Ober** noted that staff were working on improving the city's procurement processes through the acquisition of a new bid management system. **Ober** suggested that more information on procurement improvements would be available a year after the new system was implemented.

Mayor Batey commented on naming policies in other cities and noted that two of the city's new parks would be named without going through a process. **Ober** remarked on the timing of when a parks and facilities naming process could be developed and reported that the ESC was concerned about rushing the development process. **Sagor** observed that engaging youth should be part of the naming process.

Council President Nicodemus asked if the ESC were making recommendations on funding priorities. **Sagor** believed that involving the ESC was a good idea and staff would do so as the next budget was prepared.

Council President Nicodemus and **Ober** noted how neighborhood district associations (NDAs) were funded and how NDAs distributed grants to various community groups. **Sagor** reported that staff would be working with the NDAs to consider changes to how neighborhood programming is funded. **Councilor Stavenjord** agreed and remarked on how the NDA grant funding process could be improved. **Santoyo Gutierrez** noted that there were ESC members who were also involved in NDA processes.

Sagor noted next steps in working on the equity focus areas.

C. City Staff Strategic Plan Overview – Report (removed from the agenda)

Mayor Batey announced that the item would be rescheduled to a future meeting.

9. COUNCIL REPORTS

A. Flavored Tobacco Ban Support – Resolution

Mayor Batey explained that Council would consider the resolution at the November 7 meeting and that staff and Councilor Khosroabadi would work on refining the resolution language. It was noted that Council unanimously supported adopting a resolution in support of banning flavored tobacco.

10. ADJOURNMENT

Mayor Batey announced that Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

It was moved by Council President Nicodemus and seconded by Councilor Massey to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Mayor Batey adjourned the meeting at 9:23 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL WORK SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

NOVEMBER 7, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Jessalynn Gale, Children's Librarian
Justin Gericke, City Attorney
Brent Husher, Library Director
Kelly Lamm, Library Manager
Nicole Madigan, Deputy City Recorder
Ann Ober, City Manager
Natalie Rogers, Climate & Natural Resources Manager
Emma Sagor, Assistant City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 4:04 p.m.

1. Building Energy Update – Report

Rogers reminded Council of the history behind the building energy discussion by noting the city's climate goals, state decarbonization regulations, and what the city had accomplished to date via resolutions. **Rogers** presented the current and ongoing decarbonization projects that involved community partnerships, state and federal funded projects and grants, and provided an update on the solar installation project for the city's Johnson Creek Building (JCB).

Mayor Batey and **Rogers** commented on the review process for the green tariff program through the Oregon Public Utility Commission (PUC) and what buildings would qualify to be reviewed under the building performance standards. The group discussed what block grants would be offered for and how funds could be distributed.

Rogers explained that Council had an opportunity to fund additional climate and energy work by increasing licensing and right-of-way (ROW) franchise fees for Portland General Electric (PGE) and NW Natural Gas. **Rogers** noted an increase in fees to utility providers were often passed onto utility customers. The group discussed the difference between licensing and franchise fees, adoptions of fees, how fees were passed onto customers, and if other utility companies could have their ROW fees increased.

Rogers presented new ideas for development incentives and a building emission regulation program that were still being developed. **Ober** noted concerns around the city enforcing building emissions.

Rogers asked how Council would like staff to proceed. The group discussed how to have flexibility in setting fees without being locked into multi-year rates and that a conversation on how the city could collect fees to generate funds would be occurring at the November 14, 2023, special session.

Councilor Stavenjord was interested in collaborating on initiating forward action from the Clackamas County Board of Health around environmental health hazards. The group discussed ways to collaborate.

There was Council interest and consensus in continuing the conversation around funding climate work.

2. Library Board – Annual Report

Husher introduced members of the Library Board, explained that library operations and attendance were returning to normal pre-COVID levels, noted that the library serves about 40,000 patrons from Milwaukie and unincorporated Clackamas County, and explained where funding for library services comes from.

Karla Branson, Library Board Chair, explained who was on the board, when meetings occur, and noted that a board member attends the Clackamas County Library District Advisory Board meetings.

Bee Perkins and **Ingrid Kesswood**, members of the Library Teen Advisory Board (TAB), shared their views on the importance of the services and events that the library offers to the teenage community and explained what the TAB does and how they meet.

Maryruth Storer Library Board member, detailed programming events at the library and noted how many attendees had been participating. **Shawne Smith** Library Board member, explained the importance of having the Friends of the Ledding Library (FOLL) group, noting the group has existed for 72 years, how many volunteers had worked over the last year, and how much money had been raised through the bookstore. **Smith** shared how using the library's community room had improved FOLL events. **Husher** explained that funding for library programming had come from FOLL fund raising events and store.

Mayor Batey appreciated hearing from the TAB and **Husher** acknowledged the importance of TAB and having them present to Council.

Councilor Khosroabadi asked if Council could help facilitate filling gaps in assisting library patrons in need of assistance services. **Branson** noted that Council may want to speak to library staff but understood that the addition of the police department's behavioral health specialist and community partners were helping.

Councilor Stavenjord shared personal experiences of having a child that participates in TAB, thanked TAB, and asked the TAB members what they were reading. **Stavenjord** and **Gale** noted that libraries have access to upcoming young adult (YA) books and offers them to TAB members.

3. Adjourn

Mayor Batey adjourned the meeting at 5:36 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES**NOVEMBER 7, 2023**

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and
Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Community Development Director
Jennifer Garbely, City Engineer
Justin Gericke, City Attorney

Ann Ober, City Manager
Emma Sagor, Assistant City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 6:03 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including a neighborhood hubs workshop, a facilitated conversation on justice at the library, the free leaf drop sessions, the annual Thanksgiving edition of the Milwaukie Farmers Market, and a Minthorn Springs work party. **Stauffer** noted that November 7th was election day in Oregon.

3. PROCLAMATIONS AND AWARDS**A. Veterans Day – Proclamation**

Councilors Khosroabadi and Massey remarked on the importance of honoring those who served in the armed forces and noted the city's Corporal Diffie Veterans Fund that supports veterans in need. **Mayor Batey** proclaimed November 11 to be Veterans Day.

B. Small Business Saturday – Proclamation

Mayor Batey remarked on the importance of shopping at local retailers and **Mayor Batey** proclaimed November 25 to be Small Business Saturday.

4. SPECIAL REPORTS**A. New Business Introduction: Freeman Barrelhouse**

Julie Molsom, Freeman Barrelhouse owner, provided an overview of the business and invited the public to visit.

B. New Business Introduction: That One Vintage Shop

Angie Swim, That One Vintage Shop owner, and **Katie**, a vendor at the shop, provided an overview of the business and invited the public to visit. **Councilor Khosroabadi** and **Mayor Batey** encouraged Swim and Katie to start a Milwaukie business alliance. **Councilor Stavenjord** appreciated how welcoming the shop is to all customers.

C. New Business Introduction: Camper Van Rentals

Austen Price, Camper Van Rentals owner, provided an overview of the business and invited the public to check out the rental services they offer.

D. Balfour Park Donation Acceptance

Lisa Gunion-Rinker and **Lisa Lashbrook**, with the Ardenwald/Johnson Creek Neighborhood District Association (NDA) and the Milwaukie Parks Foundation, explained how the neighborhood and foundation had raised the money to support the development of Balfour Park. The group participated in a group photo.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the October 17 community comments.

Ann Pernick, Portland resident, encouraged Council to continue to support and pursue building electrification policies and to raise the license fee for natural gas utilities.

6. CONSENT AGENDA

It was moved by Councilor Khosroabadi and seconded by Councilor Massey to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. October 3, 2023, work session,
2. October 3, 2023, regular session, and
3. October 10, 2023, study session.

B. Resolution 52-2023: A resolution of the City Council of the City of Milwaukie, Oregon, removing current members and appointing new members to the Citizens Utility Advisory Board (CUAB).

C. Resolution 53-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a purchase agreement with NWPlaygrounds for equipment and surfacing for Scott, Bowman-Braw, and Balfour parks.

D. Resolution 54-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a grant agreement for the Milwaukie Park Foundation's grant for the construction of Balfour Park.

E. Resolution 55-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a grant agreement for Metro's Nature in Neighborhoods grant for Scott Park, Bowman-Brae Park, and Balfour Park.

F. Resolution 56-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a grant agreement for the Oregon Parks and Recreation Department's Local Government Grant Programs grant for Scott Park.

G. Resolution 57-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a grant agreement with the Oregon Department of Administrative Services for design and construction of rooftop solar panels at Milwaukie Public Works Johnson Creek Campus.

H. A resolution approving the award of a contract for construction of Americans with Disabilities Act (ADA) sidewalks and ramps improvements (CIP-2023-A16). (Removed from the agenda).

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

7. BUSINESS ITEMS

A. Road Design 101 – Discussion

Garbely provided an overview of road design and maintenance policies and procedures, including the Public Works Standards, Transportation System Plan (TSP) roadway classifications, and how the city uses calming traffic infrastructure. **Mayor Batey** and **Garbely** remarked on the need to collect traffic speed data on key streets and the possibility of using giant concrete planters to slow traffic.

Garbely continued to review road design fundamentals, discussing how the city addresses failing roadways and intersections. **Mayor Batey** and **Garbely** remarked on specific intersections that need to be improved or are impacted by a heavy railroad line.

Garbely discussed the methods the city uses to repair roadways, noting that the city had been experimenting with more environmentally friendly materials. **Mayor Batey** and **Garbely** remarked on the impact of curbs on the lifespan of a roadway and the use of permeable road surface on Lake Road.

Garbely explained how sidewalks are designed to preserve trees and comply with federal and state regulations, and how the city solicits public feedback on sidewalk designs.

Councilor Khosroabadi, Garbely, and Mayor Batey commented on how the city works to implement shared vehicle, pedestrian, and bicycle roadways or woonerfs. They also talked about other ways to slow vehicle traffic besides speed bumps.

Councilor Stavenjord, Garbely, and Ober remarked on how the city's TSP and road design policies can encourage alternate modes of transportation. **Mayor Batey** suggested the city consider building little side parks along transportation routes.

Councilor Massey, Garbely, and Ober commented on the city's ability to work with contractors interested in working in Milwaukie and how staff have worked to keep road projects within budget.

Mayor Batey, Garbely, Gericke, and Ober discussed the feasibility of implementing local improvement districts (LIDs) to build sidewalks and right-of-way (ROW) improvements.

Mayor Batey, Garbely, and Councilor Khosroabadi noted what infrastructure was required to be able to paint crosswalks across a roadway, noting federal Americans with Disabilities Act (ADA) requirements.

Councilor Khosroabadi, Garbely, and Mayor Batey commented on an intersection in the North Milwaukie Innovation Area (NMIA) that may benefit from additional signage.

B. Downtown Medallions – Discussion

Sagor provided an update on staff's proposal for installing bronze medallions on street corners on Main Street, explaining the medallions are allowed for in the city's public area requirements (PARs), and noting the previous installation of granite medallions.

Sagor and Garbely noted where medallions would be installed at each of the four corner sidewalks at Main Street and Washington Street as part of adjacent projects.

Sagor reported that the artist contracted to install additional granite medallions had not worked out, so staff had made alternate arrangements to have bronze medallions and asked Council for feedback on the proposal to install bronze medallions.

It was Council consensus that staff should proceed with installing bronze medallions.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

A. Flavored Tobacco Ban – Resolution

Mayor Batey noted Council's previous discussion about the proposed resolution.

It was moved by Councilor Khosroabadi and seconded by Councilor Massey to approve the resolution in support of restricting the sale of flavored tobacco products and protecting kids from a lifetime of nicotine addiction. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Resolution 58-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF RESTRICTING THE SALE OF FLAVORED TOBACCO PRODUCTS AND PROTECTING KIDS FROM A LIFETIME OF NICOTINE ADDICTION.

Councilor Massey reported on the work of the Regional Water Providers Consortium to adopt a strategic plan.

Councilor Stavenjord provided an update on the work and recent meetings of the Clackamas County Coordinating Committee (C4) and Metro technical and policy committees, which involved regional discussions about transportation projects, including a proposal to toll on Interstate 205. The group commented on whether Council should revisit Milwaukie's projects on the State Transportation Improvement Projects (STIP) list and whether Council should weigh-in on tolling.

Mayor Batey briefly noted the work of the Metro urban growth boundaries (UGB) group.

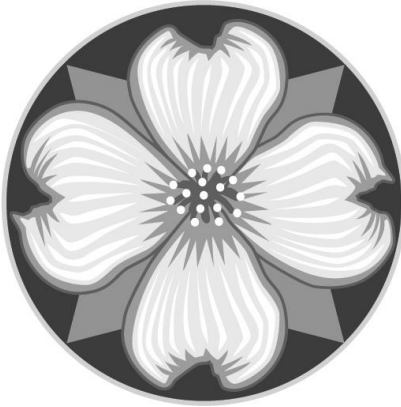
10. ADJOURNMENT

It was moved by Council President Nicodemus and seconded by Councilor Stavenjord to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Mayor Batey adjourned the meeting at 8:22 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Luke Strait, Chief of Police

From: Ryan Burdick, Police Captain

Subject: **Behavioral Health and Services Update**

Date Written: Nov. 13, 2023

ACTION REQUESTED

Council is asked to receive the one year update on the behavioral health position and related services for the city.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Historically, the Milwaukie Police Department (MPD) has had one police officer who volunteered to serve as a houseless liaison officer. That officer would perform all the duties of a police officer, while also taking a leadership role in outreach to homeless residents.

For behavioral health and mental health crisis calls, the MPD has traditionally relied on Clackamas County for clinical help with de-escalation and management of police calls involving mental health crisis. As the need for mental health crisis management has continued to increase within the community, the availability of resources has often been insufficient to meet the rising demand. Although MPD officers are provided training consistent with state and national standards, they're not clinical experts and cannot dedicate an optimal amount of time to facilitating the appropriate resources for those in need.

[August 18, 2020:](#) Council approved a resolution changing its goals to include one focused on equity, inclusion, and justice. This resolution prompted the consistent application of an equity lens perspective to assess our delivery of services, particularly to our marginalized communities.

[September 15, 2020:](#) Council received an equity update from the city manager and police chief. Included in that update was data on mental health related calls for service, data related to police use of force and notes from the three listening sessions with Milwaukie's Black, Indigenous, and People of Color (BIPOC) community. Council heard from MPD officers Kathryn Meier and Mark Inman, about the challenges and demands related to responding to mental health crisis. Council also heard from Brian Dwiggin, representing Clackamas County Behavioral Health Division. Dwiggin clarified the county programs and services available, as well as the challenges they face.

At that time, in 2020, the city committed to continue evaluating the needs of the community, and the ways MPD addresses those needs, while looking for opportunities to improve resources and responses.

[June 6, 2022](#): Council adopted the city budget and approved the addition of a behavioral health specialist position within the police department.

[July 19, 2022](#): Council received a presentation on behavioral health and houseless peer support within the city.

[November 28, 2022](#): The city hired Glen Suchanek as a behavioral health specialist (BHS).

April 2023, Central City Concern signed a memorandum of understanding, agreeing to hire a case manager assigned to the Law Enforcement Assisted Diversion team and assigned to spend 80% of their time in Milwaukie. The new CM would do outreach and engagement with our homeless community.

July 2023, Central City Concern began the process of filling the case manager position.

July 2023, LoveOne hired Don Holden, as an outreach specialist.

November 2023, Central City Concern hired case manager Cherrie Averett.

ANALYSIS

Milwaukie's BHS Glen Suchanek has been working for the city for one year. He responds with police or instead of police, to calls involving mental health crisis, and actively engages with all other BHS workers in Clackamas County to improve services and outcomes.

Glen works closely with the LoveOne houseless liaison and outreach specialist Holden and Central City Concern case manager Averett. Cherrie spends 80% of the work week in Milwaukie or working on Milwaukie issues, related to houselessness. The table below displays the number and type of calls Suchanek responded to in the last year.

Last 12 Months	Category I
Unique Individuals	201
On Scene	78
Referrals	55
Housed	13
Opioid	63

This presentation is to provide an update to the council on the current services for behavioral health and to learn more about ways we are engaging with our houseless community.

BUDGET IMPACTStats

None.

WORKLOAD IMPACT

Not applicable.

CLIMATE IMPACT

The behavioral health position required that one additional vehicle be added to the city fleet and a Ford Mach E electric vehicle was purchased.

The unhoused or housing-insecure community is disproportionately vulnerable to and impacted by climate-related natural hazards, including heatwaves and storm events. Community members without or with unstable shelter may require additional assistance to connect to life-saving resources and services in these extreme weather events. As more people move to the area to escape extreme climate events in other states and seek refuge in the Pacific

Northwest, we may see an increase in the number of houseless or housing insecure residents who require assistance during Oregon's own increasingly frequent natural hazard events.

COORDINATION, CONCURRENCE, OR DISSENT

Not applicable.

STAFF RECOMMENDATION

Suchanek has had significant impact on the ability to organize, contact, and follow up with the unhoused and mentally ill population in Milwaukie. He works seamlessly with the officers at the MPD and has become a trusted and vital partner in this work.

The behavioral health program has been very successful. The program needs continued support and has become a strong asset to the city.

ALTERNATIVES

None.

ATTACHMENTS

None.

MILWAUKIE BEHAVIORAL HEALTH

Chief Strait

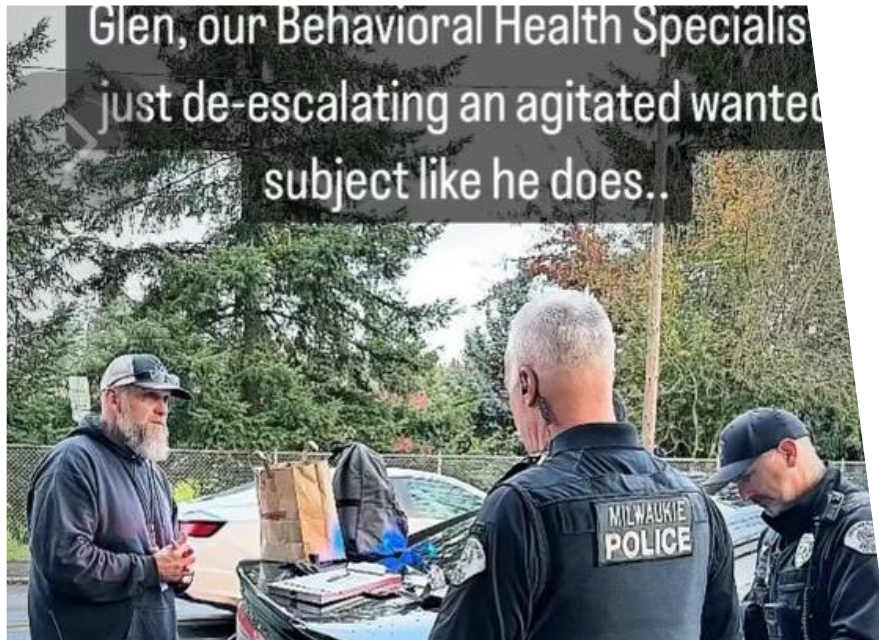
Captain Burdick

Glen Suchanek, BHS





AGENDA



MPDBHS

"A look at the last year"

[illegible]

**“Your mental health is a
priority. Your happiness
is an essential. Your
self-care is a necessity.”**

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BEHAVIORAL HEALTH SUPPORT



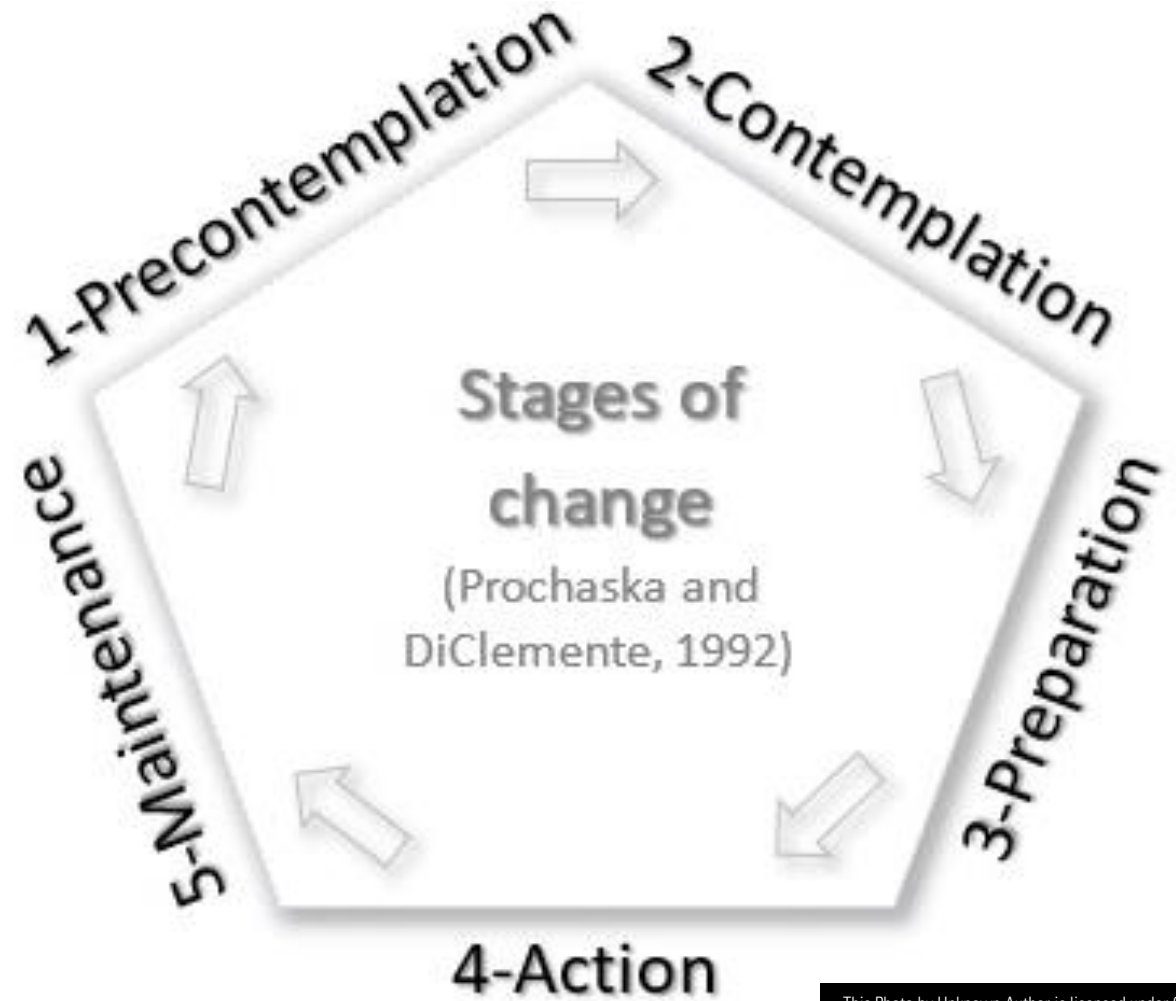
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STATS

	Category 1
Unique Individuals	201
On scene	78
Referrals	55
Housed	13
Opioid	63

*THE WAY TO GET
STARTED IS TO QUIT
TALKING AND BEGIN
DOING.*

Walt Disney



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TEAM

CHIEF STRAIT AND MPD



GLEN SUCHANEK



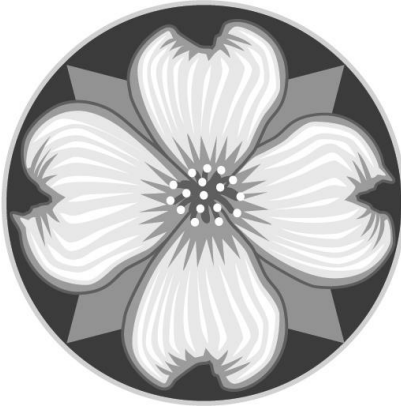
- Brandi Johnson- Director of LoveOne and Father's Heart
- Don Holden- Milwaukie Housing Liaison
- "Rita"- Service Dog (unpaid)



THANK YOU!

Glen Suchanek

Behavioral Health Specialist



RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Sept. 1, 2023

Reviewed: Joseph Briglio, Community Development Director

From: Jen Garbely, City Engineer

Subject: **23rd Avenue Right-of-Way Vacation**

ACTION REQUESTED

Council is asked to hold a hearing to vacate a section of the 23rd Avenue right-of-way (ROW) at Milwaukie High School (MHS). This action is being taken to finalize the land use and engineering requirements associated with the rebuilding of MHS.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The North Clackamas School District (NCSD) received land use approval for demolition and rebuilding of the MHS main school building (file No. CSU-2017-007). A condition of that approval required the dedication of a segment of ROW at the east end of Adams Street to connect to 23rd Avenue. The city engineer subsequently determined that the required dedication was unnecessary, that a public access easement would suffice to connect the east end of Adams Street to 23rd Avenue, and that vacation of a section of the 23rd Avenue ROW would be preferred to eliminate ongoing maintenance and potential liability concerns as long as public utility easements were obtained to provide the city with sufficient access for the maintenance and protection of existing utilities.

The city engineer sought and obtained approval from the Planning Commission for a modification to the original conditions of approval to remove the required dedication, require a public access easement, and to provide for the vacation of a section of the 23rd Avenue ROW and the recording of any public utility easements necessitated by the vacation (file CSU-2022-003).

ANALYSIS

Staff worked with NCSD to obtain and record both a public access easement and a public utility easement as required by the updated conditions of approval. Staff will have the easement signed and recorded once the Council has acted on the ROW vacation. These easements will provide for maintenance and protection of the existing water and sanitary sewer mains and allow for future connectivity to the site in place of the previously required dedication. The purpose for this hearing is to formally vacate the section of the 23rd Avenue ROW as envisioned by the city engineer as contemplated in CSU-2022-003.

BUDGET IMPACT

A slight reduction in street maintenance costs as this segment of 23rd Avenue will no longer be maintained by the city.

CLIMATE & WORKLOAD IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

This ROW vacation was coordinated with the planning department, city attorney, and public works director; all concur that this segment of ROW is no longer needed by the city and is best to be maintained by NCSD.

STAFF RECOMMENDATION

Staff recommends that the Council formally vacate the segment of the 23rd Avenue ROW as requested.

ALTERNATIVES

No alternatives are recommended for Council to consider pursuing.

ATTACHMENTS

1. Ordinance and Legal Description
2. Public Utility Easement
3. Public Access Easement
4. Certification of No Outstanding Liens or Taxes Due
5. Affidavit of Publication of Notice

COUNCIL ORDINANCE No.**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, VACATING THE PUBLIC STREET RIGHT-OF-WAY WITHIN A SEGMENT OF SE 23RD AVENUE.**

WHEREAS the North Clackamas School District (NCSD) submitted land use application CSU-2017-007 seeking approval to reconstruct the main building of Milwaukie High School; and

WHEREAS the Planning Commission approved CSU-2017-007 subject to condition of approval 4.f., which required NCSD to “[p]rovide for right-of-way vacation of that portion or 23rd Ave, south of Adams St. Easements will be maintained for utilities”; and

WHEREAS a public utility easement has been executed that provides for the continued protection, maintenance, and replacement of the existing public water and sanitary main lines located within the segment of SE 23rd Avenue to be vacated; and

WHEREAS the city is authorized under ORS 271.130 to initiate vacation proceedings on its own motion and to hold a hearing upon proper notice to accomplish the same; and

WHEREAS with the public utility easement in place, the city-initiated vacation proceedings for the segment of SE 23rd Avenue described and depicted in Exhibits A and B; and

WHEREAS proper notice was given, and a hearing was held on December 5, 2023.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. That portion of the SE 23rd Avenue right-of-way described and depicted in Exhibits A and B is vacated.

Section 2. The city engineer is authorized to take any action necessary to effect the vacation so ordered.

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 _____.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

EXHIBIT A

Right-of-Way Vacation Description

A portion of right-of-way located in the Northwest One-Quarter of Section 36, Township 1 South, Range 1 East, Willamette Meridian, City of Milwaukie, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the northeasterly corner of Lot 2, Block 6 of the plat "Young's Addition", Plat No. 460, Clackamas County Plat Records, also being on the westerly right-of-way line of SE 23rd Avenue (20.00 feet from centerline); thence along said westerly right-of-way line, North 10°05'37" West 178.91 feet to the southeasterly corner of Document Number 2003-167202, Clackamas County Deed Records; thence along the easterly extension of the southerly line of said deed, North 80°37'09" East 40.00 feet to the easterly right-of-way line of SE 23rd Avenue (20.00 feet from centerline); thence along said easterly right-of-way line, South 10°05'37" East 180.16 feet to the northwesterly corner of Lot 8, Block 5 of said plat; thence along the northerly line of said plat, South 82°24'31" West 40.04 feet to the Point of Beginning.

The above described tract of land contains 7,183 square feet, more or less.

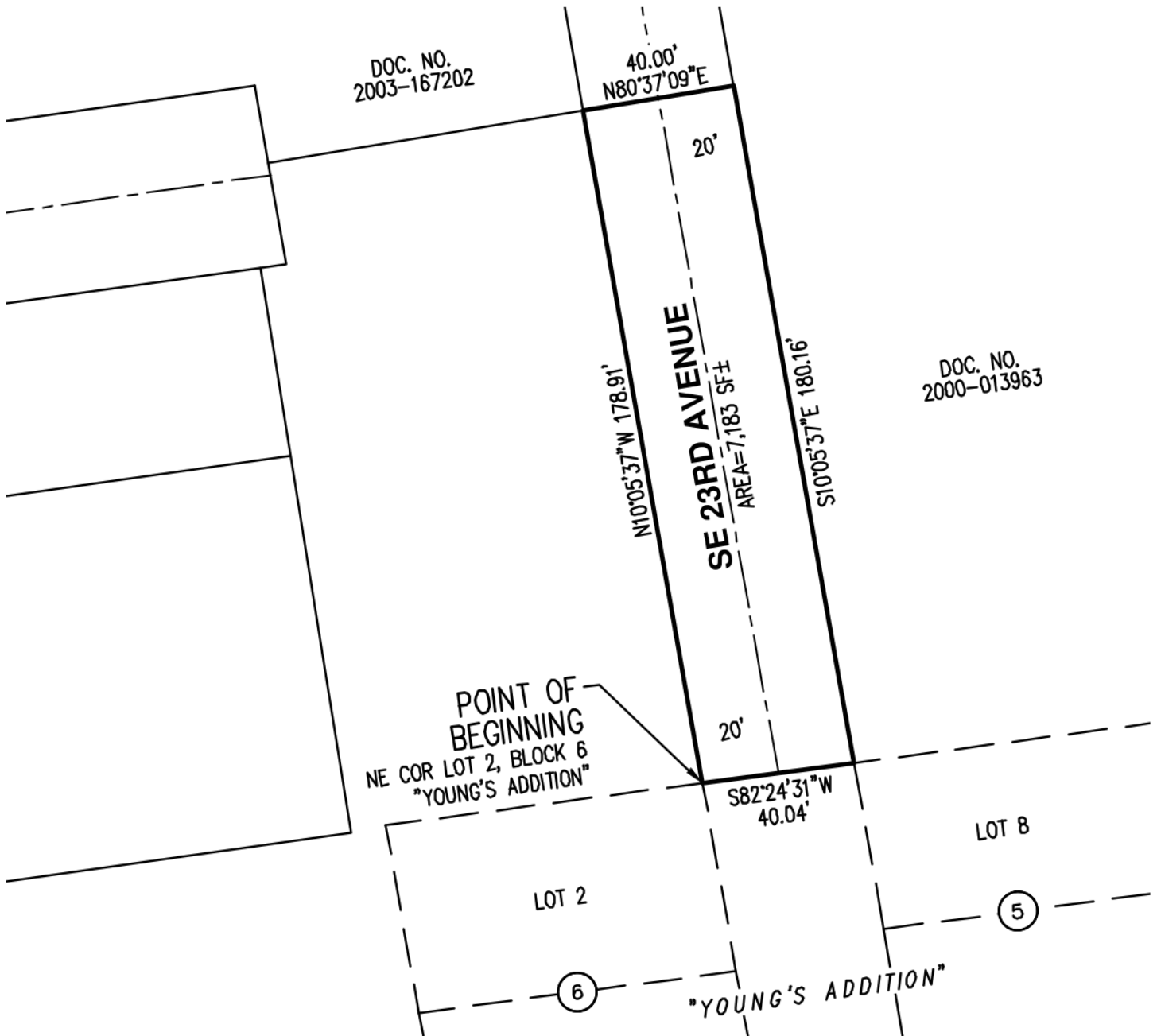
Bearings for this description are based on State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000. Distances shown are International Foot ground values.

6/9/2021



EXHIBIT B

A PORTION OF RIGHT-OF-WAY LOCATED IN THE NORTHWEST 1/4 OF SECTION 36,
TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON



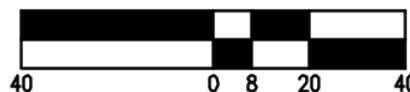
6/9/2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PREPARED FOR

NORTH CLACKAMAS SCHOOL DISTRICT
4444 SE LAKE ROAD
MILWAUKIE, OR 97222

SCALE: 1" = 40 FEET



Nick White
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWES: 6/30/22

RIGHT-OF-WAY VACATION MAP

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 **RS26** WWW.AKS-ENG.COM

AKS

EXHIBIT
B

DRWN: WCB
CHKD: NSW
AKS JOB:
5859

AFTER RECORDING RETURN TO:

CITY OF MILWAUKIE
ATTENTION CITY MANAGER
10501 SE MAIN STREET
MILWAUKIE OR 97222

PUBLIC PIPELINE UTILITY EASEMENT

This PUBLIC PIPELINE UTILITY EASEMENT (“**Easement**”) is entered into by and between NORTH CLACKAMAS SCHOOL DISTRICT NO. 12 (“**Grantor**”) and THE CITY OF MILWAUKIE, an Oregon municipal corporation (“**Grantee**”), on this ____ day of August, 2023 (the “**Effective Date**”).

RECITALS

A. Grantor is the owner of record of certain real property located in Clackamas County at 2301 SE Willard St., Milwaukie, Oregon, 97222 (“Grantor’s Property”).

B. Grantee desires a perpetual, non-exclusive public pipeline utility easement under, and across a portion of Grantor’s Property in the location legally described on Exhibit A and more particularly depicted on Exhibit B. attached hereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Grant of Easement. Grantor does hereby grant, bargain, sell, and convey to Grantee, its successors and assigns a perpetual, non-exclusive pipeline utility easement under, across, in and through a portion of Grantor’s Property in the location legally described on Exhibit A and more particularly depicted on Exhibit B (collectively, the “**Easement Area**”).

2. Acceptance of Easement. Notwithstanding anything in this Agreement to the contrary, Grantee accepts the Easement Area “AS IS” with all faults, subject to all existing easements, rights of way, covenants, conditions, restrictions, and reservations of record (“**Prior Recorded Encumbrances**”). Grantor makes no representations or warranties, express or implied, regarding the title, quality, character, value or any other attribute of the Easement Area. Grantee accepts all risk arising out of its use of the Easement Area, and Grantor shall have no liability to Grantee or others for any condition existing thereon.

3. Purpose of Easement. The easement granted herein will be used solely for purposes of maintaining, repairing, and reconstructing the existing underground utility pipeline (the “**Pipeline**”) located in the Easement Area. The easement granted herein may be used for such purposes only by Grantee, its successors and assigns.

4. Restrictions on Use of Easement Area. Subject to the rights of the beneficiaries under the Prior Recorded Encumbrances, Grantor shall not cause or allow the construction or maintenance of any building or other structure in or upon the Easement Area (including any overhanging structures with footings located on property owned by Grantor outside the Easement Area) without the prior written consent of Grantee, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, Grantor shall have full use and enjoyment of the Easement Area which is not inconsistent with Grantee’s permitted use herein, including but not limited to, the right to construct and maintain parking areas, walkways, private utilities (crossing the easement area as close to a 90° angle as possible), curbing, directional signage, landscaping (other than trees), and similar improvements within the Easement Area without need for Grantee’s consent.

5. Construction. Grantee will obtain all necessary permits required to maintain, repair or reconstruct the Pipeline in the Easement Area. All costs of construction and compliance with laws and regulations, permits and requirements of any governmental agency for Grantee relative to costs associated with installation of the Pipeline will be paid by Grantee, and Grantee will indemnify, defend, and hold harmless Grantor from any such costs or expenses.

6. Maintenance. Grantee shall maintain the Pipeline in a good and workmanlike manner and in compliance with all applicable statutes, ordinances, rules, and regulations of all governing public authorities, clear of debris and obstructions in order to maintain the Pipeline in its intended condition for its intended use to function as designed (the “Maintenance Obligations”).

7. Additional Grantee Obligations. Grantee shall not interfere in any way with Grantor’s use of the Easement Area, except to the extent reasonably required for Grantee’s use and activities permitted under this Agreement. Grantee agrees that if Grantee or its invitees disturb the Easement Area or if any damage occurs on the Easement Area as a result of Grantee or its invitees’ use or activities under this Agreement, Grantee shall promptly repair and restore the Easement Area, at Grantee’s sole cost and expense, to substantially the same and at least as good a condition as existed immediately prior to Grantee’s use or activities. Except in the event of an emergency, Grantee shall provide Grantor with written notice of Grantee’s intention to enter upon or commence work on the Easement Area at least seventy-two (72) hours prior to such entrance or commencement of work. Failure to provide this notice shall constitute a breach of this Agreement by Grantee.

8. Indemnification; Limitations. Grantee, its successors and/or assigns, shall defend, indemnify and hold harmless Grantor, its successors and/or assigns from any loss, claim, damage or liability of any nature, including injury to any person or property, and including, but not limited to, reasonable attorney fees, arising in any manner out of the Grantee and its invitees’ use, access or activities under this Agreement, and Grantor shall have no liability to Grantee or others for any condition existing thereon. Grantee’s obligation to indemnify Grantor shall extend to “**Hazardous Materials**” such that Grantee shall indemnify Grantor and Grantor’s officers, agents, employees,

directors, managers, and contractors (“**Grantor Parties**”) for, hold Grantor and all Grantor Parties harmless from, and defend (with counsel reasonably acceptable to Grantor) Grantor Parties against, any and all claims, judgments, causes of action, damages, penalties, fines, taxes, costs, liabilities, losses and expenses arising at any time during or after the Effective Date of this Agreement as a result (directly or indirectly) of (i) the presence of Hazardous Materials on, under, or migrating from Grantor’s Property or other property caused (directly or indirectly) by the activities or omissions of Grantee or any of Grantee’s officers, agents, employees, directors, managers, or contractors while using the Easement Area, and/or (ii) the failure to comply with any “**Environmental Laws.**” For purposes of this Agreement, “**Hazardous Materials**” shall mean any product, substance, chemical, material or waste whose presence, nature, quantity and/or intensity of existence, use, manufacture, disposal, transportation, spill, release or effect, either by itself or in combination with other materials, now or in the future, is either: (i) potentially injurious to health or the environment; (ii) regulated or monitored by any governmental authority or Environmental Law; (iii) defined as a hazardous material, hazardous substance, or pollutant (or similar term) in any federal, state or local law or regulation, including without limitation, any Environmental Law; or (iv) a basis for potential liability to any governmental authority or third party. The term “**Environmental Law**” shall mean any federal, state, or local statute, regulation, or ordinance relating to the protection of health or the environment, including laws and amendments enacted after the date of this Agreement. In no event shall Grantor be liable for any claims, proceedings, lawsuits, liabilities, damages, losses, fines, penalties, judgments, awards, costs and expenses resulting from Grantee or its invitees’ use of the easement granted herein whether or not it is insured, unless such loss is caused by the willful misconduct or intentional wrongdoing of Grantor.

9. Easements to Run with the Land. The easement, rights and obligations contained in this Agreement shall bind and inure to the benefit of each of the Grantor and Grantee and each of their respective heirs, representatives, lessees, successors, assigns, mortgagees and beneficiaries under any deed of trust; provided however, this Easement may not be assigned by Grantee without the prior written consent of Grantor.

10. Attorney Fees and Costs. In the event a suit or action is instituted to enforce or interpret any provision of this Agreement, the prevailing party shall be entitled to recover their reasonable attorney fees and other costs and expenses actually incurred in connection therewith, including without limitation attorney fees incurred on any appeal, in addition to all other sums provided by law.

11. Modification. The terms of this Agreement may be modified or terminated only upon the consent of Grantor and Grantee as evidenced by their execution of a written instrument that is recorded in the deed records of Clackamas County, Oregon.

12. Entire Agreement. This Agreement, including the exhibits attached hereto, constitutes the entire agreement between the parties. No representations, warranties, or promises pertaining to this Agreement or any property affected by this Agreement have been made by, or shall be binding on, the parties, except as expressly stated in this Agreement.

13. Severability. The invalidity or unenforceability of any provision of this Agreement with respect to a particular party or set of circumstances shall not in any way affect the validity or

enforce enforceability of any other provision hereof, or the same provision when applied to another party or a different set of circumstances.

14. Non-Waiver. Failure by Grantor or Grantee to enforce any of the rights, obligations, covenants or restrictions contained in this Agreement shall in no event be deemed a waiver of the right to enforce the same at any future time.

IN WITNESS THEREOF, Grantor and Grantee have executed this Agreement as of the date first written above.

GRANTOR:

North Clackamas School District No. 12
an Oregon municipal corporation

By: _____

Name: _____

Title: _____

GRANTEE:

THE CITY OF MILWAUKIE,

By: _____

Name: _____

Title: _____

STATE OF OREGON)
) ss.
County of _____)

Personally appeared this _____ day of _____, 2023, the above named _____, who acknowledged to me he/she executed the foregoing Public Pipeline Utility Easement in his/her capacity as _____ of North Clackamas School District No. 12, freely and voluntarily on behalf of that entity.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of _____)

Personally appeared this _____ day of August, 2023, the above named _____, who acknowledged to me he/she executed the foregoing Public Pipeline Utility Easement in his/her capacity as _____ of THE CITY OF MILWAUKIE, an Oregon municipal corporation, freely and voluntarily on behalf of that municipal corporation.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT A

Public Pipeline Utility Easement Description

A portion of right-of-way located in the Northwest One-Quarter of Section 36, Township 1 South, Range 1 East, Willamette Meridian, City of Milwaukie, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the northeasterly corner of Lot 2, Block 6 of the plat "Young's Addition", Plat No. 460, Clackamas County Plat Records, also being on the westerly right-of-way line of SE 23rd Avenue (20.00 feet from centerline); thence along said westerly right-of-way line, North 10°05'37" West 178.91 feet to the southeasterly corner of Document Number 2003-167202, Clackamas County Deed Records; thence along the easterly extension of the southerly line of said deed, North 80°37'09" East 40.00 feet to the easterly right-of-way line of SE 23rd Avenue (20.00 feet from centerline); thence along said easterly right-of-way line, South 10°05'37" East 180.16 feet to the northwesterly corner of Lot 8, Block 5 of said plat; thence along the northerly line of said plat, South 82°24'31" West 40.04 feet to the Point of Beginning.

The above described tract of land contains 7,183 square feet, more or less.

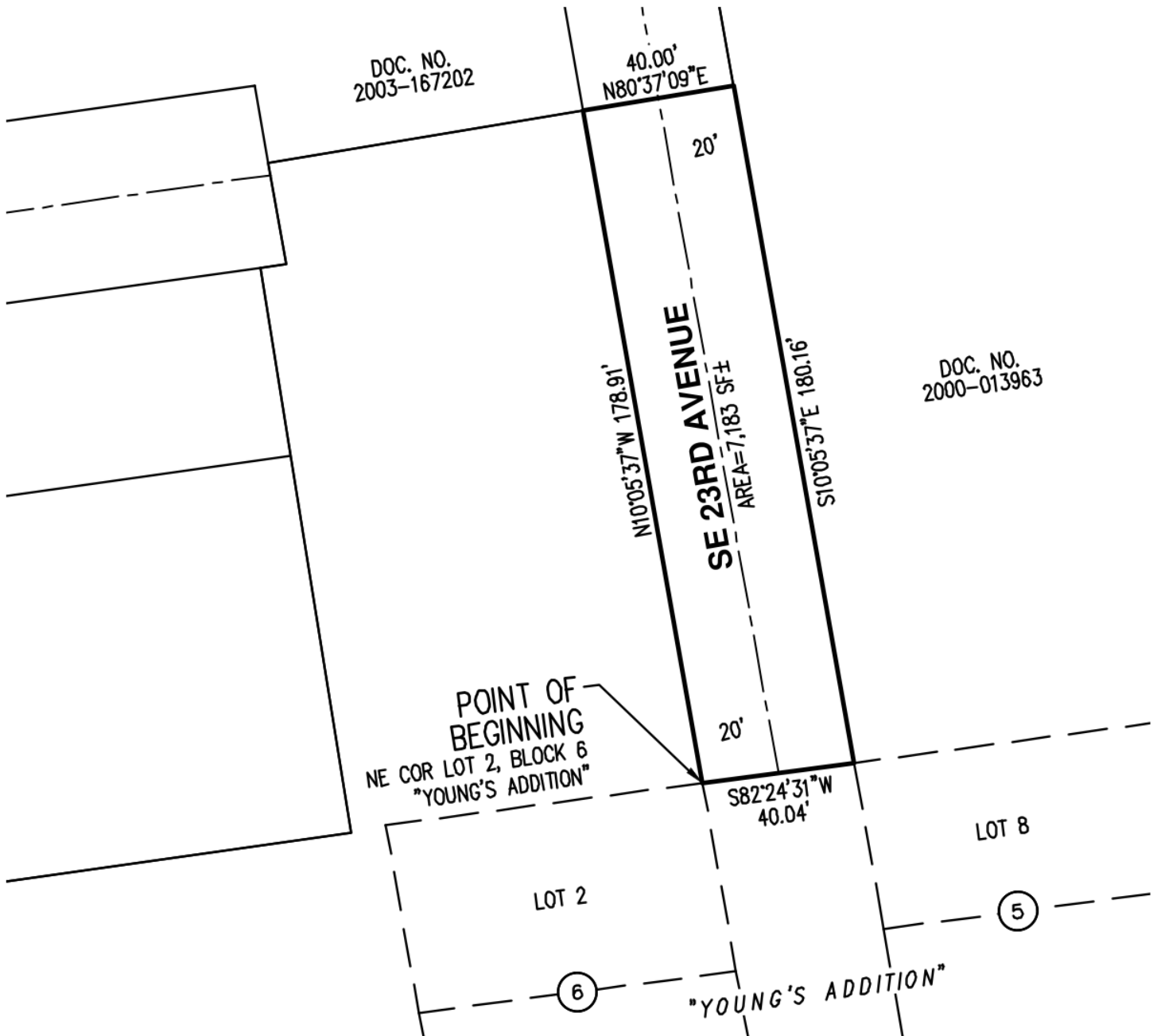
Bearings for this description are based on State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000. Distances shown are International Foot ground values.

8/5/2021



EXHIBIT B

A PORTION OF RIGHT-OF-WAY LOCATED IN THE NORTHWEST 1/4 OF SECTION 36,
TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON



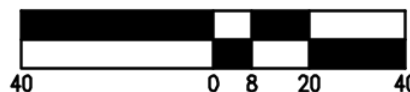
8/5/2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PREPARED FOR

NORTH CLACKAMAS SCHOOL DISTRICT
4444 SE LAKE ROAD
MILWAUKIE, OR 97222

SCALE: 1" = 40 FEET



PUBLIC PIPELINE UTILITY EASEMENT MAP

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151

AKS

EXHIBIT
B

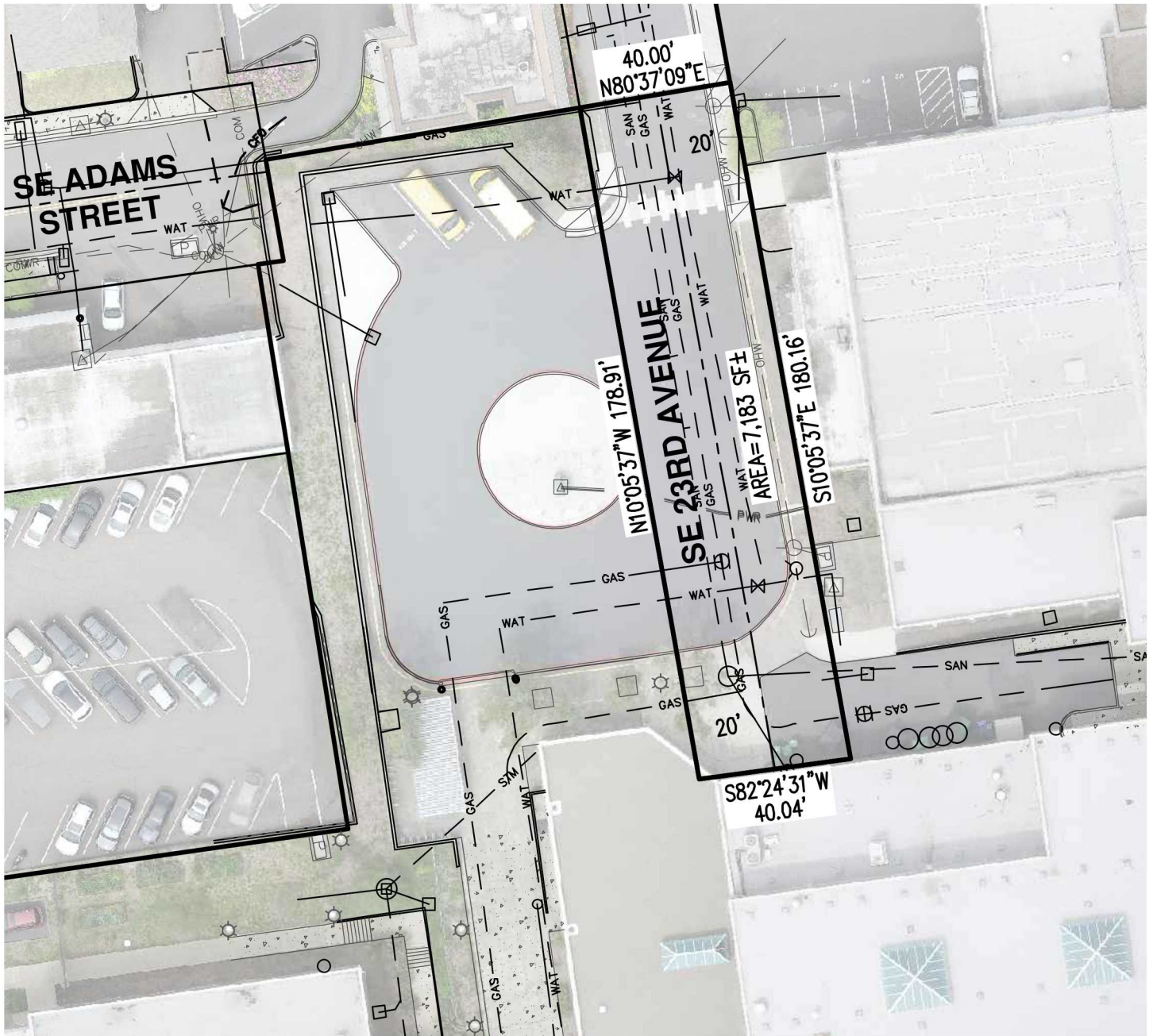
DRWN: WCB
CHKD: NSW
AKS JOB:
5859

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWES: 6/30/22

EXHIBIT C

A PORTION OF RIGHT-OF-WAY LOCATED IN THE NORTHWEST 1/4 OF SECTION 36,
TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON



6/9/2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

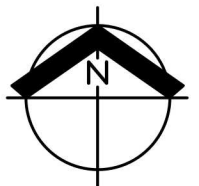
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/22

PREPARED FOR

NORTH CLACKAMAS SCHOOL DISTRICT
4444 SE LAKE ROAD
MILWAUKIE, OR 97222

SCALE: 1" = 40 FEET



UTILITY PLAN

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 **RS34** WWW.AKS-ENG.COM

AKS

EXHIBIT
C

DRWN: WCB
CHKD: NSW
AKS JOB:
5859

AFTER RECORDING RETURN TO:

CITY OF MILWAUKIE
ATTN: CITY MANAGER
10501 SE MAIN STREET
MILWAUKIE OR 97222

PUBLIC ACCESS EASEMENT

This PUBLIC ACCESS EASEMENT (“**Easement**”) is entered into by and between NORTH CLACKAMAS SCHOOL DISTRICT NO. 12 (“**Grantor**”) and THE CITY OF MILWAUKIE, an Oregon municipal corporation (“**Grantee**”), on this _____ day of August 2023 (the “**Effective Date**”).

RECITALS

A. Grantor is the owner of record of certain real property located in Clackamas County at 2301 SE Willard St., Milwaukie, Oregon 97222 (“**Grantor’s Property**”).

B. Grantee desires a twenty-five (25) foot wide, perpetual, non-exclusive access easement under and across a portion of Grantor’s Property in the location legally described on Exhibit A and more particularly depicted on Exhibit B attached hereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Grant of Easement. Grantor does hereby grant, bargain, sell, and convey to Grantee, its successors and assigns a twenty-five (25) foot wide, perpetual, non-exclusive access easement under, across, in and through a portion of Grantor’s Property in the location legally described on Exhibit A and more particularly depicted on Exhibit B (collectively, the “**Easement Area**”).

2. Acceptance of Easement. Notwithstanding anything in this Agreement to the contrary, Grantee accepts the Easement Area “AS IS” with all faults, subject to all existing easements, rights of way, covenants, conditions, restrictions, and reservations of record (“**Prior Recorded Encumbrances**”). Grantor makes no representations or warranties, express or implied, regarding the title, quality, character, value, or any other attribute of the Easement Area. Grantee accepts all risk arising out of its use of the Easement Area, and Grantor shall have no liability to Grantee or others for any condition existing thereon.

3. Purpose of Easement. The easement granted herein will be used solely for the purposes of providing pedestrian access across the Easement Area. The easement granted herein may be used for such ingress and egress purposes only by Grantee, its successors, and assigns.

4. Restrictions on Use of Easement Area. Subject to the rights of the beneficiaries under the Prior Recorded Encumbrances, Grantor shall not cause or allow the construction or maintenance of any building or other structure in or upon the Easement Area (including any overhanging structures with footings located on property owned by Grantor outside the Easement Area) without the prior written consent of Grantee, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, Grantor shall have full use and enjoyment of the Easement Area which is not inconsistent with Grantee's permitted use herein, including but not limited to, the right to construct and maintain walkways, utilities, curbing, directional signage, landscaping (other than trees), and similar improvements within the Easement Area without need for Grantee's consent.

5. Additional Grantee Obligations. Grantee shall not interfere in any way with Grantor's use of the Easement Area, except to the extent reasonably required for Grantee's use and activities permitted under this Agreement. Grantee agrees that if Grantee or its invitees disturb the Easement Area or if any damage occurs on the Easement Area as a result of Grantee or its invitees' use or activities under this Agreement, Grantee shall promptly repair and restore the Easement Area, at Grantee's sole cost and expense, to substantially the same and at least as good a condition as existed immediately prior to Grantee's use or activities. Except in the event of an emergency, Grantee shall provide Grantor with written notice of Grantee's intention to enter upon or commence repair work on the Easement Area at least seventy-two (72) hours prior to such entrance or commencement of such work. Failure to provide this notice shall constitute a breach of this Agreement by Grantee.

6. Indemnification; Limitation. Grantee, its successors and/or assigns, shall defend, indemnify, and hold harmless Grantor, its successors and/or assigns from any loss, claim, damage, or liability of any nature, including injury to any person or property, and including, but not limited to, reasonable attorney fees, arising in any manner out of the Grantee and its invitees' use, access or activities under this Agreement, and Grantor shall have no liability to Grantee or others for any condition existing thereon. In no event shall Grantor be liable for any claims, proceedings, lawsuits, liabilities, damages, losses, fines, penalties, judgments, awards, costs, and expenses resulting from Grantee or its invitees' use of the easement granted herein whether or not it is insured, unless such loss is caused by the willful misconduct or intentional wrongdoing of Grantor.

7. Easements to Run with the Land. The easement, rights and obligations contained in this Agreement shall bind and inure to the benefit of each of the Grantor and Grantee and each of their respective heirs, representatives, lessees, successors, assigns, mortgagees, and beneficiaries under any deed of trust; provided however, this Agreement may not be assigned by Grantee without the prior written consent of Grantor.

8. Attorney Fees and Costs. In the event a suit or action is instituted to enforce or interpret any provision of this Agreement, the prevailing party shall be entitled to recover reasonable attorney fees and other costs and expenses actually incurred in connection therewith,

including without limitation attorney fees incurred on any appeal, in addition to all other sums provided by law.

9. Modification. The terms of this Agreement may be modified or terminated only upon the consent of Grantor and Grantee as evidenced by their execution of a written instrument that is recorded in the deed records of Clackamas County, Oregon.

10. Entire Agreement. This Agreement, including the exhibits attached hereto, constitutes the entire agreement between the parties. No representations, warranties, or promises pertaining to this Agreement or any property affected by this Agreement have been made by, or shall be binding on, the parties, except as expressly stated in this Agreement.

11. Severability. The invalidity or unenforceability of any provision of this Agreement with respect to a particular party or set of circumstances shall not in any way affect the validity or enforceability of any other provision hereof, or the same provision when applied to another party or a different set of circumstances.

12. Non-Waiver. Failure by Grantor or Grantee to enforce any of the rights, obligations, covenants, or restrictions contained in this Agreement shall in no event be deemed a waiver of the right to enforce the same at any future time.

IN WITNESS THEREOF, Grantor and Grantee have executed this Agreement as of the date first written above.

GRANTOR:

North Clackamas School District No. 12

By: _____

Name: _____

Title: _____

GRANTEE:

THE CITY OF MILWAUKIE,
an Oregon municipal corporation

By: _____

Name: _____

Title: _____

STATE OF OREGON)
) ss.
County of _____)

Personally appeared this _____ day of _____ 2023, the above named _____, who acknowledged to me he/she executed the foregoing Access Easement Agreement in his/her capacity as _____ of North Clackamas School District No. 12, freely and voluntarily on behalf of that entity.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of _____)

Personally appeared this _____ day of August 2023, the above named _____, who acknowledged to me he/she executed the foregoing Access Easement Agreement in his/her capacity as _____ of THE CITY OF MILWAUKIE, an Oregon municipal corporation, freely and voluntarily on behalf of that municipal corporation.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT A

Access Easement Description

A tract of land located in the Northwest One-Quarter of Section 36, Township 1 South, Range 1 East, Willamette Meridian, City of Milwaukie, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the northeast corner of Lot 5, Block 2 of the plat "Duersts Addition", Plat No. 263, Clackamas County Plat Records, also being on the south right-of-way line of Adams Street (25.00 feet from centerline); thence along said south right-of-way line, North $81^{\circ}54'02''$ East 13.73 feet to the east right-of-way line of Adams Street; thence along said east right-of-way line, North $10^{\circ}02'48''$ West 1.94 feet to the Point of Beginning; thence continuing along said east right-of-way line, North $10^{\circ}02'48''$ West 25.00 feet to the southwest corner of Document Number 2003-167202, Clackamas County Deed Records; thence along the south line of said deed and the easterly extension thereof, North $80^{\circ}37'09''$ East 123.55 feet to the east right-of-way line of 23rd Avenue (20.00 feet from centerline); thence along said east right-of-way line, South $10^{\circ}05'37''$ East 25.00 feet to a line which is parallel with and 25.00 feet southerly of, when measured at right angles to, said south line; thence along said parallel line, South $80^{\circ}37'09''$ West 123.57 feet to the Point of Beginning.

The above described tract of land contains 3,089 square feet, more or less.

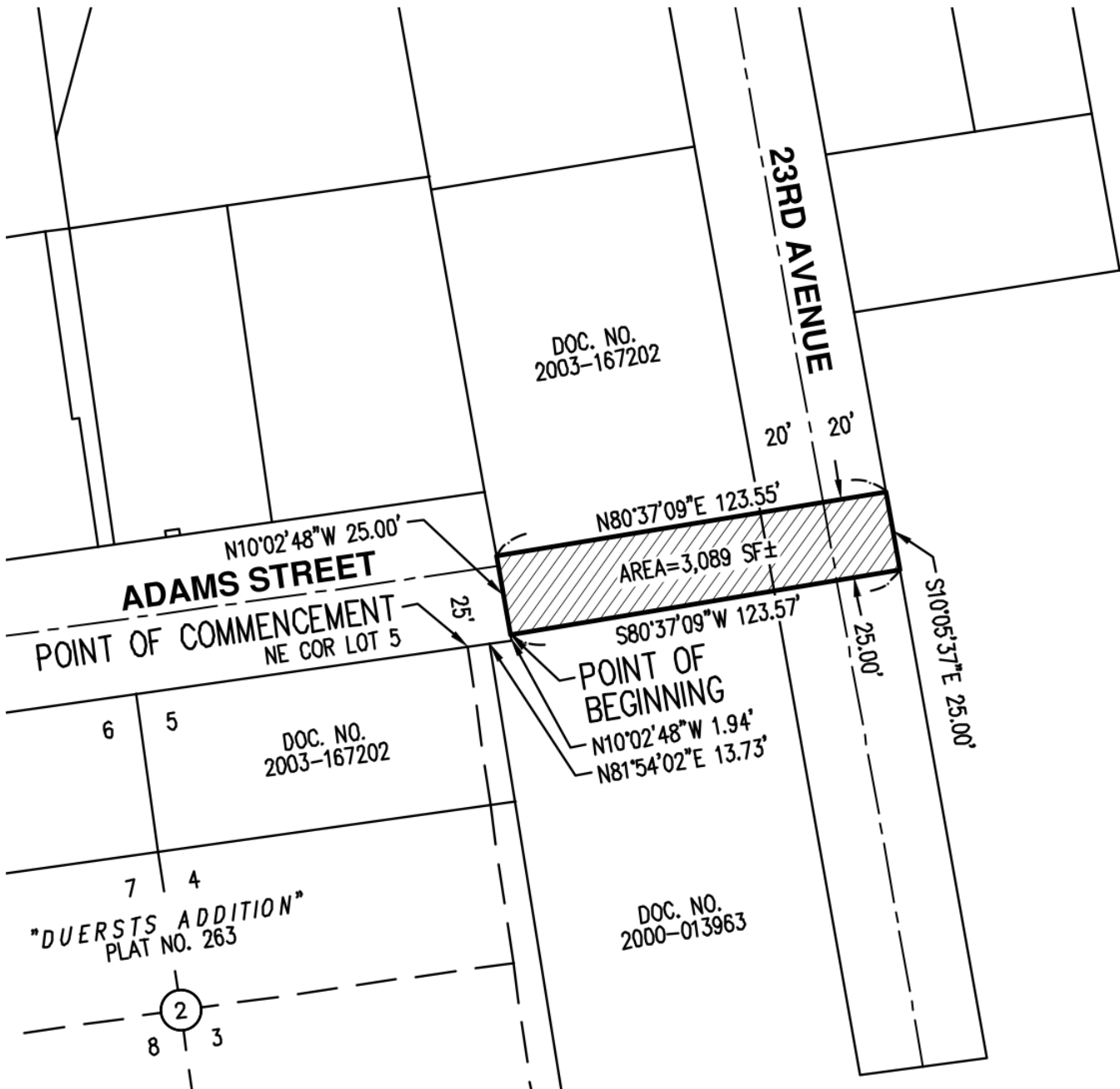
Bearings for this description are based on State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000. Distances shown are International Foot ground values.

7/22/2022



EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 36,
TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON



7/22/2022

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

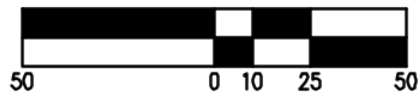
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/24

PREPARED FOR

NORTH CLACKAMAS SCHOOL DISTRICT
4444 SE LAKE ROAD
MILWAUKIE, OR 97222

SCALE: 1" = 50 FEET



ACCESS EASEMENT MAP

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 *RS40* WWW.AKS-ENG.COM

AKS

EXHIBIT
B

DRWN: WCB
CHKD: NSW

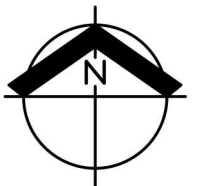
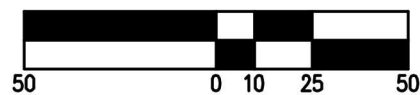
AKS JOB:
5859

ACCESS EASEMENT EXHIBIT



PREPARED FOR
NORTH CLACKAMAS SCHOOL DISTRICT
4444 SE LAKE ROAD
MILWAUKIE, OR 97222

SCALE: 1" = 50 FEET



7/22/2022

DWG: 5859 20220722 EXB | EX

ACCESS EASEMENT WITH AERIAL PHOTO

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 **RS41** WWW.AKS-ENG.COM



EXHIBIT

DRWN: WCB
CHKD: NSW
AKS JOB:
5859

November 7, 2023

City Manager
City of Milwaukie
10501 SE Main Street
Milwaukie, OR 97222

To Whom it May Concern,

This letter is regarding the proposal to vacate the public right-of-way (ROW) owned by the City of Milwaukie on 23rd Avenue on the Milwaukie High School (MHS) property. As confirmed by the City of Milwaukie's finance department and code enforcement coordinator and the Clackamas County Assessor's Office, this letter certifies that there are no city liens outstanding against the property being vacated and there are no taxes due as the property being vacated is publicly owned and therefore exempt from taxation pursuant to Oregon Revised Statute (ORS) 307.090.

For questions regarding this letter, please contact the Office of the City Recorder (OCR) by phone at 503-786-7502 or email at ocr@milwaukieoregon.gov.

Scott Stauffer
City Recorder

CommunityClassifieds

MILWAUKIE, CITY OF
EMILIE BUSHLEN
6101 SE JOHNSON CREEK BLVD
MILWAUKIE, OR 97206**INVOICE**

Invoice Date:	11/14/2023
Invoice Number:	519984
File #:	
Customer No:	148094

Beaverton Valley Times | Canby Herald | Clackamas Review | Estacada News | Forest Grove News-Times | Gresham Outlook | Hillsboro Tribune | Lake Oswego Review | Madras Pioneer | Molalla Pioneer | Newberg Graphic | NICKEL ADS | Oregon City News | Portland Tribune | Prineville Central Oregonian | Regal Courier | Sandy Post | Sellwood Bee | Sherwood Gazette | South County Spotlight | Southwest Community Connection | The Times | West Linn Tidings | Wilsonville Spokesman | Woodburn Independent

Date	Ad#	Description	Amount
11/14/23	307796	NOTICE OF STREET VACATION -- City of Milwaukie Business Tribune,Portland Zone PN-Tues. 11/14/2023	40.00

Please detach and return this portion with payment. To ensure proper credit to your account, please write your account number on your check.
If you have any questions about your account, please contact Accounts Receivable at (971) 204-7707.

INVOICE DATE 11/14/2023	INVOICE NUMBER 519984
CUSTOMER NUMBER 148094	ORDER NUMBER 307796
PLEASE PAY \$40.00	

Pamplin Media Group
Attn: Accounts Receivable
PO Box 22109
PORTLAND OR 97269-2109

MILWAUKIE, CITY OF
EMILIE BUSHLEN
6101 SE JOHNSON CREEK BLVD
MILWAUKIE, OR 97206

Pamplin MediaGroup

PO Box 22109 Portland, OR 97269-2169
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

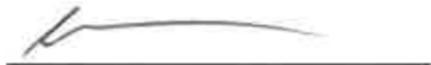
State of Oregon, County of Clackamas, ss I,
Kristine Humphries, being first duly sworn,
depose and say that I am the Principal Clerk
of the Business Tribune, a newspaper of
general circulation, published in Clackamas
County, Oregon, as defined by ORS 193.010
and 193.020, that

Ad#: 307796

Owner: City of Milwaukie

Description: NOTICE OF STREET VACATION

A copy of which is hereto annexed, was
published in the entire issue of said
newspaper for 1 week(s) in the
following issue:
11/14/2023



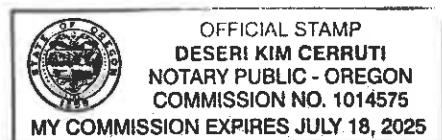
Kristine Humphries (Principal Clerk)

Subscribed and sworn to before me this
11/14/2023



NOTARY PUBLIC FOR OREGON

Acct #: 148094
Attn: EMILIE BUSHLEN
MILWAUKIE, CITY OF
6101 SE JOHNSON CREEK BLVD
MILWAUKIE, OR 97206



NOTICE OF STREET VACATION SE 23rd Avenue

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Milwaukie, Oregon, at the city hall council chambers, 10501 SE Main Street, Milwaukie, Oregon 97222, on the 5th day of December 2023, at the hour of 6:00 p.m. The Council will hear and consider all written and oral objections or remonstrances to the vacation of a portion of public right-of-way (ROW) of SE 23rd Avenue at Milwaukie High School (MHS) in the City of Milwaukie. Written statements may be submitted at the hearing or filed with the city recorder of the City of Milwaukie, Oregon at city hall prior to the hearing.

This public ROW vacation process was initiated by the city's own motion pursuant to Oregon Revised Statute (ORS) 271.130.

PUBLISHED BY ORDER OF THE CITY OF MILWAUKIE, OREGON.

Scott Stauffer

City Recorder

Published November 14, 2023.

BT307796

PamplinMediaGroup

-Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Kristine Humphries prior to deadline at (971) 204-7785 or khumphries@pamplinmedia.com.

Date: 11/21/23 Account #: 148094 File #: Company Name: MILWAUKIE, CITY OF Contact: EMILIE BUSHLEN Address: 6101 SE JOHNSON CREEK BLVD MILWAUKIE Telephone: (503) 786-7669 Fax:	Ad ID: 308706 Start: 11/24/23 Stop: 11/24/23 Total Cost: \$40.00 Columns Wide: 1 Ad Class: 1284 Phone # (971) 204-7785 Email: khumphries@pamplinmedia.com Amount Due: \$40.00
Run Dates Business Tribune 11/24/23	

**NOTICE OF STREET VACATION
SE 23rd Avenue**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Milwaukie, Oregon, at the city hall council chambers, 10501 SE Main Street, Milwaukie, Oregon 97222, on the 5th day of December 2023, at the hour of 6:00 p.m. The Council will hear and consider all written and oral objections or remonstrances to the vacation of a portion of public right-of-way (ROW) of SE 23rd Avenue at Milwaukie High School (MHS) in the City of Milwaukie. Written statements may be submitted at the hearing or filed with the city recorder of the City of Milwaukie, Oregon at city hall prior to the hearing.

This public ROW vacation process was initiated by the city's own motion pursuant to Oregon Revised Statute (ORS) 271.130.

PUBLISHED BY ORDER OF THE CITY OF MILWAUKIE, OREGON.

Scott Stauffer

City Recorder

Published November 24, 2023.

BT308706



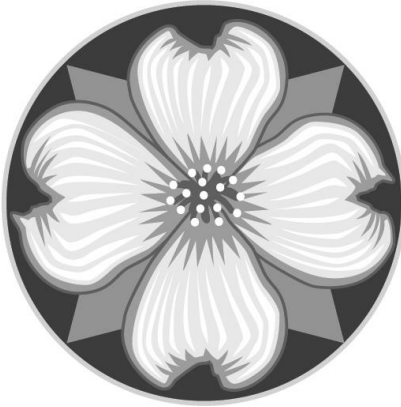
PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

If you wish to have appeal standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.

12/5/2023 | **8. A. 23rd Ave Right-of-Way Vacation – Ordinance**

Land Use File No. (none)

NAME	ADDRESS	PHONE	EMAIL



RS Agenda Item

9

Council Reports

Joint Values on the Proposed Regional Congestion Pricing and Toll Projects within the Portland Metro Region

September 20, 2023

The jurisdictions named here support a functional regional transportation system that prioritizes safety, equity, a vibrant economy, healthy and active communities, climate action, disaster resilience, and the reliable movement of people and goods.

We acknowledge that additional transportation funding is needed to address maintenance and capital projects on the interstate system. We recognize ODOT has been directed to pursue pricing in some form, but also that toll collections have been paused until 2026 in order to better address local concerns. As ODOT continues to advance tolling and explore other funding strategies, the jurisdictions listed here will advocate for the following values to be reflected in any proposed policy or project.

These values are not an endorsement of any proposal to implement tolling or congestion pricing.

To rebuild trust with local communities, ODOT must...

- Be influenced by local voices and jurisdictions ahead of implementation
- Deliver clear benefits to the drivers, communities, and businesses affected by toll corridors
- Prioritize robust and inclusive community engagement
- Incorporate and track commitments made with local and regional partners through transparent and consistent communication

To ensure the transportation system works for Oregonians, the OTC and the State Legislature should direct ODOT to...

- Extend the existing revenue sharing models with local jurisdictions to apply to toll revenues
- Prioritize the completion of the bottleneck projects identified in HB 2017 (2017) and HB 3055 (2021)
- Explore alternative funding mechanisms beyond pricing to address transportation funding needs
- Provide adequate public transit infrastructure within proposed toll corridors

To ensure the efficient and equitable movement of people and goods, tolling or congestion pricing programs should...

- Decrease diversion into local communities
- Increase safety on and off the interstate system
- Ensure that all tolling or congestion programs are designed with regional implementation and collaboration in mind to avoid disproportionate economic impacts or unfair burdens on people and communities
- Support a regionally balanced transportation system that provides reliable travel times for commuters and employers on and off the tolled corridor
- Establish viable travel alternatives to accommodate mode shifts, including bicycle and pedestrian networks and accessible transit programs in areas with inadequate or no service
- Provide considerations for local trips with few or no alternatives
- Improve transportation system resiliency to natural disasters, such as earthquakes and wildfires
- Improve regional air quality and reduce vehicle pollution, both on and off the interstate system
- Establish a long-term oversight and accountability committee to provide transparency
- Consider recommendations from the Low-income Toll Report and the Equity Mobility Advisory Committee (EMAC)
- Address the land use implications inherent with how tolling will affect local communities

