

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
AUGUST 19, 2008**

CALL TO ORDER

Mayor Bernard called the 2036th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Council President Joe Loomis and Councilors Deborah Barnes, Greg Chaimov, and Susan Stone

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development and Public Works Director Kenny Asher, Resource and Economic Development Specialist Alex Campbell

PLEDGE OF ALLEGIANCE**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS****Oregon Zoo 2008 Campaign**

Metro Councilor Carlotta Collette discussed the Metro Bond proposal on the November 2008 ballot for the Oregon Zoo. The 50-year old zoo currently has 1.5 million visitors annually, and significant needs were identified in the master planning process.

Brian Newman, Oregon Zoo Foundation and former Metro Councilor, discussed the regional treasure, its identified deficiencies, and how those needs would be addressed. The Oregon Zoo is a public institution operated by Metro. In addition to being a great place to spend an afternoon, the Zoo was also a leader in education and endangered species conservation programs. It had the largest condor-breeding program in the world at an undisclosed location in rural Clackamas County, and the hope was to begin releasing condors in Oregon soon. The Zoo had been in its current location for over 50 years, and the aging infrastructure from the 1950's and 60's needed to be brought up to current standards. The proposed bond measure would update and replace old exhibits and facilities, increase access to conservation education, and replace utility systems to reduce water and energy use and lower operating costs. It would provide more humane conditions for the elephants, protect the health of the polar bears, renovate the primate enclosures, dedicate space for conservation education, provide an on-site condor exhibit, replace aging animal hospital and quarantine buildings, and improve water quality by separating sewage from stormwater and harvesting runoff for reuse. The 21-year \$125 million bond would cost approximately \$0.09 per thousand assessed valuation. Accountability requirements would include internal audits, annual independent financial audit, and a citizens oversight committee to monitor spending and recommend project modification if necessary.

Councilor Stone asked Mr. Newman if any of the remodeling would minimize animal psychosis. What would be done to make that better?

Mr. Newman replied the behavior was documented particularly in large mammals including elephant and polar bears. The new enclosures would be safer, larger, and more natural. The Zoo also hoped to have an offsite location where elephants could get some time away from the public. Although people were generous, it was difficult to

raise the needed funds without a bond measure. He noted it took five years to raise \$5 million for the new lion exhibit.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Chaimov to approve the consent agenda:

- A. City Council Minutes of June 3, 2008 Work Session
- B. City Council Minutes of July 14, 2008 Special Session
- C. **Resolution 74-2008:** A Resolution of the City Council of the City of Milwaukie, Oregon, Amending Contract #306 097 with David Evans and Associates, Inc. for Landscape Design and Engineering Services for Milwaukie Riverfront Park to Extend the Term to September 2009 and Increase the Compensation to \$500,000
- D. **Resolution 75-2008:** A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Award of Contract for the Rehabilitation of the 18th Avenue Wastewater Main
Resolution 76-2008: A Resolution of the City Council of the City of Milwaukie, Authorizing Budget Appropriation for the Purpose of the 18th Avenue Rehabilitation Project
- E. **Resolution 77-2008:** A Resolution of the City Council of the City of Milwaukie, Authorizing Budget Appropriation for the Purpose of Purchasing Valve Maintenance Trailer Equipment

Motion passed unanimously. [5:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 and 19.321.3

Mr. Swanson reported this matter had been taken up at the second meeting of each month since June 2006. He briefly reviewed previous actions and read the proposed amendments:

19.321.3. Unpermitted uses

The following uses may not be permitted as community service uses and are prohibited in all zones:

- A. Major utility facilities, including wastewater treatment plants and thermal (coal, gas, or oil) power generating plants, other than cogeneration facilities sited with an industrial use. A generator supplying on-site power is not a thermal power generating plant for purposes of this section.

19.321.7 Nonconforming Community Service Uses

Any use prohibited by Section 19.321.3 that was approved prior to the adoption of Section 19.321.3 may remain in use through December 31, 2015, but may not be enlarged, upgraded, remodeled, or altered in any way, except as needed to abate nuisances declared by the City or as needed to comply with applicable federal or state statutes, regulations or permits. No changes in such nonconforming uses are permitted, except as needed to abate City-declared nuisances or as needed to comply with applicable federal or state statutes, regulations or permits. Violation of this

subsection shall be prosecuted under Chapter 1.08 and the civil penalty for violation of this section shall be \$10,000 per day of violation. During the period when any such nonconforming use remains in effect after December 31, 2015, the owner of the property and the operator of the use are jointly liable to the City for payment of a nonconforming major utility fee in an amount to be set by resolution of the City Council to recover costs and impacts on the City resulting from the presence of the nonconforming major utility. This section does not apply to a use that has been approved under Section 19.321.2B.

Mr. Swanson explained both sections related to the Kellogg Treatment Plant. He recommended continuing the matter and stated he believed they would be important when the District financed system improvements. An underwriter might not be comfortable with those provisions in the municipal code or with their monthly continuance. He recommended continuing the matter to September 16, 2008. If adopted there would need to be some work done to amortize the costs and ensure the penalties were reasonable. He did not recommend adoption at this point but wanted to read the amendments into the record for clarity.

Mayor Bernard recommended sending the Clackamas County Commissioners copies of the proposed code amendments.

It was moved by Councilor Chaimov and seconded by Councilor Loomis to continue the hearing to September 16, 2008. Motion passed with the following vote: Mayor Bernard and Councilors Loomis and Chaimov voting 'aye' and Councilors Barnes and Stone voting 'no.'

OTHER BUSINESS

A. South Downtown Concept – Report on Phase 1 and Contract Approval for Phases 2 and 3 – Resolution

Mayor Bernard recused himself as a property owner in the area.

Mr. Asher reported the City began working last spring with the Center for Environmental Structure (CES) to better understand the redevelopment potential for the South Downtown area and validate the *South Downtown Concept Plan* that showed a plaza with light rail station, restored Kellogg Creek, and a pedestrian underpass. CES conducted and compiled information from 34 interviews about what people wanted to see in downtown Milwaukie. He had heard many positive comments about people's perceptions the process. CES provided the City with two key deliverables: a 23-point review of the South Downtown Concept Plan and a 37-page summary of issues and information raised by community members.

Randy Schmidt, CES, provided an update on the work and talked about the next phases to reach a new, revised, and embellished concept plan for South Downtown. CES asked 34 members of the community what they loved about Milwaukie, what defined it, and what was important to reproduce, extend, or protect. The information was boiled down and grouped thematically around topics in preparation for the pattern language. He briefly reviewed the 2007 Concept Plan.

Community members' comments tended to fall into themes, and it was probably worthwhile stating that a certain amount of boiling and synthesizing was used as a generative tool. CES and the interviewees went on a walking tour of the downtown, and Mr. Schmidt showed slides of the things people loved and wanted to protect so Milwaukie's character was enhanced and reinforced and not lost. City Hall came up repeatedly as a structure and human organization, and the Sunday Farmers' Market was an emotional anchor with a relationship to City Hall. The waterfront was the jewel

of the City, and opinion was divided on the adequacy of the connection. Some felt it was just not there. Many spoke about beautiful trees and dogwoods in particular. The Masonic Lodge came up many times as something of value along with the Portland Waldorf School as a physical structure and human organization. Many felt the sidewalk widths were adequate, and the trees were a nice aspect. People talked about businesses and spoke favorably about the improvements made under the Downtown Plan. The businesses at the north end of Main Street were valued a great deal. People liked the columnar structure and multi-paned windows at Casa de Tamales and appreciated the intersection improvements at Main and Harrison Streets including the street medallions. A space similar to the Portland Waldorf School might be reproduced at the south end of Main Street in a vest pocket park. The presence of nature and access to water in the downtown was important. People spoke positively of the Lee Kelly Fountain at the Ledding Library. The railroad trestle was attractive and should be protected and enhanced. Mr. Parecki's building came up many times as a desirable renovation in terms of materials and size. The awning at the Brew Pub on Main Street was an attractive sidewalk feature for pedestrians in any kind of weather. People liked the Oregon Department of Transportation (ODOT) building at the north end of town. People suggested the design of the Bend, Oregon, train station be duplicated in a downtown Milwaukie light rail station. Restoration of the Kellogg Lake into a creek was considered a good idea.

CES was also charged with reviewing the 2007 South Downtown Concept Plan. CES found the overall broad concept of a plaza at south end coupled with the light rail station a strong positive. The proposed plaza would be six blocks from the other major focus of downtown Milwaukie: City Hall and the current location of the Sunday Farmers' Market. The two plazas and the intervening six blocks formed a barbell structure generating a new core. Those two poles had the potential to enliven Main Street and form activity nodes with redevelopment creeping in from either end. People felt it was important to save the trees on the site across from City Hall as they were treasureable resources. He recommended protecting the site and leaving it open for the Farmers' Market and other uses of the outdoor space. There was some talk at one point about light rail ending further north, but he felt there was great strength in having it in the South Downtown design. Light rail would bring pedestrian traffic making the plaza and light rail a strong positive. The right triangle of the plaza was inherently problematic in that it did not lend itself to human comfort and satisfaction, and the acute angles reduced use. The geometry, by virtue of the size, shape and relationship to the street, made the site hard to define. It left little opportunity for surrounding buildings to "hug" the plaza, and a symbiotic relationship of buildings and space was vital to successful design of a lively urban plaza. Dogwood Park, the green triangle on the west side of Main Street should be protected as a vital component of the plaza. CES felt the scale and unit of development should be smaller than implied and not block sized. Smaller units of development probably lead to greater success. The tower was a strong positive and gesturally could be a strong anchor if done appropriately. Kellogg Lake improvements were a strong positive with pedestrian access to the extent feasible without disturbing habitat. In the scheme shown, there was a hint of a pedestrian underpass from the Creek to the waterfront. He was not sure about the best way to establish it, but it was a worthy objective to study further. Access from the downtown to the River was an issue in its own right given the barrier of McLoughlin Boulevard and pedestrian safety.

Upcoming work would be to establish pattern language using these community grassroots materials as fuel. CES would diagnose the strengths and weaknesses and identify where human intervention could heal things. It would generate a new concept design that embellished and superceded the 2007 Plan and include and implementation strategy based on present findings. The intent was to continue working with a 9-member citizen group to hammer out the issues, and CES would meet with the property

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APPROVED MINUTES

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owners in the South Downtown area. CES often worked with large models and staked sites to generate feedback on what ought to be done. City Council could review the pattern language followed by a public showing. Mr. Schmidt showed an example of a large-scale model from which more polished drawings would be generated.

- **Ed Zumwalt, Milwaukie**

Mr. Zumwalt thought the CES document was remarkable. He was concerned about intellectual memory, changes of Council, and what the next part of the City was going to look like. What would keep us in line? It was up to the conscience of our leaders. He was concerned a lot of people had talked about a village concept north of Hwy 224 and this area. He asked if the “barbells” could be stacked end to end in that case. He was looking forward to seeing what CES came up with but was concerned about the future.

- **Greg Seagler, Milwaukie**

Mr. Seagler lived in the South Downtown and was sometimes a NIMBY. He loved the City’s location on the River and wanted to enhance what was there. Working with CES had been a positive experience for him, and although initially skeptical, he was pleased with the report. The consultant had a wonderful understanding of how people, buildings, and nature worked together. He appreciated the concern with scale. People said they wanted Milwaukie to keep the human scale and the small town feeling to encourage pedestrian activities and social interactions. CES really seemed to understand. Although he did not know how much it would cost to continue working with this company, he felt some expense was justifiable because the agency strives to operate with a certain amount of transparency and not adhere to its own agenda. There were a lot of community issues recently, and things had not been easy. When he read the report he was struck by how much agreement there was among people who had been far apart on other issues. The focus was on the south end, but it was clear everyone was looking at the bigger picture. Certain things were inevitable, and this was the time to envision how to make the most of everything.

- **Ed Parecki, Milwaukie business owner**

Mr. Parecki had been able to speak about the things he liked and how to make Milwaukie better. The exterior of his Main/Monroe Street building on the bar was complete, and his other building was the bell. He would like CES to tie this into the Downtown Plan to determine where the similarities might or might not be. He was glad to see one of his issues, keeping the plaza at City Hall, was prominent along with waterfront access.

- **Dion Shepard, Milwaukie**

Ms. Shepard had been looking at the triangle for 9 years, and she was pleased with what CES had come up with. She really like having two plazas because she wanted to save the trees and remove asphalt. She did not advocate for the cookie cutter effect or hodgepodge development and wanted to keep the small town feel. She liked the ideas for Dogwood Park and hoped she could continue working with CES as the project went forward.

Mr. Asher appreciated the comments. The action in this agenda item was to authorize the City Manager to execute a contract with CES for planning services for Phases 2 and 3 in the amount of \$120,000. CES had started discussions with TriMet so this work could inform any light rail station design.

Councilor Barnes found the comments interesting and was pleased people found a common goal. It benefited the City when people with differing political views worked

together. She like the Bend train station idea and hoped TriMet would consider it. Overall she was very impressed.

Mr. Schmidt was surprised by the two strong positives. The comments were incredibly rich and heartfelt, and the level of agreement among those who might have opposing views surprised him.

Councilor Stone commented light rail really had no end point whether it went to Park Avenue, Lake Road, or not at all. She asked how the terminus discussions were going.

Mr. Asher replied this City Council and other jurisdictions approved the locally preferred alternative with a terminus at Park Avenue and a station at Lake Road. Mr. Schmidt had agreed to fly to Portland in order to have a series of meetings with the TriMet design team. Milwaukie was working on its South Downtown and TriMet should be responsive to Milwaukie. TriMet appreciated speaking with someone that had a sense of what they wanted and had involved its citizens early. CES would have some hand in helping with the station location and design as part of the umbrella agreement.

Councilor Stone commented about the photo of the Bend train station and suggested the ODOT building be used as a transit station. The City once had an Amtrak station and could still use one. It was not over until the fat lady sang. Something to consider was the use of stonework mimicking the Bend station on a smaller scale. The waterfront park could have a similar design. She liked the suggestion of tying in this work to the Downtown Plan and looking broadly including the north end. She liked the barbell analogy. She wanted there to be an intimacy between people, buildings, and nature. CES was spot on in having this concept plan address all the human senses. The idea of smaller development and scale of downtown redevelopment was going in a good and positive direction. She liked the idea of models and mapping and felt the same thing should be done with light rail because it would be huge in the Milwaukie downtown. It was important to pay attention to proper scale. She was pleased it was not a cookie cutter plan and included small businesses and a variety of restaurants. She hoped modeling would prevent a major misfit before it occurred. Light rail was the elephant in the kitchen, and it was important to make sure it fit.

Councilor Chaimov was pleased this work gave the community a way of moving forward together.

Councilor Loomis felt the work had really captured Milwaukie, and he was impressed.

It was moved by Councilor Barnes and seconded by Councilor Chaimov to adopt the resolution authorizing the city manager to execute a contract with the Center for Environmental Structure for Planning Services for Milwaukie's South Downtown Area Phases 2 and 3.

Councilor Loomis felt this was a project the whole community could get behind, and this work helped set the path. It was interesting that it took an outside visitor to remind us how beautiful Milwaukie was and nice for someone to come in with fresh eyes.

Motion passed with the following vote: Councilors Barnes, Chaimov, and Stone and Council President Loomis voting 'aye.' Mayor Bernard had recused himself. [4:0]

RESOLUTION NO. 78-2008:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE CENTER FOR ENVIRONMENTAL STRUCTURE FOR PLANNING SERVICES FOR MILWAUKIE'S SOUTH DOWNTOWN AREA PHASES 2 AND 3.

B. Logus Road Right-of-way Acquisition Authority – Resolution

Mr. Campbell reported adoption of the proposed resolution would authorize the City Manager to acquire right-of-way to construct Logus Road sidewalk and to use eminent domain if necessary. The design included continuous sidewalk predominantly on the south side of the street and preserved the tree canopy. On-site storm water runoff was captured and treated through the use of “rain gardens” that also provided a buffer between the pedestrians and vehicles. The right-of-way acquisition was ready to begin, and he had a number of appraisals in hand. He discussed the process and noted it was important for the City to make an initial offer that would survive in court if necessary. It would pay 100% of the value of the land that would be used as sidewalk.

Councilor Stone understood in reading the report using eminent domain was not anticipated. Could the City Council decide the City Manager did not have that authority? It could easily be put on an agenda for Council to decide. To her it was threatening to take property anyway, and she did not wish to portray that to citizens. The land was sacred, and this was the American dream. She did not wish to approach it as a threat and suggested the matter come back to Council.

Mr. Campbell replied getting items on the Council agenda could take three to four weeks, so there could be problems with the construction window. He felt there was value in the City’s being upfront and direct with the property owners. There was some uncertainty with not using eminent domain.

Mr. Swanson added no one liked to use eminent domain, but the Council had certain fiduciary responsibilities. It also had certain powers at its disposal, and was a matter of how things were handled. It was a tool that could be used to the benefit of the community as a whole and not used in a heavy-handed manner.

Mayor Bernard observed eminent domain was used successfully on the Johnson Creek Boulevard and McLoughlin Boulevard improvements, and the resulting projects satisfied all parties. He felt it was the most honest way to go.

Mr. Swanson added in the McLoughlin Boulevard situation eminent domain would have been expensive, so the City pursued outright purchase of the larger property.

Councilor Stone asked what would happen if a property had a lien on it.

Mr. Campbell replied whether it was a willing seller or eminent domain any payment would go toward the lien and not to the property owner.

Councilor Stone thought it would be cleaner to negotiate without using the big gun. That was what she would prefer. The City could pull out the big gun later.

It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt the resolution declaring the need to acquire property on Logus Road for sidewalk and utility right-of-way and approving purchase and/or condemnation of select properties on Logus Road in fulfillment of the Logus Road Improvement Project. Motion passed with the following vote: Mayor Bernard and Councilors Chaimov, Loomis, and Barnes voting ‘aye’ and Councilor Stone voting ‘no.’ [4:1]

RESOLUTION NO. 79-2008:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE NEED TO ACQUIRE PROPERTY ON LOGUS ROAD FOR SIDEWALK AND UTILITY RIGHT-OF-WAY AND APPROVING THE PURCHASE AND/OR CONDEMNATION OF SELECT POPERTIES ON LOGUS ROAD IN FULFILLMENT OF THE LOGUS ROAD IMPROVEMENT PROJECT.

7218

C. Council Report

Councilor Stone enjoyed the Ardenwald Summer Concert and dinner with the Board of County Commissioners.

Mayor Bernard announced he could use more volunteers at the concert and Farmers' Market community booth.

Mr. Swanson announced immediately following adjournment of the regular session, City Council would meet in executive session pursuant to ORS 192.660(2)(h) to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

ADJOURNMENT

It was moved by Councilor Stone and seconded by Councilor Barnes to adjourn the meeting. Motion passed unanimously. [5:0]

Mayor Bernard adjourned the regular session at 8:40 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL AUGUST 19, 2008

MILWAUKIE CITY HALL
10722 SE Main Street

2036th MEETING

REGULAR SESSION – 7:00 p.m.

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| I. CALL TO ORDER | |
| Pledge of Allegiance | |
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| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | |
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| Oregon Zoo 2008 Campaign (Metro Councilor Carlotta Collette) | |
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| 3. CONSENT AGENDA <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i> | |
| A. City Council Minutes of June 3, 2008 Work Session | 2 |
| B. City Council Minutes of July 14, 2008 Special Session | 9 |
| C. Resolution Extending the Contract with David Evans and Associates | 27 |
| D. Resolutions Approving the Award of a Contract for the Rehabilitation of the 18th Avenue Wastewater Main and Transferring Appropriations | 31 |
| E. Resolution Appropriating Funds to Purchase Valve Trailer Equipment | 40 |
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| 4. AUDIENCE PARTICIPATION <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)</i> | |

5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 and 19.321.3 – Ordinance (Mike Swanson)

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
- A. **South Downtown Concept – Report on Phase 1 and 45 Contract Approval for Phases 2 and 3 – Resolution (Kenny Asher)**
 - B. **Logus Road Right-of-way Acquisition Authority – 98 Resolution (Alex Campbell)**
 - C. **Council Reports**

7. **INFORMATION**

8. **ADJOURNMENT**

Public Information

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION

June 3, 2008

Mayor Bernard called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Jim Bernard and Councilors Deborah Barnes, Greg Chaimov, Joe Loomis, and Susan Stone.

Staff Present: City Manager Mike Swanson, Community Development and Public Works Director Kenny Asher, Resource and Economic Development Specialist Alex Campbell, Community Services Director JoAnn Herrigel, and Information Coordinator Grady Wheeler

City Logo Roll Out

Mr. Wheeler reviewed the background of the logo change. The purpose of his presentation was to get Council's approval on a new logo and to begin integrating it into City material. At the February 5, 2008, work session Mr. Swanson spoke about staff's intention of working with a graphic designer to update the City's logo. Council gave direction to move forward, and Mr. Wheeler had been working with Kanaly Design to develop new materials for the City. He had worked with the company before on street banners, t-shirts, and street medallions all of which had been very popular with the citizens.

Staff believed this was a good time to move forward with the effort because the current logo was more than 15-years old, and a new look would be reflective of the change occurring in the last couple of years and what was on the horizon. One of the directives from the February work session was to get citizen input. There was an article in The Pilot, and a story was posted on the website asking for advice. The idea was also discussed at a Neighborhood Leadership meeting. While staff did not get a lot of feedback, there was an endorsement to move forward and return to a more classic-looking logo. With Council's approval Mr. Wheeler would begin working with other departments to begin implementing the new logo on such items as letterhead, envelopes, business cards, forms, signs for City facilities, the website, newsletter, City flag and other collateral like mugs and pencils. To stay "green" all of the old material will be used before phasing in the new products, and staff will use sustainable materials in the new products.

There was Council consensus to move forward with the new logo.

Downtown and Riverfront Plan Briefing

Ms. Mangle provided an overview of the Downtown Plan, how it was used, and what it meant to implementation today. She would close with staff's perspectives on some of the strengths of the Plan and some ideas on what polices could be improved. Council asked for this briefing with the intent of making sure everyone was up to speed as it was referred to constantly in all the work being done on transportation and development. The Plan was written in 1999 – 2000 with input from almost 2,000 people to guide the development of the built environment as well as the parkland and connection to the River. There were several different

documents in addition to the Comprehensive Plan: the Downtown Riverfront Land Use Framework Plan which was the vision document that fed into the Comprehensive Plan and included some overarching policies about land use policies; the Public Area Requirements (PAR) which had to do with transportation and sidewalk improvements; Zoning Code contained the policies that guided development; and the Design Guidelines. All of these comprised the different elements of the Downtown Plan. The Framework Plan was the vision, and the Public Area Requirements and the Design Guidelines implemented that vision. The Framework Plan and Public Area Requirements were adopted in 2000, the Zoning Code in 2001, and the Design Guidelines in 2003. The Downtown Riverfront Land Use Framework Plan was a conceptual plan that included a variety of projects and established the vision for downtown. It described the vision as a vibrant place redeveloped with mixed-use buildings served by a multi-modal transportation system with easy access to the great open spaces that were already here. The key principles were to build on existing assets, feature the natural environment, strengthen Main Street as source of community pride with anchor stores on the north and south, and intensifying activity in the downtown. The code was requiring more buildings and more people with a variety of uses and with high quality and built in a way the reinforced Main Street and the character of Milwaukie. The regulations required mixed-use development, employment and residential density, multi-modal transportation access and assumed redevelopment of underutilized sites. It was not a code that envisioned just preservation but also anticipated actual development. Some of the more specific requirement required retail ground use areas from North Main Village to Washington Street and the downtown storefront zone. Offices and residences were not allowed on the ground floor and the uses were specific. There was an area long Main Street that required ground floor windows, openings, and doors to avoid long, blank walls. The idea was to activate the streetscape so people could look into the buildings and into the stores. Ms. Mangle discussed building height. In the downtown storefront zone heights were limited to 3 stories with an automatic bonus if the building included residential. In the downtown office zone 5-stories were allowed and that included Kellogg Treatment Plant. Downtown residential zones east of 21st Avenue stepped down to 3 or 4 stories, and there were other types of requirements that dictated the building form.

The code also required that development contribute public area requirements (PAR). The document had a thorough analysis of all the different ways transportation needed to be developed and act in the downtown. The Transportation System Plan (TSP) was updated to agree with these street classifications. The PAR went into the details and addressed the wishes of the community and how to make that happen with quality and materials at the ground level to make a comfortable and lively place. Construction details were adopted before today's public works standards were adopted, so that level of detail was considered.

Design Guidelines had to do with quality development and had a certain consistency as new buildings were built or renovated. The different categories were Milwaukie character, pedestrian emphasis, architectural details, lighting, and signs. The Design and Landmarks Committee (DLC) had a checklist for each category to determine if a project was generally in compliance. It was qualitative analysis. There was a set of recommended standards and what was not recommended. The code had proscriptive standards, and the design guidelines were more interpretative. The design guidelines were not intended to

prescribe a specific design solution nor were they rigid requirements without some flexibility. They did not have to do with some kind of historic style.

Ms. Mangle discussed how the documents were being used, implementation, and staff's view of the Downtown Plan. The Framework Plan was where the big ideas were and were implemented through the zoning code, joint development projects, and the capital improvement plan (CIP). Staff worked with the Planning Commission and DLC to implement these as well. The Framework Plan was a vision document that allowed for the most degree of interpretation, and the code was the most proscriptive. People could come to different conclusion about what it meant to keep with that vision, and the zoning code contained the legal requirements. Although these was adopted 8 years ago, they were just being implemented, and limitations and challenges were being identified. It took time for plans to be implemented, and Milwaukie was well on its way to achieving elements such as Riverfront Park, North Main Village, Town Center site, Kellogg Creek restoration, and design reviews. Staff was continuing to focus on the transit center site, and the private sector was doing more. During the TSP process, the downtown modal plans were updated, and people agreed the downtown should be a priority whether money was spent for parking or bike lanes on 17th Avenue. Downtown was identified as the hub and was worth a financial investment for not only transit but also sidewalks and bike lanes.

Ms. Mangle referred to the executive summary of the October 2003 *Milwaukie's Next Steps Project – Implementation Plan for Downtown Revitalization*. It A separate set of consultants was hired to look at implementation and what the City should do to implement this Plan. One recommendation was to periodically update the Framework Plan to help make it a living document while staying true to the vision. That had not happened. Another strong recommendation was to develop a strategy for public investment particularly for streetscape improvements. Milwaukie so far had put most of that burden on developers. In many cities it was done through grants or urban renewal, so Mr. Campbell would talk with Council about the public investment side and what incentives could be developed. She revisited the fundamental concepts and how different tools could be improved. It set out a clear vision and bold plan that addressed revitalization; however, people had various comfort levels about this level of change. It was not a plan about restoration but rather it addressed density and transit to serve the population. It was a good plan in that it identified the community's dream including connection to the River and history. It took people to support that which meant a friendly downtown with benches and other amenities. She recommended refreshing the code by considering elements that might be too proscriptive about such things as retail all along Main Street. It might be better to have some office so spaces did not remain vacant for long periods of time. Incentives might be identified to support private development in the downtown and related to PAR balance. There needed to be some technical clean up of existing policies and documents and looking at moving some of the construction details to the public works standards. There could be more detailed studies of various areas like North Industrial and the Kellogg Treatment Plant site like what was currently underway with the South End. She wanted to be clear staff was not suggesting a wholesale throwing out of the Plan. If the City Council agreed with some of the fundamental concepts she described earlier then it needed to be acknowledged this was a dynamic process. She reiterated there were differences in comfort levels with change.

Councilor Chaimov found the presentation very helpful and considered it a good starting point for a better understanding of how the Plan came into place and implementing it over time.

Councilor Barnes thought staff did a great job with the traffic study and thought it was important to look at the big picture again. What was the arts and entertainment district, and how did the City get the grocery store? How did the City position itself when it was time?

Ms. Mangle replied it did take a lot of people to support a grocery store. People wanted an active plaza, grocery, and restaurants that probably could not be supported until there were more people living in the downtown. She discussed the importance of anchors.

Councilor Loomis understood this was a conceptual plan in many ways, and the City needed to look at possible hindrances.

Mayor Bernard lived the development of the Plan as the MDDA president. This had always been his focus in the downtown. After light rail went away he heard that density needed to be downtown and not in the neighborhoods. In this plan, it was all downtown. The more eyes the safer it was, and he discussed how malls were now trying to look like Main Streets. The underlying philosophy was important. Downtown development had been his driving force, and there were few options without some kind of urban renewal district.

Ms. Mangle agreed density was an important part. She prepared a memo regarding Metro requirements, and downtown and the Murphy and MacFarlane sites were the key target areas to support the amenities the rest of the community wanted. The neighborhoods were zoned for low and moderate densities.

Downtown Development Incentives and Match

Mr. Campbell framed the big picture in the staff report and asked if there were any mechanisms in which the Council was interested. The current market did not necessarily justify the kind of development that was called for and envisioned in the downtown Plan particularly when one took into account the upper level of PAR on various projects. The question was do we wait for that to happen and risk it being a very long time for the rents to reach a point that justified the developments and conditions? Urban areas rarely trended flat rather trended down. It was not a question of being patient and hoping, but did the City want to be patient and risk not sustaining the momentum of the last 5 years with some pretty aggressive, though ad hoc, public policy. He laid out a number of mechanisms that in one way or another decreased the cost of private investment through direct subsidies or removing public burdens. Those kinds of steps would reduce revenue streams. The other philosophical direction was to focus on public builds public goods such as parks and transportation infrastructure. Generally speaking there were 2 directions the City could go which required some additional funding to be on sound footing. The funding was not available for the full slate of public investments that the Downtown Plan was built upon. Staff recommended moving toward bringing a package of policies back to the City Council. The staff report contained the larger menu from which to select, so he was looking for advise as staff moved toward a more concrete proposal.

Councilor Chaimov preferred focusing on public improvements rather than subsidies to the extent there were tools for financing based on his level of

knowledge the economic improvement district models outlined on page 38 of the staff report looked to him to be the most promising.

Councilor Loomis discussed an urban renewal sort of program for public area requirements with each development. The value would be used to fund it, and it was not a long-term program.

Mr. Campbell thought overall that would be cumbersome in terms of a traditional urban renewal process, but there might be ways to do that. There was a possibility that the public sector could finance system development charges (SDC) over a period of time. The drawback as opposed to going through a larger urban renewal process was that the repayment of those costs would be entirely within the City tax burden. The benefit of urban renewal was that for every \$1 of City revenue being paid by the general fund the other overlapping jurisdictions paid in \$3. To use a method other than urban renewal that multiplication factor would be lost. The Fire District was in a situation similar to the City's. It was a forward-looking entity based on income streams largely from taxation. He did not think the City would adopt an urban renewal program if it was not a net positive for the tax base. The City and District had similar interests.

Councilor Barnes wanted to know more about tax increment financing and impact based SDCs and how they could work together. She asked for an illustrative model and how it impacted businesses, the City, and other jurisdictions.

Mr. Campbell replied few tools were in direct conflict with each other, so there could be a mix-and-match approach.

Mayor Bernard understood the District's issue was not with urban renewal but how long it went on. At some point the District would get all the taxes. Milwaukie had tax increment financing (TIF), a business improvement district (BID), and economic improvement district (EID) at one time when he was with the MDDA. There was a value to the developer and City in investing in the public infrastructure improvements as well as developer came in there was value to investing in public infrastructure. He would like some flexibility to encourage something like a grocery store.

Mr. Swanson said the total income from both the EID and surcharge was about \$36,000. One of the main reasons it failed was because not much could be done about amenities with that amount of money. A park bench for example can cost \$5,000. The City did help the improvements through a loan from the State Department of Housing and Community Services (HCS) at North Main Village in the amount of \$750,000. That was a far cry from what the EID provided. It would take a significant amount of money to do anything within reason, so it was important to think big to accomplish anything.

Mayor Bernard added a major portion of the funds went to the director's salary and storefront improvement grants. Events were held as an attempt to get the businesses together.

Mr. Campbell commented BIDs typically funded ongoing operations rather than capital projects.

Councilor Loomis thought PARs were necessary but neither the City nor the business could afford to do it all. He suggested some method by which the business could pay for the improvements as it grew.

Mr. Campbell heard Council felt the PARs were important but it was important to find some additional revenues to help.

Mayor Bernard agreed it needed to be done through a balanced mechanism between the business and the community without putting a burden on the taxpayers although they did get some benefit.

Councilor Loomis understood the PAR hindered private development.

Councilor Barnes strongly believed that Mr. Campbell should attend some the downtown business meetings so he could be a conduit to Council and help it make decisions.

Mr. Campbell set a time to begin holding discussions with property owners and businesses about the more technical PAR. There were few downtowns in Oregon and in the U.S. in general that funded significant public improvement programs of the scale envisioned in the Downtown Plan absent urban renewal and tax increment financing. He heard concerns from Councilor Loomis about the role of the other taxing entities.

Councilor Chaimov heard Councilor Barnes ask for a picture of what that might look like so the City Council could decide if that was a direction in which it wanted to go. In the abstract a lot of these sounded good, but it would be hard without knowing the costs involved.

Special Meeting

Mayor Bernard discussed the need for a special meeting and some of the topics underway.

Mr. Asher talked about the special work session on June 10 regarding the memorandum of understanding with TriMet with a regular session on June 17. The Board was scheduled to take action on the agreement on June 25, and it should happen before the locally preferred alternative (LPA) vote.

Councilor Barnes wanted to make sure Fred Hansen understood the City of Milwaukie wanted it in writing this time.

Mr. Asher replied the City Council was making a lot of progress on that front. The chief counsel was drafting with the Milwaukie city attorney, so it has moved up to the top of the TriMet organization. It was important for the Council to review the entire document to make sure it had the right kind of things in it that held TriMet's feet to the fire. He felt in terms of light rail this agreement was as important as anything else the City was doing.

The group agreed to meet in work session June 10 from 5:30 p.m. to 7:30 p.m.

Wastewater Update

Councilor Barnes provided an update on wastewater discussions. The region representatives made a decision to move onto the Board of County Commissioners (BCC) for review. Those who did not go along with the majority at the table were Oak Lodge, Paul Savas, and the Citizens Advisory Committee (CAC). Under the proposal each city would have 1 representative, the unincorporated area would have 2 representatives, and 1 County Commissioner. Oak Lodge's concern was that when the group came together assets would be combined which it did not see as a good thing. The CAC members saw themselves being edged out and were not being heard as much as they liked. Charmaine Coleman was strong and did a great job of representing Milwaukie. She and Ms. Coleman did not get everything Milwaukie wanted or should have gotten, but the timing with the financial situation was not good. Councilor Barnes did not believe people were as concerned about the overall good as she had hoped they would be. No one wanted to help decommission Kellogg Treatment

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Plant. There was a struggle at end to ensure there was something in the final document that decommissioning the Kellogg Treatment Plant was not completely off the table. She asked that any expansion language for Kellogg be taken out of the final document, and everyone supported creating that firewall and clarifying the language. The initial proposal was that there be no major expansion. The next step was for the BCC to review it, and another group would be formed to iron out the details. People with technical expertise would be needed, and there were a lot of details that needed to be ironed out before things were finalized.

Mr. Asher added the next step was for the BCC to take action on the recommendation and ask partners to take that back to their various councils and boards to ratify the action in mid-August. Those who ratified would continue to participate. A provisional advisory committee would be established until governance was worked out. The provision committee would figure out governance structure and make a recommendation on a permanent advisory committee by October. Phase 2 of the interim capacity project was a \$40 million investment, so the County wanted to know for sure this project was on track. Commissioner Peterson made a point of calling out the Kellogg Treatment Plant and Tri-City rate equity as 2 issues with which the provision committee needed to address.

Mayor Bernard adjourned the work session at 6:48 p.m.

Pat DuVal, City Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JULY 14, 2008**

CALL TO ORDER

Mayor Bernard called the special meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Council President Joe Loomis and Councilors Greg Chaimov, Deborah Barnes, and Susan Stone (arrived 7:02 p.m.)

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development and Public Works Director Kenny Asher

PLEDGE OF ALLEGIANCE

Mayor Bernard read a statement into the record regarding conflict of interest: Chapter 4 Section 17 required that a qualified elector reside in the City of Milwaukie. He believed that the Chapter requires that the elector reside in the City of Milwaukie specifically for that reason. Every decision we make has the potential of either being good or bad for the community. I personally take that into account whenever I make a decision. I ran for Mayor and continue to serve for 4 years because my responsibility is simple. Increase the value of the community. Without question we have been successful. I did not run because I wanted light rail or more police officers or speed bumps or street lights or for any other reason but to increase the value of my community. I was co-founder of the Farmers' Market for the sole reason to bring people into the downtown and promote the downtown business community. Today, 10 years later, it is our living room. A place to meet your neighbors and find out what is going on in the community. Without question it has increased the value of our community. Yes, that means I have through my decisions increased the value of his property. Every Councilor sitting here has increased the value of their property. Every citizen in Milwaukie has done the same. People will testify tonight that light rail will destroy the community. Others will say the Mayor will profit from the adoption of the LPA. Others will say we voted it down 2 times. I have worked the Farmers' Market for 10 years without pay and manned the community booth hundreds of times. What he hears was actually we voted it down because it took out blocks of our neighborhoods or they voted no because why should we be serving Clackamas Town Center through our community. Finally, what I have heard most often can be characterized in three words: built it already. I challenge anyone who can claim they were available for 10 years to talk to citizens nearly every Sunday for between 15 to 25 weeks per year. The difference from sitting up here and sitting out there was that we answer to the citizens, and he was honored to have that responsibility."

Mayor Bernard called the public hearing on the 2008 Locally Preferred Alternative for the South Corridor Phase 2 (Portland-Milwaukie) Light Rail Project at 7:03 p.m. The purpose of the hearing is to consider public testimony on the proposed resolution supporting the Draft Portland-Milwaukie Project Locally Preferred Alternative Report for the Portland-Milwaukie Light Rail Project as approved by the South Corridor Steering Committee.

Mr. Monahan asked if Mayor Bernard wanted him to address the question of conflict of interest or read the listing of the protocol of tonight's hearing.

Mayor Bernard requested he address conflicts of interest.

Mr. Monahan said this was a legislative public hearing and asked if any members of the City Council had a potential or actual conflict of interest they would like to declare.

Mayor Bernard said, "I am the owner of 2 properties that are in the general vicinity of some of the sites that have been under consideration and could ultimately be selected as the location for a light rail station within downtown. As a result I am declaring that I have a potential conflict of interest as I believe that the action that is taken by this Council could have a financial impact on me or a business I am associated with. The properties that I am referring to are located 2036 SE Washington Street and 11153 SE 21st Street. Since the conflict I have identified is a potential conflict and not an actual conflict I do plan to participate in the Council discussion and whatever action Council takes on this agenda item."

Mr. Monahan asked if there were anyone else on Council. Then with that although this was not a legislative land use hearing it would be appropriate for anyone in the audience to have an opportunity to challenge either the participation of an individual member or the entire Council in this regard. Was there any such challenge?

Mayor Bernard sat a 5-minute time limit.

Mr. Parecki said good evening Council and Mr. Mayor. In just listening to the brief comments he appreciated the work he had done for the last 10 years. Your comments also said that the actions that this Council could have, will have. You actually said it could have a financial impact. If it could have a financial impact that means there was an actual conflict of interest and not a potential. If you have an actual conflict of interest you cannot reside in this meeting. That was all he had to say.

Mayor Bernard asked Mr. Monahan to address that.

Mr. Monahan said Mr. Mayor the distinction between an actual and a potential conflict of interest is an actual conflict of interest is when there would be a financial benefit or detriment. The potential conflict of interest when it was could be. The distinction is between the words would and could.

Mr. Parecki thought the attorney got that backwards. He hated to correct an attorney but an actual was when you could; a potential was when you would. There was a difference.

Mr. Monahan replied he thought he got it right if that was what he said.

Mayor Bernard called the Ethics Commission, and from the Ethics Commission we got an answer in the form of a letter. He asked Mr. Swanson if he had that handy.

Mr. Swanson replied he did. He had written a letter to the Planning Commission back on January 22, 2008. On page 3 he stated the difference between an actual and a potential conflict of interest was captured in the statutes by a change of one word. An actual conflict of interest would give rise to the pecuniary benefit or detriment. A potential conflict of interest could give rise to the pecuniary benefit or detriment. He contacted the Ethics Commission, Don Crabtree, and he responded by saying, "I reviewed the letter dated January 22, 2008, to the Milwaukie Planning Commission Chair. It appears to me that he (Mr. Swanson) has summarized the conflict of interest provisions of ORS Chapter 244 correctly, and his advice regarding disclosure comports with advice we frequently offer."

It was moved by Councilor Chaimov and seconded by Councilor Barnes to overrule the challenge to the Mayor's participation in this proceeding and approve the Mayor's continued participation.

Mayor Bernard asked if he could vote, and **Mr. Monahan** said it would be best if he refrained.

Councilor Stone knew that was the verbiage that we used in the legislature in terms of trying to describe what a conflict was an actual or potential. The fact of the matter was once all was said and done and these decisions are made and if light rail should come through and if your property should be up for sale you will have benefited monetarily. For that reason it was a very likely chance that would happen. She would challenge that. In fact, she would go one step further and challenge even your involvement on the Steering Committee making the decision to put light rail through Milwaukie.

Mayor Bernard asked if there were any further comments and called for the vote.

Councilor Chaimov repeated his motion to overrule the challenge to Mayor Bernard's participation in this proceeding and to approve his continued participation.

Motion passed with the following vote: Councilors Barnes, Chaimov, and Loomis voting 'aye' and Councilor Stone voting 'no.' [3:1]

Mr. Monahan reviewed the other comments he wanted to get on the record tonight the hearing procedure. Please fill out the testimony form before you come to the podium. That is the green registration card available on information table in the hall. It will ensure that that we have both the correct spelling of your name for the record and that we have heard from everyone who wishes to testify. At the beginning of your testimony please state your name and place of residence so they may be entered into the record. Please speak directly into the microphone as this is recorded. There was a time limit on presentations to give as many people the opportunity to speak as possible: 10-minutes for those representing a group and 5-minutes for an individual. Each person will be given the opportunity to speak once either this evening or tomorrow evening. Tomorrow evening we will only hear testimony from those who have not testified this evening. Please make sure your remarks are about the issue that we are considering namely the locally preferred alternative. Please avoid repetitive testimony. We want to ensure you get to say what you wish to say, and we want to include everyone who wishes to testify. Please refrain from personal attacks. This hearing is about the issue before us and not about any individual or group of individuals. The order of speakers each night will be as follows: proponents, followed by opponents, and finally by neutrals. Later this evening the City Council will evaluate our progress. If there appears to be a substantial number of people who have not yet testified, the Council will decide at that time whether to continue to discuss tonight or adjourn until tomorrow evening. Written testimony can be submitted to the City Recorder Pat DuVal up until 5 p.m. Tuesday evening.

Mayor Bernard called on Community Development/Public Works Director Kenny Asher for the presentation. The presentation will only be done 1 night which is tonight.

Staff presentation

Mr. Asher said it was a pleasure to be here this evening to present on behalf of staff the recommendation and position on this action the adoption of the updated Locally Preferred Alternative (LPA) Report. In starting off he simply wanted to state how proud he was to be a part of the team and have his name at the top of the Report. Usually his standard joke at this point was that he drew the short straw, but he did not feel that way tonight at all. He was really proud and encouraged to be able to present this material to Council. It was not his at all. As Council could see from the staff report it represented the work of an entire team of folks. Department heads most of them. Grady Wheeler the public information officer. Alex, JoAnn, Katie, Gary, and Grady. He did want to thank everyone, and Ms. Herrigel would be there tomorrow night from vacation because she wanted to hear the Council deliberation. Mr. Campbell's work with the North Industrial property owners and businesses over the past year and one-half and work on the economic development side of this. Ms. Herrigel's help in designing the whole public outreach and public involvement program and making sure everyone knew what

they needed to know when they needed to know it. Mr. Wheeler supported all of that and created the question and response resource which was still up on the web. It was really fine staff work. Mr. Parkin helped make sense of the traffic impact and contributed valuable insights to the discussions of downtown stations and park-and-rides, and alignment options. Ms. Mangle who once worked at TriMet brought invaluable transit planning to the staff discussion and expertise. She tackled the density issue really well when it came up and put away some of the misperceptions in town about what this project meant to density. She backed him up at every step. He appreciated that. Chief Kanzler who was not here tonight was not an author on this report. Everyone knew the immense contribution he had made over the past 1-1/2 years in elevating the safety and security discussion to its plain. He thanked Mr. Swanson for his leadership not just on this phase of the project dating back to his arrival in the City almost 8 years ago. This has been in his sights since that time. This group worked tirelessly to understand this project that was big and complex to communicate the issues to the public and make the public aware of the choices before the community and to keep the Council informed. Regardless of what happened from this point forward he was a proud member of that team. Mr. Campbell worked with NILUS and economic development to make sure people knew what they needed to know with Mr. Wheeler's assistance. Mr. Parkin made sense of traffic impacts. Ms. Mangle brought invaluable transit planning and tackled density issues and backed him up at every step. Chief Kanzler made immense contribution.

The decision before Council was obviously a big one. The action before Council cannot be understated, and Milwaukie did not often take votes that impacted the lives of tens of thousands of people or unlocked the vault to hundreds of millions of dollars potentially for this region. Or votes that decided whether our neighboring jurisdictions could achieve many of their aspirations. Or that immediately and dramatically changed the real estate housing market that defined the downtown. The action requested of Council was to endorse the LPA Report for the Portland-Milwaukie Light Rail project. It included an updated alignment that followed the Tillamook Branch line through Milwaukie locating a station at Lake Road and terminating at Park Avenue. This was the Report that required Council approval. This was the recommendation of the South Corridor Steering Committee, which unanimously approved it as recommended to them by the Citizens Advisory Committee (CAC) and the Project Management Group (PMG). He put copies of the Report on the table outside the room. It was also Attachment 2 to the staff report. Those three groups, the Steering Committee, CAC, and PMG all had representation from citizens and businesses located all along the line including down here in Milwaukie, elected officials from all the affected jurisdictions, and senior level staff from the jurisdictions as well. It was a consensus document. To this point everybody who heard it or who has voted on it was on board with it. Now it was probably an appropriate time for him to quickly acknowledge Mr. Unsworth from TriMet and Ms. Wieghart from Metro who was the project manager on this and who had done an exceptional job in pulling all of the parties together. That was all he was going to say about that. You know those guys and the work they had done because they had been before the City Council continuously over the past year.

The Report included an updated LPA which was of great interest to the City but also included a list of alternatives considered, a discussion of public outreach and decision making, alternatives considered and not advanced, and also a future work program. One of the LPA alignment issues discussed in this Report was the possibility of a minimum operable segment (MOS) which was one of many important issues. It was confusing to understand the difference between the LPA and LPA Report, but it was an important distinction. From here out, the LPA referred to the alignment being proposed. The Report which included that alignment was a recommended implementation strategy for transit improvements in the Portland Milwaukie Corridor. The Report had the LPA in

it, but it had other stuff that talked about implementation, next steps, and was the launching pad for the next phases of the project. It was that Report that was looking for Milwaukie's endorsement. It was the strategy the City Council was being asked to endorse along with the alignment. Not just the alignment. Mr. Asher thought the Council understood that Milwaukie was just one of many bodies being asked to endorse the report. So far it has been approved by the Portland Planning Commission, the Portland Development Commission (PDC), the Oregon City Commission, the TriMet Board, Metro Transportation Policy Alternatives Committee, and the Joint Policy Advisory Committee on Transportation (JPACT). It has been presented to the Portland City Council, Clackamas County, and the Metro Council, and all three indicated their support. The Multnomah County Chair also wrote a strong letter of support. All of these other groups and the entire staff was hoping the City Council would support the Report, so the Metro Council can take action next week on a Report that had the unanimous support of the entire region and especially from one of the key jurisdictions in which the project will be built. The project can then clearly advance to its next phases of the FEIS and preliminary engineering and on to final design and construction.

Mr. Asher would explain what was in the staff report especially in the attachments because nearly all of the questions that had come up in the process were responded to in some fashion somewhere in those attachments. He was not going to go through any of them in any detail. That material was available. It was a compilation of over a year's worth of work. Then he would briefly go through the updated LPA which was the alignment. It included the new MOS idea which the group had not had a chance to talk about. Then he would spend some time explaining why staff strongly supported the LPA Report even with that MOS in it. He would restate the formal staff recommendation after testimony and hopefully add more clarification if that worked for the City Council.

Mr. Asher reviewed the staff report. He already stated the action before the City Council. It was to join with the Portland Planning Commission, the PDC, Oregon City, TriMet, TPAC, JPACT, and soon likely to be the Portland City Council and Clackamas County in endorsing the LPA Report. At the top of page 2 was the history of discussions and actions dating back to 2003, and there have been several. The background section of the report summarized the part of the LPA Report that were of most interest to the City of Milwaukie. The concurrence section was used to discuss the possible MOS alternative. The fiscal impacts, work load impacts, and alternatives were briefly discussed on pages 7 and 8 of the staff report. The resolution laid out staff's position on why this project was worthy of Council's endorsement. The second attachment was the LPA Report. The third was the question and response resource Mr. Wheeler put together with help from Metro and TriMet staff. There were almost 40 responses to questions that had come up for the last 10 or 15 years in Milwaukie that covered everything from quiet zones to noise to costs to process. This would continue to be on the web as long as the project went forward. He commended Mr. Wheeler for the work he did. The fourth attachment was the Safety and Security Task Force Report that Cyndia Ashkar, Ray Bryan, Linda Hedges, Jerry Foy, Susanna Pai, Don Shepard, Marilyn Wall, and Ed Zumwalt all worked on. This was a guiding document for the project and would continue to serve as an accountability check for the project as it moved into preliminary engineering and design. Attachment 6 was a technical memo from Mr. Asher, Mr. Swanson, and Mr. Campbell explaining why the Tillamook Branch was staff's preferred alignment through the North Industrial area. Attachment 7 was similar. It was a technical memo explaining why the Park Avenue terminus was staff's recommended terminus for the project. Attachment 8 was a technical memo from Mr. Campbell and Mr. Asher explaining why staff believed the City would be acting wisely and prudently if it were to invest \$5 million in this project. This was the economic development argument for light rail in Milwaukie. There was a discussion of that in mid-June when talking about stations. The final attachment was the umbrella agreement

between TriMet and Milwaukie which he knew the City Council was well acquainted with. This described a 10-year set of agreements and expectations for constructing transit improvements in Milwaukie beginning this year all assuming light rail was a go. Time did not permit him to delve into any of these memos. He felt good in that the Council has had this information, so he did not feel he had to do a lot of backtracking. As far as the community was concerned and those really interested in the technical details and the real backbone of where staff arrived would be well-advised to look at any and all of the attachments. All of the information in this staff report was Milwaukie focused. Even though there was a lot of information out there in the SDEIS the staff report with the attachments was all about Milwaukie and Milwaukie issues.

Mr. Asher referred to the second attachment, which was the LPA Report. Section 4 of that report was a description of the updated LPA. For anyone who wanted to get into what the LPA said about the alignment that was in the City of Portland he asked that they go to the Report itself, as he would not talk about it. The decisions that have been made about the Portland part of the alignment and all of the work that was done up there were impressive. Portland had come to a place of consensus on its part of the project. He distilled the Milwaukie portion of the LPA to the real essence of it all. Through Milwaukie the alignment will follow the Tillamook Branch from Tacoma to Lake Road moving across or over McLoughlin Boulevard south of downtown to the west side of McLoughlin Boulevard and down to Park Avenue. The Report did not specify how the alignment got across McLoughlin Boulevard. The State will examine at the next step the potential for an at-grade crossing recognizing substantive ODOT concerns of which all were well aware. Second as far as stations and park-and-rides were concerned in Milwaukie it was really pretty simple. The LPA recommended two park-and-rides: one at Tacoma and one at Park Avenue. Both of these at 1,000 spaces, and a single station in Milwaukie at Lake Road as recommended by the City Council. Third, and finally bus improvements. The Report talked about a new bus stop shelter area near the Lake Road station and a next step, which would be the development of a bus routing plan that would optimize light rail service. There were a lot of maps and a lot of other stuff that were important in the scheme of things, but those were the key updates to the last LPA that was before this Council in 2003. It was a different alignment that came down Main Street, crossed through the North Industrial district, and terminated at Robert Kronberg Park.

The rest of staff report generally dealt with MOS which arises as a project finance consideration. It was a little weird how to characterize it. It was not the LPA. The MOS was in there as a backup plan to say if there was not enough money to construct the LPA and the final project finance plan would not be done until the middle of next year. We were probably 8 – 12 months away from knowing for sure exactly how much money would be there and how much the local match was going to be and what the risk reserve was going to be and all of the financial details. Mr. Unsworth could get into that later tonight or tomorrow if the Council wanted more. It was an unknown. It was more expensive to build the project down to Park Avenue. Although the City, Clackamas County, and virtually every other project partner he had talked to and nearly everyone in the community he and staff had talked to preferred going to Park Avenue. That was the LPA. It may not be possible because it was not affordable. The question was if you cannot afford it, what then? The MOS arose out of that deliberation to say that if those costs and revenues could not be balanced the project would be broken into two phases. The first phase would terminate at Lake Road, and the second phase or segment continuing on to Park Avenue. Should we end up in that situation a park-and-ride would be constructed at what we know as the Cash Spot site; a 275-space park-and-ride. That was an element in the 2003 LPA. It was not in this LPA. This LPA which goes to Park Avenue did not have that garage in it. If we ended up in the MOS, it came back. The four issues identified in this report that had bearing on that decision to construct

either the LPA or the MOS. One was development of a cost reduction strategy, so we had to figure out where we could save some costs to be able to afford to get down there. Two was the development of a capital and operating finance plan, which needed to be done anyway. Three would be to address additional noise and vibration impacts from going down to Park Avenue. Fourth would be mitigating the parks impact to Robert Kronberg Park and the Trolley Trail. Those were impacts you would not have if you built the MOS. They were impacts that were looked at in the SDEIS, and Metro was already working with the FTA and TriMet on mitigation possibilities. All of this would be fleshed out in the next phases of the project.

Mr. Asher referred to the CAC report. The CAC was the Citizens Advisory Committee. There were several folks from Milwaukie and Oak Grove who participated on that Committee. He thought there were maybe 30 or so folks on it. They had a process and recommendation that fed into the Steering Committee Report that related to this terminus discussion, the project affordability, and the MOS and all of that. The CAC recommended a Harold Street station be included in the LPA, which was not part of the project LPA. Such a station would add cost to the project. This Report said Harold would be a future station. The track and infrastructure would be designed to support a future station when Harold was ready. On the MOS itself, the CAC was stymied and did not actually make a recommendation on the MOS per se. They felt like, he felt appropriately so, they did not have the financial details that weighted in on that since it was a financial consideration. They were also strongly in favor of a Park Avenue terminus. Anybody who participated in the process would say there was no question in their minds where this project should end. On the strategy and tactics of the MOS they ended up saying they wanted to see a viable project that went as far south as possible and served North Clackamas County well.

The Report also included language the Mayor introduced at the time of the Steering Committee's adoption clarifying how that LPA/MOS decision would be made. On page 2 of the Report there was a paragraph that basically said a decision to proceed with the MOS would require prior consultation with the Steering Committee. That was really TriMet's consultation as it would move into the lead from an environmental impact assessment to a preliminary engineering and project design. It became a TriMet project, and it would be steering the boat. Before TriMet were to make any decision about an MOS or LPA it would have to report back to the Steering Committee, and the Steering Committee would have something to say about the direction they intended to go. If there was going to be a second segment and we did not get down to Park Avenue in this first shot it would remain a regional transit priority until it was constructed. The final bullet under next steps said there would be prior consultation with the Steering Committee on major discretionary scope changes to the project, which basically provided the Steering Committee with the ability to review major cost factors before they were incorporated into the project. He thought the Mayor did a good job of making sure that it was the entire corridor that continued to have oversight on these key decision points that could have a lot to do with whether the project can make it down to Park Avenue or not.

Mr. Asher reviewed the staff position. It was unambiguous on this one. The staff from Mr. Swanson all the way down would ask that the City Council please support the LPA Report. Each of the department heads that are responsible for so much of what happens and what can happen in this City believed deeply in this project and in this implementation strategy. The Report honored and respected the Council's resolution in 2003 to bring light rail service to downtown Milwaukie. The Report honored and respected the Council's recommendation in 2004 to avoid impacts in the North Industrial area. The Report honored and respected the first two points in the Milwaukie Neighborhoods' 14-Points document by not putting light rail through Milwaukie

neighborhoods and instead co-locating light rail within an existing freight rail right-of-way, which another of the 14-Points suggested considering. Also the second point by leaving Milwaukie station location decisions and station area planning in the hands of the City and its citizens. We have had total control over those kinds of discussions. Nobody asked us to do anything with our land use associated with the project which was the desire of Milwaukie as expressed in that document. He thought that would continue; he knew it would. The Report honored and respected the City's commitment to avoid usage of Robert Kronberg Park for a transit terminus. The Report honored and respected positions that were taken last summer by the Park Board and the Riverfront Board, individual Planning Commissioners, downtown business, North Industrial property owners, and North Industrial businesses, and the entire staff to avoid utilizing McLoughlin Boulevard or Main Street for light rail. In addition, the Report honored and respected the Council's request to site only one station in downtown Milwaukie at Lake Road. It honored and respected the staff position that was widely supported in Milwaukie to extend the line down to Park Avenue. Finally, it honored and respected the desires expressed by the CAC, the PMG, the South Corridor Steering Committee, JPACT, and many others in the region who really wanted to see this project happen. It was not a perfect recommendation from a Milwaukie perspective, and he and staff understood that. The Portland Waldorf School, he hazarded to guess since he had been chastised before by trying to represent them here, did not find honor and respect for its position in this recommendation nor will St. John's Catholic School and Church. However, both of these important Milwaukie institutions he sincerely hoped had felt honored and respected in the process that was conducted by Ms. Wiegart and Mr. Unsworth and himself over the past year and one half and in the treatment they received and have been accorded throughout the SDEIS process. The MOS was troubling. The staff like many in the community would strongly prefer that the project not terminate in downtown Milwaukie. The reasons were found at the bottom of page 5 of the staff report. They essentially hinged on the quality of the station area and the increase in downtown traffic that would result from the MOS option. Nevertheless, staff understood and supported the inclusion of the MOS in the LPA report and acknowledges, as he hoped Council would, the necessity and even the wisdom of including it in the report. He decided not to go into detail on this issue right now unless the City Council wished. He would be prepared tomorrow night to provide more on the MOS issue. As outlined in the staff report, there were a number of reasons why as distasteful as it was, it was the smart way to go on this project and was the responsible choice to make.

Mr. Asher thanked the community for its participation in meetings which were long and at times boring. Everybody he talked to came to the process with a real interest and caring for the community, for the City, and making the right decision. He appreciated everyone's participation. He thanked the project partners TriMet and Metro for being responsive to Milwaukie at every turn because they had been. He looked forward to questions, testimony, and a favorable decision by this Council tomorrow night.

Testimony in Support:

- **Jeff Klein, Milwaukie**

Mr. Klein spoke representing Art Ball who was the past chair for the Lewelling Neighborhood Association who was at the beach enjoying his other house. He asked Mr. Klein to read some of his comments. Mr. Klein also had some of his own comments that he went into his first.

"Mayor and Councilors, thank you for your time this evening. Last Thursday, Friday, and Saturday something great was happening. Milwaukie's Midget Federal Team was playing in a County tournament in Wilsonville. By Saturday evening, our group of third

and fourth grade boys were headed to the State tournament. He did not know how often that happens, but it seems to be the greatest thrill for 12 young men this weekend. If you had asked me or Tim, the head coach, if we thought it was going to happen we would have had our doubts and so did every other team. We were an 8th seed and expected to be home after our second game. I'm the bench coach and part of my responsibilities are to pick the kids up when things are bad and get them ready to go out and bat and field. I always tell them one of my favorite quotes, 'Whether you think you can or think you can't, you're right.'

Tonight we are here to look at the future of Milwaukie. As you know I am very much for light rail. I believe it is the basket we should be putting our transportation eggs in. I believe we will never give up our cars, but choices needed to be in place. All across the U.S. cities are going through this same argument. My friend who lives in Denver heard the same argument last year that is taking place right now in Milwaukie. Denver chose to move forward. I wanted to address some of the arguments I have heard over the last few months. Number 1, Milwaukie is too small for light rail. Milwaukie was settled in a bend in the River with McLoughlin Boulevard or Hwy 99 running parallel separating the City from its greatest asset. Cutting through the middle was Hwy 224. All of these highways had residential and commercial implications if expanded or widened. We have two heavy rails running along the same lines as the highways but cut deeper into our neighborhood. Whether we like it or not, Milwaukie is a transportation hub with many spokes pointing south, north, and east. Light rail was proposed to be next to an existing rail line. I am not saying people and businesses will not be affected. They will. It will, however, be a path that will bring the line through with what I believe to be the least disruption following a line that is already there. Number 2, light rail was just subsidized transportation. So is the auto industry, the airline industry, the oil industry that showed record profits during a time of \$4 a gallon gas prices. I might add that farming and dairy have subsidies and so do medical and pharmaceutical industries. A lot of things are subsidized. The reality is the cheapest form of transportation in New York, Boston, Chicago, and other cities that have had a form of light rail for decades is light rail. I have heard that we are not Manhattan nor do we want to be. But we are part of Portland, and we have a responsibility to play a part in the region's transportation solutions. When the I-205 Bridge was built people thought it was ridiculous to build another bridge of that size across the Columbia. Now look. This is an investment in our future, and the time is now. Light rail brings crime. The reality is every day lots of bad things happen. Recently he was involved in a conversation about activities at our park. A fight broke out close to it, and it was felt that elements of the park contributed to the activities. I know this is not true, but I have been lacking in my part to keep up the park. It is after all my park too. My daughter Hazel and I are there a few times a week and enjoy the greatest asset in our neighborhood. We pick up trash and watch kids play. I might add before it was a park it was a drug house. Now it's my park. Our park. It is our responsibility to make sure it is what we want it to be. To think that light rail will bring crime to Milwaukie is absurd. Will crime happen there? Yes. But it's kind of like speeding in our neighborhood. People from Beaverton do not drive to Milwaukie to speed through our neighborhood streets. It's us. It's up to us to prevent it. The same would go for crime on light rail. I know many of the people who are against light rail, and some of them were the most tenacious people I've ever met. I mean that in the truest sense of a compliment. If they put their efforts in fighting crime on light rail as they do in defeating it we would have the safest section in the region.

I'm committed to doing my part, and I believe that we will. Just think of the things that could happen if we all joined forces. It's our City, and it's up to us to do our part for the region and for ourselves. As I told the State-bound group of young men, 'Whether you think you can or you think you can't, you're right.' If you think light rail is going to destroy Milwaukie, it will. I have greater faith in the people of Milwaukie that they will

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never let that happen. Twelve young men on Saturday proved that when you doubt us, Milwaukie rises to the occasion.”

Mr. Klein read Art Ball’s statement:

“Good evening Mr. Mayor and Council members: Tonight once again we find ourselves gathered to further discuss the ongoing saga of light rail. A project that has been a topic of discussion for many years. This again was another opportunity for each and every concerned citizen to register his or her opinion. How many of these public hearings have we had now, and I still hear it being said that the vote should go out to the public. Well! I would say that is exactly what we’re doing at these public meetings. The public after this week has had ample opportunity to air their ideas and opinions, it is now time for decision making. Within the next two decades our area will experience a tremendous increase in population, and with this growth comes additional vehicle traffic. Our roads and highways have not been designed to appropriately accommodate this high volume of traffic. Road rage will ensue, gas prices will be exorbitant, and the cost of parking will escalate to unacceptable prices. These are the inconveniences we have to look forward to. Much of this can be mitigated by the use of light rail. Speaking for myself, I am satisfied that light rail is the perfect source of alternate transportation.

The big question, which hopefully will be resolved this week, is the route, the stations, and the terminus location. I would recommend the Tillamook Line as the route, two stations in Milwaukie to best satisfy the current and future needs of the people and an extension to Park Avenue will position the line for further extension south when the time arrives for that to occur.

The first of the two stations should be on the north side of Harrison Street. This is a high-density area with numerous condos, apartments, and other multiple dwellings with a large potential ridership. In addition, it has access within minutes to the hub of the City. This stop offers far more than any other option to the City of Milwaukie. It should be given high priority consideration. The second station at Lake Road will adequately offer people access to businesses, schools, and other points of interest in the south end of town.

It is of primary importance that proper and adequate consideration be extended to each of these options before casting your vote. Each one of you leaders are people of integrity, conviction, and vision. You have all the information and facts you require to make the right decision and commitment.

The people of Milwaukie are counting on you to make the right decision. Do not disappoint them. Respectfully submitted, Arthur J. Ball.”

Mr. Klein added that Mr. Ball was the past chair of the Lewelling Neighborhood Association and he was the current chair. He actually had a number of members his NDA and asked people to raise their hands. He knew there would be a number of people coming tomorrow as well. The Neighborhood Association was committed to light rail.

- **Theron Park, Chief Executive, Providence Milwaukie Hospital.**

Mr. Park thanked the Mayor and Council and read his statement into the record.

“On behalf of Providence Milwaukie Hospital, our patients and employees, I would like to express our strong support of the proposed MAX extension to the City of Milwaukie. Bringing MAX to Milwaukie will provide an economical and efficient transportation alternative for our more than 500 employees, in addition to allowing easier access to the hospital and the services we provide for the members of our community. One of our priorities is easing the way of those we serve, and a light rail transit option for employees and patients would definitely make travel to our hospital easier.

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We also support the updated light rail alignment between downtown Portland and Clackamas County that follows the Tillamook Branch rail line through Milwaukie, locates a station at Lake Road and terminates at Park Avenue.”

- **Stephan Lashbrook, Lewelling Neighborhood resident, Milwaukie**

Mr. Lashbrook understood this had been a very long process, and the Council had a ways to go before it was done. He appreciated all the efforts. He was a member of the BIA Club that the Mayor referred to earlier – the Build It Already Club. There was more to it than that. He would say as somebody who worked for cities and counties for the last 36 years he was not always a supporter of light rail. He was suspicious of it some years ago. He did not really think MAX going to Hillsboro would ever really pay for itself, and he was wrong. He thought it was a great asset, and he thought it would be a greater asset in the future. He was there tonight to support the staff recommendation. His wife, Lisa Lashbrook, was there as well, but she was too shy to get up here. He pointed out to her this being their anniversary they had their choice of coming here and doing this, or she could come tomorrow night while he was at a different City Council meeting. She agreed this was a better alternative. He pointed out that the MOS, as it was described, while it was certainly not desirable, he would join the Council in its efforts to do anything it could to make sure this line can be extended to Park Avenue in this increment and not stop before that. It could be worse. Certainly in some federal transportation funding studies the MOS was virtually no project at all. It was a bad alternative, and he certainly hoped Park Avenue would be selected and it would go forward there. As somebody who spent most of his life in Clackamas County he saw this as opening the door for communities south of us as well which will really have no good alternative if for some reason it did not get to Park Avenue. Two more points. One was that he believed fuel costs were of real consideration and certainly a reason why his own perspective about light rail had changed. He thought we were right on the verge of \$5 a gallon gas and would be at \$10 a gallon gasoline in the 10 years. We have to approach these things completely differently than we have in the past. That was true for all of us. One other of the financial realities was that this was a rare opportunity to have this federal funding available. He did not know if that would be available at any time in the future, and he was very doubtful that it would be. This could be the last chance to make this happen. All of that said, he thanked the City Council for its attentiveness and efforts. He knew this had been a very long, hard grind, and there was a ways to go. Hang in there. A lot of us support you.

- **Siri Bernard, Milwaukie**

Ms. Bernard added her voice to support the LPA as shown in the staff report. She had lived back east and visited places with great transportation systems, as she believed this would be. She knew how wonderful it was. She could not even explain the ease and freedom it gave everyone. Of course, she believed everyone should start using less gasoline and resources. This was a way to start doing that. She was buying a house that was closer to downtown so she could be closer to light rail. Realtors are saying more and more people are coming to them saying they can hardly wait until the light rail comes in. They were also looking for houses closer to town. This was something she has heard people say they could hardly wait for. She did not understand why there was not also a station at Harrison but joined the group Build It Already.

- **Paul Carlson, Oregon Museum of Science and Industry (OMSI) Senior Vice President, Lake Oswego resident**

Mr. Carlson spoke in favor of the Milwaukie light rail project. OMSI had been in existence for over 60 years. Of that 15 years had been on the east side. OMSI provides a wealth of educational programs including camps, classes, teacher education, traveling science programs throughout the State, and last year 1.2 million people visited

the Museum on the east side. That was a statistic that was very important. Because of it OMSI and its partners in the OMSI District have devoted a lot of work in the 2 years on light rail design and location issues. They were pleased to see the preferred alternative route through the OMSI District was the Sherman Street route. That route was favored by all of the property owners in the District and did the most to serve transit riders as well as preserve the opportunity for local businesses in the area. They continued to work with TriMet and Metro on design issues such as the width of the bridge coming into the east side, elevation issues at the waterfront, and things of that nature. These were issues he believed could be solved during the final design process, and they were working with TriMet in particular who has been very cooperative and with the other OMSI District owners. They believed the future of the region, the County, the City, and OMSI was tied closely with this light rail project. OMSI purchase 6.5-acres of land just south of the current Museum site, and they were finalizing a master plan at this time that called for new Museum, office, lab, and other educational facilities in the range of 1 million square feet of development over the next decade. The success of that development, the jobs it would generate, the activity that would result, and the educational programs that could be offered were dependent on the new Milwaukie light rail project. A huge benefit for OMSI and the City of Milwaukie would be the increased access of families and children from Milwaukie to the Museum and the educational program that could be offered. He applauded the project and looked forward to its grand opening about 2015. He thanked the City Council for the opportunity to speak on behalf of this project.

- **Laura Cooper, Lake Road Neighborhood resident, Milwaukie**

Ms. Cooper had never been to a City Council meeting or a hearing. She came tonight because she was alarmed to find out this issue was still up for discussion. She had not followed it closely but assumed it was going to happen. She received information that it was still under discussion, so she wanted to come tonight. She supported light rail wholeheartedly because it would benefit all, even those who would not use it. It will take cars off the road, ease congestion, enable Milwaukie residents to easily commute to jobs out of the area, as the man from Milwaukie Providence pointed out also enable employees who work in Milwaukie to easily get to their jobs, and create a more pedestrian friendly community. Light rail was the natural next step in the revitalization of the downtown. She realized there were drawbacks, but the benefits far outweighed the costs. Some needed to look beyond themselves as individuals and make decisions that would benefit the common good in the long term.

- **Sue Matranga-Watson, Lewelling Neighborhood resident, Milwaukie**

Ms. Matranga-Watson lived in the Lewelling Neighborhood and also owned a duplex near Providence Hospital. She came before the Council in shorts and t-shirt because she rode her bike to work today, which she just recently started doing. She worked at Kaiser Sunnyside Hospital which was 4-miles from her house. At some point in her life she would not be able to ride her bike. Her knees might give out. Her back might not feel comfortable. It may be too far to go. She does drive a car, and as she rode her bike more and more she wanted to be in her car less and less. However, there were times when she could not. She also realized that there would come a time when it would be expensive to drive a lot of places, so you had to make choices. Having light rail come to Milwaukie would increase our opportunity for people to go places without paying a larger amount for gas. Yesterday she made choice not to drive somewhere and stayed home. It was all economic. She could have gone out to Gresham to visit some friends but she chose not to. Not that light rail would take her to Gresham, but it would take her downtown. It would take many people who could no longer afford to drive. Her 84-year old neighbor did not drive far anyway, but she was cutting back her driving because of costs. This was not only for her and people who were aging but also

for youth and overall for the whole community. The City Council had a stack of people and organizations and businesses that supported this effort. She encouraged all of the Council members to look into their hearts, to look at the future. There might be some things Council members were not necessarily behind, but she encouraged them to look at the broader picture for the community as a whole.

- **Ray Harris, Lewelling Neighborhood resident, Milwaukie**

Mr. Harris strongly supported light rail. He was a lifelong Oregon resident and could remember when this area had a great transit system. At the end of WWII the powers that be decided that everyone should have a car in their garage, and they built the highways and scrapped the transit system. Now we have to chew our air before we can breathe because of the pollution. We desperately need light rail and electric buses. Get the cars off the road. Someone mentioned \$5 a gallon gasoline. In the interest of the environment Mr. Harris burned biodiesel in his truck which \$5.30 a gallon. Needless to say he did not drive it much. He traveled the world, and light rail systems were great. He had ridden the systems in Boston, Washington, Tokyo, and London, and he was there to say light rail was great. He hoped everyone would support it.

- **Eric Miller, Island Station Neighborhood resident, Milwaukie**

Mr. Miller supported the staff recommendation. This was the first time he attended a City Council meeting, and for extra motivation he filled his gas tank tonight. If you think about the cost of gas from the time this project started in its planning stages to what it would be by the time it was finished that should be kept in mind. It created a viable alternative to gasoline and private vehicles. He traveled a lot for his job and traveled around the country. Like other speakers he had seen light rail systems work to the betterment of communities in Boston, D.C., Chicago, and a number of other cities around the US and Europe. The Portland area in general had a good reputation around the country as having excellent public transportation. This was an opportunity to invest in that reputation and continue it. This was a very complex issue. Not everyone was going to be happy with every aspect of the decision. Light rail was a lifeline for Milwaukie. He thought it was important to maintain viability for the neighborhood and the City. We were all beneficiaries of the investments in infrastructure by those coming before us. Now it was our turn. The usable life of the system would exceed anyone's time in office. It was time to think about the greater good and the long-term interests of Milwaukie, the neighborhoods, and the planet. He urged the City Council to accept the staff recommendation and invest in Milwaukie's future. Let us not regret we missed an opportunity to make this kind of investment.

- **Debbie Cronk, Milwaukie business owner**

Ms. Cronk was not a resident but owned several rental properties and was very invested in Milwaukie. She was here every single day. She would like nothing better than to take light rail to Milwaukie from where she lived now. It would go right past where she lived. It would be wonderful. As everyone had said previously she had been on light rail all over the world, and it always got her to where she wanted to go. It was clean; it got you there and was cheap. We could have that also. Quicker access to the airport. When she came to her first meeting to talk about this she said she just wanted to get to the airport and not have a non-English speaking shuttle driver take her there. This was for the future. For all of our children. We were going to use it somewhat, and they would use it so much more. This was just the way it was going to be. They would not have cars when they graduated from high school. So many of her tenants now did not have cars. They like the fact they can just walk down to the transit center and take the bus into Portland. She also felt there should be two stops in Milwaukie. The sacrifice would be to get it to Park Avenue. Maybe there would be a way to wire for

second stop and put it in some time in the future when it became apparent Milwaukie needed two stops. That was just a thought

Speaking in opposition

- **Ralph Rigdon, Clackamas County**

Mr. Rigdon lived on the Trolley Trail. He guessed the City Council knew how he felt about light rail coming through downtown. It would kill the City forever and ruin it. Light rail did not improve the neighborhood in his opinion; it ruined it. He also belongs to St. John's Catholic School and the two private schools were deadly against it because they thought it would bring in too much crime. He saw Milwaukie was 161 years old. He liked the new logo. He had lived here over 50 years. A point of interest; his dad went to school in this building maybe over 100 years ago. He used to swim behind the paddlewheel of boats in the river. How come we do not hear about much violence on buses? The last trouble he heard was that little Billy goat riding it for free. Light rail must be too easy to get on and off. The guys maybe were not paying their way. What happened to our democratic form of government? Metro was trying to push light rail through town without a vote of our people. He thought they would vote it out. He could not visualize a train every 5 minutes with gates going up and down and the noise. He thought people would really be sorry. The minority was ruling the majority if Metro pushed this through. Stop at Southgate or Tillamook with a park-and-ride. Those who wanted to ride could take a shuttle bus. He could not think about how bad it was going to be. Maybe he was too old, but he rode light rail a few times. You go to New York and Washington, D.C. it was all underground, so it did not bother anyone there. It should stay out of downtown.

- **Anne Hillyer, Milwaukie**

Ms. Hillyer wrote a letter to several different people including the Milwaukie City Council. As she was sitting there she had a few other thoughts, so she wrote a statement: "I support light rail. I think we have to reduce our carbon footprint, and that was a great way to do it. I do not support the Tillamook Branch alignment because I think it would disrupt the community and splinter the neighborhood area. Because I live in the historic neighborhood. Mr. Asher said this alignment did not cut through and neighborhood, but it does. It cuts through the historic neighborhood. I think the light rail on McLoughlin Boulevard would be fine because that was already a transportation corridor that people used. The freight train corridor is not public transportation. It is just freight. Freight does not get on and off. It does not go through every 5 minutes. I have also seen statistics that show that most of the commuters from outer southeast into Portland were coming through the 224 corridor, so I think that alignment would serve a lot of people and should be considered.

- **Jerry Foy, Clackamas County**

Mr. Foy applauded the Mayor and Council for their roles in enhancing the community because there has been enhancements. The Farmers' Market was an extremely good example of how a city when it came together and understood the desires of the community and the citizens within the community what they need, what they want, and what would be appreciated. Things such as Ed Parecki's building on the northwest corner of Main and Monroe. Those types of things that were approved made a tremendous difference in the city's appearance. It opened up a welcome. It was a change, and change was good as long as it was done properly which he thought that was. He stated it was not so much being totally opposed to light rail in the group he represented which was St. John's Catholic Church and School but the Tillamook alignment. There were a lot of negative impacts to the School with that alignment. The Council had heard them all. This had been going on for a couple of years. That has not

changed. He was disappointed that it had not listened to and it had not been respected or at least he did not see any big change in the philosophy of the location. He attended to Steering Committee meeting of which Mayor Bernard was a member where he heard one member of that Committee state dramatically that he did not want another Interstate line. Mr. Foy believed he was talking about the lack of multi-story condos and apartments in that area when that line went in. We all knew that density had a huge impact on the viability and the success of light rail. He was concerned that exact same thing was what was going to blossom along the light rail alignment. We will have 4-5 story condos and apartments. The Chief of Police talked in the past about those impacts. Not all of them, but there were some. It was the luck of the draw if you do not have any impacts. He was confident traffic flows would be negatively impacted. He did not care. He had a copy of the traffic study. It was very clear traffic counts would increase dramatically. He was also very concerned about how the alignment would impact the Trolley Trail particularly if it was in two phases. He could see trying to design that Trolley Trail which he was sure TriMet, Metro, and the Trolley Trail people, the Parks District, were working on accommodating each other. If it did not happen at the same time there were going to be some impacts. He had some standing in this discussion. His father was a conductor on the original streetcar line that closed in 1957-1958. It was a wonderful way to travel and get around. There were a lot of different connection points to get downtown. You could get on the trolley buses. So from that end he was a supporter of transit. He stated that alignment was not a good alignment in his opinion. Someone mentioned a vote. There was a semblance of a vote in that people from St. John's had turned in 600 letters. He had not seen the proponents of the project with any near count in support of this project. This was the first time he had seen so many people come to a meeting in favor. They were doing a good job. He believed everything they said. They believed that light rail was a good form of transportation as he also did except it was in the wrong place. He also thanked the Council and Mayor and TriMet and Metro for being available and supplying maps and information. There was not a time he was aware of that somebody if they had a concern or question that someone was not available to address that concern. It was not always the answer they wanted, but at least someone was there to address it. He really appreciated that in having been involved in a lot of planning issues. It was a pleasure to have someone that at least addressed concerns.

- **Harold Eckman, Milwaukie**

Mr. Eckman indicated his questions had been addressed.

Neutral Comments

- **Jeanette Eckman, Milwaukie**

Ms. Eckman talked to a business owner who was leaving Milwaukie on 21st Avenue because she was concerned about light rail. She lived off Lake Road. How were we going to connect to the Clackamas Town Center from downtown Milwaukie? She heard there would be certain streets such as Lake Road where there would be a lot more buses. The train was not going to connect to Lake Road or Providence Milwaukie Hospital. What were we going to do with a lot more buses going east and west? Was that discussed? She understood a lot of people on Lake Road were told there would not be a lot more traffic, but where was the transportation going to meet? If there was a station at Lake Road obviously there would be more traffic than there was now. Right now it was not even safe to walk Lake Road sometimes. Was that Harrison? Where was it going to meet? People would come from downtown.

Mayor Bernard said right now the station locations were not known. Once the LPA was adopted that would be part of the process and design to identify the best connections to where people wanted to go whether it be Clackamas Town Center or

Providence Hospital. All those routes would be considered once we were done with this phase of the process.

Ms. Eckman thought it would make more sense to connect to the Vancouver line instead of having all these buses as part of the long-term light rail plan. She did not feel it had been thoroughly discussed. Many people felt there would be mass transit up and down the side streets.

- **Gary Klein, Riverfront Board Vice-Chair, Milwaukie**

Mr. Klein read the Riverfront Board comments into the record: “At our July 1 meeting, the Riverfront Board discussed the Locally Preferred Alternative to the Portland to Milwaukie Light Rail project which you are considering at this hearing. The Riverfront Board does not wish to comment on the pros or cons of the light rail line being proposed for the City of Milwaukie. This Board does not have consensus on this issue. However, if light rail does come to Milwaukie, the Riverfront Board members are interested in three particular aspects of the project: (1) The designated use and design features of any structure on the City-owned Cash Spot site; (2) The design of the bridge structure that would cross Kellogg Lake and Kronberg Park, and (3) The connectivity between the light rail line, the station at Lake Road, the Riverfront Park, and Kellogg Lake. I will not read our complement letter that was signed by Dave Green, Chairman, but will summarize our comments for you this evening.

The Cash Spot use: The Riverfront Board believes that what happens at the Cash Spot site has a large impact on Milwaukie Riverfront Park and the downtown. With this in mind, we recommend that: This property marks the southern gateway to the City, and stands at the juncture of the Riverfront Park, a restored Kellogg Creek area, and a potential pedestrian underpass t the Riverfront Park. At a minimum, this site should be mixed use, integrating ritual and commercial space with the needed parking facilities. The City should retain ownership, design approval, and ultimate control of any facility built on the Cash Spot site. Any development installed at this site should consider spaces for overflow parking for Milwaukie Riverfront Park and downtown. Staff and Council should adhere closely to, or even exceed, municipal code requirements with respect to downtown design guidelines and water resource protection regulations for any structures proposed for this site.

Kellogg Lake Crossing: The design for any light rail bridge proposed for crossing Kellogg Lake and Kronberg Park should reflect the natural area they traverse or abut as closely as possible. The design should minimize the build of the bridge over Kellogg Lake as well as the structure that carries the rail line across McLoughlin Boulevard.

Connectivity: If funding or construction opportunities arise as part of the light rail design or construction process for creating a pedestrian underpass from the east side of McLoughlin Boulevard to the Riverfront Park, every effort should be made to take advantage of them. Signage should be integrated into the light rail design to direct rail users to the Riverfront access, future restored Kellogg Creek, Kronberg Park, and other downtown amenities. The South Downtown Plan work that is being conducted by the Center for Environmental Structures should be integrated into the design for structures and facilities related to light rail in the south downtown area. The Riverfront Board would appreciate having one of its Board members included in any future group formed to guide the South Downtown Plan process.

We hope that Council will accept our comments and integrate them into their upcoming decision regarding light rail in the City of Milwaukie. Thank you for this opportunity to speak tonight.”

- **Valerie Aschbacher, Clackamas County**

Ms. Aschbacher was a parish member of St. John the Baptist in downtown Milwaukie. She was also the president of a non-profit organization whose office was on 10600 SE McLoughlin Boulevard. She was a resident of Clackamas County, Oregon City, Gladstone, Milwaukie area for most of her life. She had also been a great supporter of light rail since she knew the possibility existed. When she was a young child she lived two blocks off the trolley line, and her mother told her stories about how she took her as a child in a big baby carriage on the trolley to see her dad at work and meet him for lunch. She used to ride her bicycle on the tracks after they were torn up and always wondered what happened to the trolley and imagined the possibility of having it there again when Metro started talking about light rail. She was disappointed when the vote was to go to Hillsboro instead coming to Milwaukie and down McLoughlin Boulevard in particular. She lived about ½-mile from McLoughlin Boulevard and before that she lived she lived about ¼-mile from there. She was in support of light rail like many of the people who commented in support of light rail said they had traveled on light rail systems in the United States and other parts of the world. She had also traveled on those systems in the United States and in Europe, so she was in favor of light rail. She did take the time to read the SDEIS report, all 400-plus pages. She reviewed it. She looked up the data and facts and figures in it. Unfortunately this evening it looked like the people in support decided to leave afterwards, so they were not going to be educated by the people opposed and finding out more of the facts. Yes, they all commented that the fuel costs were high and that we needed to consider mass transit. She did not believe they read that report. If you read the report and look at the data and figures presented in it the greatest number of environmental impacts and also costs occurred from the data a figures in the report from north of downtown Milwaukie to the Park Avenue extension. When she saw that she could not longer support light rail through historic downtown Milwaukie and on to Park Avenue. It did not make sense anymore. When she looked at the data in terms of population growth and increase in traffic congestion and she saw the dates in the report she realized that the data, the decision that was being made, was on outdated information. It was very clear the growth in this County over the last 10 years was east of Milwaukie up in Sunnyside/Happy Valley and along the Hwy 224 corridor. It was also clear in her travels in other parts of the country and other countries that light rails occur on major transportation corridors. Hwy 99 was referred to as old 99E because it was an old major transportation corridor. While she thought it would be the best idea to go down McLoughlin Boulevard to Oregon City, she did not think so any longer. In fact, when talking with people many living in the unincorporated areas of Milwaukie were under the false impression that this light rail project under consideration actually included going to Oregon City. They do not realize that it stopped at either Lake Road or Park Avenue. When they become aware of that then they are wondering why it was going there at all. When she tells them about the environmental impacts along this segment of the route, they wonder again why it was going there if it was going to cause all that cost and impact. Then they question, as she did, why it was not going out east of here instead. When she listened to the person from Providence Milwaukie speak and the woman who lived in this area and rode to Sunnyside Kaiser, she wondered how she expected this light rail project to even get her to work there or how the people from the light rail project that stopped at Lake Road or Park Avenue who were employees of Providence expected to get to Providence or the patients. We can see now the line that goes to Gresham to downtown Milwaukie the stop near the Portland Providence Hospital was across I-85. It did run along a major transportation corridor. While employees could get there she doubted if many patients could. She was now in favor of light rail but not in favor of running through downtown Milwaukie or continuing down to McLoughlin Boulevard. When you looked at page 5 of this report, figure 2.1, it did not even show a final destination. It showed there was a route stopping at Clackamas Town Center. The woman who spoke just before her asked how people would get to Clackamas Town

Center. She did not see how we were going to with the proposed routes. In answer to Mayor Bernard's question, she sent him an email and said this route would not get that woman to the airport. Where she lived this route would not get her to the airport either. Mayor Bernard asked her, quote – unquote, “get real, how many times do you drive to the airport in a year?” Ms. Aschbacher answered 12 times times 4. Taking someone there and bringing them back and taking them there and back again. About 4 times a month she did need to get to the airport, and this route was not going to get her there.

Mayor Bernard stated those were all the people who had signed up to speak. Council would do this again on July 15 at 7 p.m. and in the same order.

Councilor Chaimov said Mr. Swanson should have in his possession draft resolutions that were alternatives to the staff's proposed resolution including one that came late this afternoon and was a revision of one he had earlier. He asked him to bring copies of that for discussion. Mr. Asher had talked about there being unanimous support of other jurisdictions for the South Corridor Report being careful to distinguish that from the LPA itself. His reading of the Oregon City resolution that Council got, showed it only addressed the LPA and did not mention the report. If there was, in fact, support from Oregon City for the Report itself he asked for that. He asked Mr. Asher to be prepared to discuss if we did not want an MOS that ended in downtown Milwaukie what was the best strategy for ensuring that we did not have an MOS in downtown. Mr. Unsworth in addition to addressing the question about how to get from downtown Milwaukie, assuming one got off at a light rail stop, and wanted to go out Lake Road or perhaps out Harrison to Providence Milwaukie. How was the proposed to be accomplished? Councilor Chaimov also asked him to prepare a response to people who have suggested that having Hwy 224 as an alignment would be superior to the one proposed.

Mayor Bernard heard people say the train would go by every five minutes, and he knew that was an exaggeration. He asked for information on the frequency of the trains.

MOTION TO CONTINUE HEARING

It was moved by Councilor Chaimov and seconded by Councilor Stone to continue the hearing to the regular session on July 15, 2008 at 7:00 p.m. in the City Hall Council Chambers. Motion passed unanimously. [5:0]

Mayor Bernard adjourned the regular session at 8:34 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel

Subject: David Evans Contract Extension

Date: August 4, 2008

Action Requested

Adopt a resolution amending a contract with David Evans and Associates to extend the term to September 2009 and increase the compensation by an additional \$200,000, for use in the Riverfront design and permitting.

History of Prior Actions and Discussions

September 2006: Council approved a resolution awarding a contract to David Evans and Associates Inc. for landscape design and engineering services for Milwaukie Riverfront Park, authorizing the City Manager to sign a Personal Services contract for these services and appropriating a \$100,000 payment from the North Clackamas Parks and Recreation District.

August 2007: Council adopted a resolution amending a contract with David Evans and Associates to extend the term to September 2008, increasing the compensation to \$300,000, adding two additional tasks and appropriating \$100,000 in the Fiscal year 07-08 budget for use in the Riverfront design and permitting.

Background

The original scope of work with David Evans for Milwaukie Riverfront Park design included developing final design and construction plans for the park. In 2007, staff and the design team determined that it was necessary to begin submitting permitting applications to various regulatory agencies in order to determine whether certain aspects of the plan were "approvable" before completing the final design. Thus, the

project team put some elements of the final design "on hold" and began working on local land use and state and federal permit application preparation.

As of March 2008, the project design was at a 60% design level. Three of the required seven land use applications have been submitted and approved. Land use approvals for this project include:

Completed:

- Request for an Amendment to the Milwaukie Comprehensive Plan Map from town Center to Public
- Request for an Amendment to the City of Milwaukie zoning map
- Request to De-List an Unrankable Historic Resource from Milwaukie Inventory of Historic Resources

The following permits have yet to be submitted:

- Willamette Greenway
- Water Quality Resource Zone
- Downtown Design Review
- Transportation Plan Review

This project will also require the submittal of a Joint Permit application.

This application is submitted to the Corps of Engineers and the Division of State Lands. Staff and the project team held an on-site pre-application meeting with regulatory representatives in July and the application will be submitted after all comments collected at that meeting have been incorporated. The review process for this application may take up to one year.

David Evans and Associates has been very responsive to the City's needs on this project and has modified their scope to accommodate not only our long term needs, but our short term needs, such as helping with grant submittal material on very short notice. However, due to the nature of this project and the regulatory requirements it faces, the permitting process has been, and will continue to be, time-consuming, and thus expensive. In order to complete the required permitting and finish the Riverfront Park design, staff recommends that we extend the contract with DEA until September 2009 and increase the contract amount by an additional \$200,000 to cover permitting and design costs.

Concurrence

The City Manager, the Finance Director and the Community Services Director support this action.

Fiscal Impact

Adequate funding is available in the fiscal year 08-09 budget to fund this contract amendment.

Work Load Impacts

The Community Services Director will continue to monitor the contract with DEA.

Alternatives

Do not approve the proposed resolution

Attachments

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING CONTRACT # 2006 097 WITH DAVID EVANS AND ASSOCIATES INC. FOR LANDSCAPE DESIGN AND ENGINEERING SERVICES FOR MILWAUKIE RIVERFRONT PARK TO EXTEND THE TERM TO SEPTEMBER 2009 AND INCREASE THE COMPENSATION TO \$500,000.

WHEREAS, the City Council awarded a contract # 2006 097 to David Evans and Associates Inc. in October, 2006 for design of Milwaukie Riverfront Park; and

WHEREAS, the design elements for the park have now been established and design is at 60% completion; and

WHEREAS, the City has requested that DEA complete land use and permitting applications for local, state and federal regulatory agencies on this project before completing the final design; and

WHEREAS, the permitting issues for this project have been complicated due to the sites proximity to the Willamette River and Johnson and Kellogg Creeks; and

WHEREAS, in order to complete these additional tasks, the current agreement must be amended regarding term and compensation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, THAT: contract # 2006 097 with David Evans and Associates Inc. for landscape design and engineering services for Milwaukie Riverfront Park shall be amended to extending the term to September 2009 and increase the maximum compensation to \$500,000.

This Resolution is effective immediately upon adoption.

Introduced and adopted by the City Council on August 19, 2008.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney



To: Mayor and City Council

**Through: Mike Swanson, City Manager
Kenneth Asher, Community Development and Public Works Director
Gary Parkin, Engineering Director**

From: Jason Rice, Associate Engineer

Subject: 18th Ave. Wastewater Rehabilitation

Date: August 5th, 2008 for August 19th Regular Session

Action Requested

Authorize the City Manager to sign a contract for the rehabilitation of the 18th Avenue wastewater line in Island Station with Michels Corporation, in the amount of \$155,000. This amount includes a 15% project contingency.

Contract approval will require an appropriation to re-allocate funds from the 2007/08 budget to fund this project within the 2008/09 fiscal year.

History of Prior Actions and Discussions

This project was adopted as part of the 2007/08 budget.

Background

This project has been on the City's Capital Improvement Plan since 2003. It was first recognized after investigations done as a part of the 2004 Wastewater Master Plan. During the development of the 2004 Plan this section of main was found to have high amounts of stormwater infiltration through unused main taps and leaking joints.

After looking at the power consumption rates of the Bluebird Pump Station it was apparent that leaking was occurring. During winter months, monthly bills were 3 times higher than they were in that same years summer months.

The current 2009-2013 Capital Improvement Plan identifies the 18th Avenue Wastewater Rehabilitation as a project to be completed in the 2008/09 fiscal year. Approximately 1880 linear feet of 8" sewer main will be rehabilitated with cured-in-place pipe (CIPP). 17 laterals that will be re-commissioned along this length and an additional 80 feet of 8" concrete main will be replaced to City of Milwaukie Standards with 8" PVC.

The existing 8" wastewater line that is to be rehabilitated is located within a 10' easement between the Willamette River and the homes facing 19th Avenue (see attachment #1). City sewer crews identify this section of line as a trouble spot due to broken joints and unused laterals taking in ground water. By installing an internal lining it will seal the main and reduce the amount of effluent being pumped at the Bluebird Pump Station (PS1) as well as reduce the amount of wastewater leaking out of the main.

The existing 8" wastewater line that is to be replaced is located within the Bluebird Street right-of-way (see attachment #1) between the Willamette River and the Island Station Wastewater Pump Station. This section of main has a very large belly, which is almost always full. By replacing this line the belly will be removed and the slope of the line will once again meet City Standards.

This project went through a competitive bidding process per Chapter 30 of the City's Public Contracting Rules. 3 bids were received by the City before the July 31st, 2008 2:00 PM bid opening. The following table is a summary of all bid amounts as well as the engineer's estimate.

	Contractor	Bid Amount (less 15% Contingency)
1.	Michels Corporations	\$135,030
2.	Pro Pipe	\$215,369
3.	Dunn Construction	\$282,680
***	Engineer's Estimate	\$240,000

The difference between the low bid and the Engineers estimate can be attributed to lack of response during the estimate phase for this project. Prior to completing the Capital Improvement Plan for the 2007-2008 Fiscal year, Michels Corporation was contacted along with others to research costs associated with this type and size of project, but failed to respond. Of the 2 responses Engineering received one for \$220,000 and the other for \$250,000 Engineering staff settled on \$240,000 which included a contingency. During the conception of the 2008-09 Capitol Improvement Plan, \$10,000 was added for inflation for a total 2008-09 project cost of \$250,000. Mistakenly, this was not translated

into the budget by carrying over last year's funds to this fiscal year, hence the request for budget appropriation.

Concurrence

Engineering staff coordinated with Operations on both concept and design phases of the project.

Planning Staff reviewed the plan set and confirmed that the project met all Municipal Codes applying to the Willamette Greenway Area.

The Island Station Neighborhood Association has also been notified of the potential construction in the area. The neighborhood will also be notified prior to any construction in the area after Council approval of the contract.

Fiscal Impact

This project is a part of the 2008-09 CIP. The Wastewater Capital and Reserve Fund budget will fund this project with \$135,035 for construction. The requested budget appropriation for total construction cost for this project is \$155,000 (includes contingency).

Work Load Impacts

Engineering staff will provide "in-house" inspections on this project. This will reduce the cost of the project and slightly increase the workload of the Engineering Staff.

Alternatives

- 1) Do not award project (defer indefinitely)
 - If council wishes not to award project and remove it from the CIP list.
- 2) Re-bid project without amending
 - If council approves of the project design but thinks the project should be re-bid for any reason.
- 3) Direct Staff to modify project and re-bid
 - If council does not approve of the project design and/or thinks that re-bidding could reduce cost.

Attachments

1. Image #1: Portion of the main that will be lined
2. Image #2: Section of main to be replaced

3. Project Vicinity Map
4. Resolution for Contract Award
5. Resolution for Budget Appropriation

ATTACHMENT 1

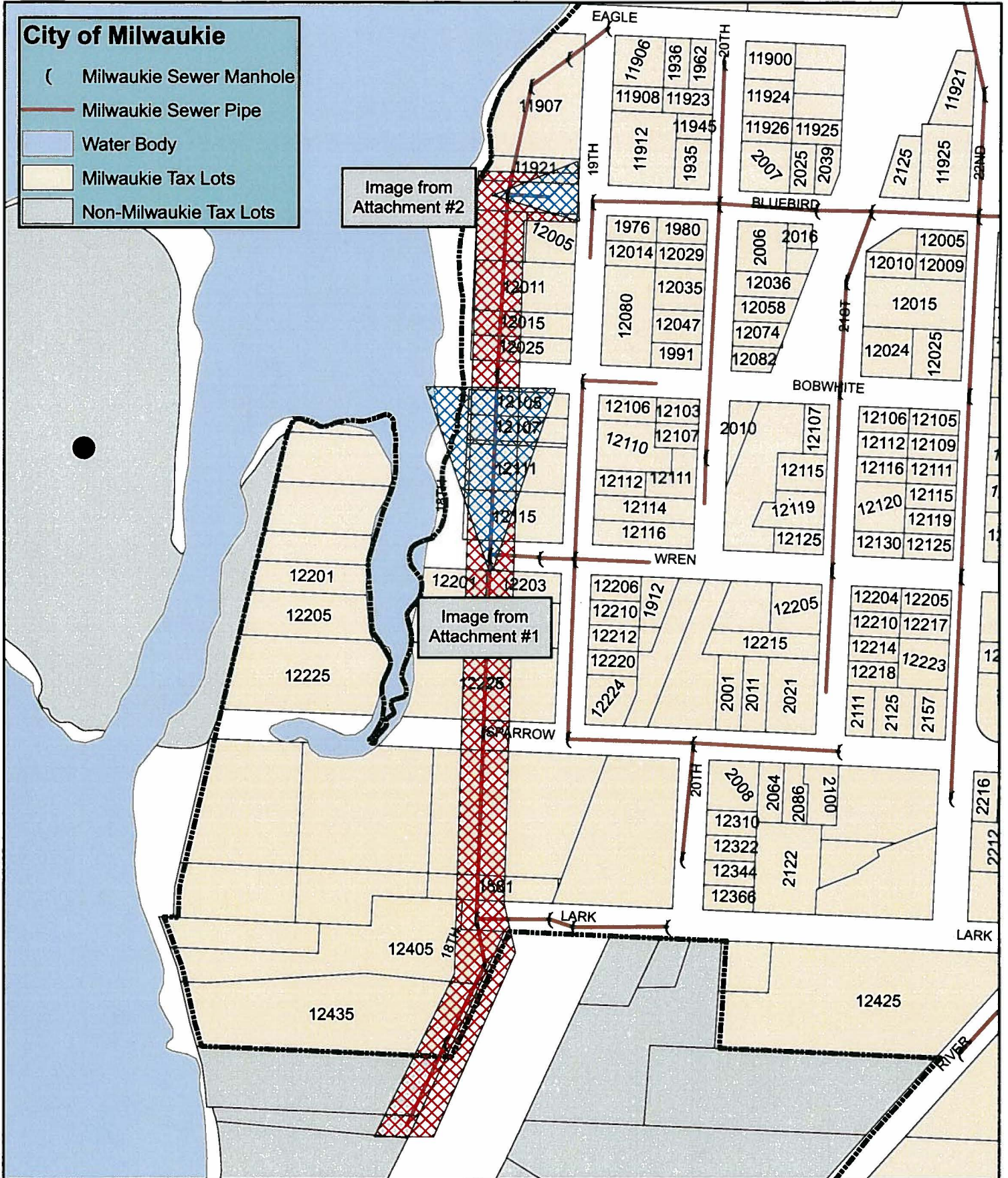


ATTACHMENT 2



ATTACHMENT 3

18th Avenue Wastewater Rehabilitation Project Boundaries



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF CONTRACT FOR THE REHABILITATION OF THE 18TH AVENUE WASTEWATER MAIN.

WHEREAS, the wastewater main along 18th Avenue has large amounts of infiltration and causing unnecessary wear and power consumption at the Bluebird Pump Station; and

WHEREAS, the project was approved for funding in the 2008/2009 budget; and

WHEREAS, a formal competitive bidding process following Chapter 30 of the City's Public Contracting Rules was conducted;

WHEREAS, Michels Corporation was the lowest responsive and responsible bidder;

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to sign a contract for the rehabilitation of the 18th Avenue wastewater main with Michels Corporation in the amount of \$135,030.

Introduced and adopted by the City Council on August 19, 2008.

This resolution is effective on August 19, 2008.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

DRAFT

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
TRANSFERRING APPROPRIATION AUTHORITY.**

WHEREAS, the City of Milwaukie has identified the need to rehabilitate the 18th Avenue wastewater main through its 2008/09 Capital Improvement Plan; and

WHEREAS, a formal competitive bidding process following Chapter 30 of the City's Public Contracting Rules was conducted; and

WHEREAS, the City of Milwaukie authorizes the City Manager to sign a contract with Michels Corporation for the rehabilitation of the 18th Avenue wastewater main in the amount of \$135,030.

WHEREAS, \$155,000 of additional funding is needed in the 2008/09 budget to complete this project;

NOW, THEREFORE, BE IT RESOLVED that an additional \$155,000 will be re-allocated to the 2008/09 Budget from Wastewater Capital and Reserve Fund for the purpose of rehabilitating the 18th Avenue Wastewater main.

Introduced and adopted by the City Council on August 19, 2008.

This resolution is effective on August 19, 2008.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, AUTHORIZING BUDGET APPROPRIATION FOR THE PURPOSE OF THE 18TH AVENUE REHABILITATION PROJECT.

WHEREAS, the City Council of the City of Milwaukie has established a Wastewater Capital and Reserve Fund to be used to fund wastewater capital projects; and

WHEREAS, it was the intent of the Wastewater Department to complete the 18th Avenue Rehabilitation project in 2007-2008; and

WHEREAS, due to time constraints in the budgeting process the appropriation was not requested and the 18th Avenue Rehabilitation project was awarded properly via the competitive process following Chapter 30 of the City's Public Contracting Rules; and

WHEREAS, the amount appropriated was carried forward from the 2007-2008 budgeted amounts but not re-appropriated in the 2008-2009 Budget Wastewater Capital and Reserve – Fund Balance/Working Capital line item; and

WHEREAS, the change in the Wastewater Capital and Reserve Fund appropriations do not change the total fund appropriation by more than 10% pursuant to ORS 294.480 Supplemental Budget(s);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, as follows:

Section 1. The City Council authorizes the budget appropriation of \$155,000 to be appropriated in the Wastewater Capital and Reserve Fund – Fund Balance/Working Capital line item with an offsetting budget appropriation in the Wastewater Capital and Reserve Fund – 18th Avenue Rehabilitation line item for the purpose of completing the 18th Avenue Rehabilitation project.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on August 19, 2008.

Mayor James Bernard

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Jordan, Schrader, Ramis, PC



To: Mayor and City Council

Through: Kenneth Asher, Community Development and Public Works Director

From: Paul Shirey, Operations Director

Subject: Valve Maintenance Trailer Purchase

Date: August 19, 2008

Action Requested

There are two actions that are requested from the Council regarding the purchase of a Valve Maintenance Trailer (VMT). They are as follows:

1. The appropriation of \$68,000 from the Reserve for Future Capital Projects line item (715-744-9410-0000) to the Operating Equipment line item (715-744-7200-0000) to allow the needed budget authority to purchase the needed VMT (see attached resolution).
2. The approval of this request to allow the purchase of the VMT.

History of Prior Actions and Discussions

None

Background

The Vehicle Replacement Fund should have included \$68,000 for a VMT for the Water Department. Due to confusion over an increase needed for another piece of equipment, the VMT was inadvertently left at zero in the budget.

The Water Department is in need of a valve maintenance program to be comprised of the following components:

- a) Locate the water valves and use Geographical Positioning Systems (GPS) to accurately portray in our GIS system.
- b) Fully exercise (open/close) valves.
- c) Maintain detailed valve records in Hansen software and Asset Management program.
- d) Schedule and perform repairs as needed.

The benefits of a valve exercise program include:

- a) Accurate records of detailed valve information.
- b) Valve reliability in emergencies.
- c) The ability to isolate water main breaks.
- d) Extended valve life.
- e) Less employee overtime in dealing with emergency repairs; enhanced system reliability.
- f) Improved access to tracer wire inside value cans (permits accurate location of plastic water lines).

The VMT includes a mini vactor (vacuum-type devise) that allows the crew to remove all debris from the valve cans, a telescoping valve exercise machine used to reach all water valves in the system to fully exercise, a Trimble data logger to store detailed GPS information about location of valves, and a water tank with a high pressure gun to break up debris in the valve cans. A hydraulic tools option allows the crews to jackhammer and compact from the trailer with tools the City currently owns. This would be used to replace old valve cans that are deteriorating and reduce vehicles/equipment in the right-of-way during the repair.

It is imperative to know exactly where all valves are located, which way they open and close, and what water main they isolate. Most importantly, knowing that they fully close in an emergency situation is critical to public health and safety. The American Waterworks Association recommends that all valves be inspected and maintained annually, and the City currently has 4,611 valves within the system. This equipment will allow crews to effectively and efficiently maintain City infrastructure and give the community confidence that the water system will continue to function properly.

The VMT can also be used to clean out meter boxes, as well as pothole underground utilities.

Concurrence

The Finance Director concurs with this purchase.

Fiscal Impact

None. The funds for this purchase have been accumulated in the vehicle replacement reserve fund for this purpose.

Work Load Impacts

None

Alternatives

Do not approve resolution. This would result in the Water Department's continuing use of existing outmoded and inefficient methods to maintain water valves in the system.

Attachment

1. Resolution

ATTACHEMENT 1

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,
AUTHORIZING BUDGET APPROPRIATION FOR THE PURPOSE OF PURCHASING
A VALVE MAINTENANCE TRAILER EQUIPMENT.**

WHEREAS, the City Council of the City of Milwaukie has established a Fleet Capital and Reserve fund for the purpose of equipment replacement and purchase, and

WHEREAS, it was the intent of the Water Department to request budget appropriation for the purchase of a valve maintenance trailer in the amount of \$68,000; and

WHEREAS, due to time constraints in the budgeting process the appropriation was not requested and there is sufficient funds for the purchase set aside by the Water Department; and

WHEREAS, the change in the Fleet Capital and Reserve Fund appropriations do not change the total fund appropriation by more than 10% pursuant to ORS 294.480 Supplemental Budget(s);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, as follows:

Section 1. The City Council authorizes the budget appropriation of \$68,000 to be transferred from the Fleet Capital and Reserve Fund – Reserve for Future Capital Projects line item to the Fleet Capital and Reserve Fund – Operating Equipment line item for the purpose of purchasing a Valve Maintenance Trailer.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on August 19, 2008.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Kenneth Asher, Community Development and Public Works Director

Subject: South Downtown Concept – Report on Phase 1 and Contract Approval for Phases 2 and 3

Date: August 8, 2008 for August 19, 2008 Meeting

Action Requested

Authorize the City Manager to execute a \$120,000 contract with the Center for Environmental Structure (CES) to undertake Phases 2 and 3 for continued planning of the South Downtown Area. Prior to the action, CES will report on its first phase of work, which included a review of the South Downtown Concept Plan (see Attachment 1) and a series of interviews with approximately 30 Milwaukians (see Attachment 2), from which CES proposes to construct a diagnosis map, a pattern language, a revised South Downtown Concept Plan (model and drawings) and a draft implementation strategy. The scope of work for Phases 2 and 3 is attached to this report (Attachment 3).

History of Prior Actions and Discussions

May 2008 – Selection of Lake Road as the future Milwaukie light rail station location (Resolution 51-2008).

April 2008 – Approval of first phase of work with the Center for Environmental Structure for studying the south downtown area and Milwaukians' hopes and aspirations for the area (Resolution no. 28-2008).

March 2008 – Work Session discussion to consider staff's intention to move the South Downtown planning effort to the next stage of development.

November 2007 – Work Session discussion to review a preliminary Concept Plan created by Gast-Hillmer Urban Design.

April 2007 – Work Session discussion to solicit Council ideas for South Downtown.

November 2006 – Work Session discussion regarding the Cash Spot, Robert Kronberg Park and the need for coordinated planning at the south end of downtown.

Background

In the spring of 2008, the City of Milwaukie began working with the Center for Environmental Structure to better understand the redevelopment potential of the South Downtown Area, roughly including the area between Washington Street and Kellogg Lake, 21st Avenue to the east and McLoughlin Boulevard to the west. CES was selected from a large field of interested consultants because of the firms' long track record and experience with conducting innovative and context-sensitive planning and design processes. CES proposed a three-phased approach for answering the City's questions about the validity of the South Downtown Concept Plan. Council approved the first phase of work on April 1st. CES completed that phase of work in August 2008, with the release of two reports (Attachments 1 and 2): Review of the 2007 Concept Plan for South Downtown Milwaukie and Working Summary of Issues and Information Raised by Milwaukie Community Members. These reports are briefly summarized below.

In July 2008, the City solicited for design firms interested in building on CES' phase 1 efforts. From five submittals, staff selected CES to continue the South Downtown work by conducting Phases 2 and 3 (also summarized below and described more fully in Attachment 3). The contract for Phases 2 and 3 requires Council approval, sought in the action under consideration here.

Phase 1 Review

During Phase 1, as a basis for conducting detailed design study on the area, CES undertook to learn both the land form, uses and community desires for the South Downtown. More specifically, CES evaluated the 2007 South Downtown Concept Plan to critically judge its viability as a starting point for redevelopment of the area. Early reviews from the community and Planning Commission on the 2007 Concept Plan had raised questions concerning the location, size and shape of a public plaza, the surrounding uses, the importance of the illustrated light rail station and the connections with Kellogg Lake, Kronberg Park and Riverfront Park. CES studied existing plans, interviewed staff members, and made two trips to Milwaukie in the late spring and early summer of 2007 to study the area and meet with some of Milwaukie's most ardent supporters, activists and downtown users.

Based on its studies and the hours of discussion with Milwaukians, CES has provided the City with two key deliverables: 1) A 23-point review of the South Downtown Concept Plan and 2) a 37-page summary of issues and information raised by Milwaukie community members.

Highlights of the Concept Plan Review document include the following points:

- The essential concept of a South Downtown Plaza at the Adams Street location, coupled with a light rail station, is a strong one.
- The most important feature of the proposed plaza is its six-block distance from the City Hall/Farmers Market site.
- These two activity centers are strongly linked by Main Street itself.
- The above features, if designed and managed correctly, could bring Main Street to life.
- The combination of these elements has the capacity to maintain, protect and sustain the much-loved quality of Milwaukie as a traditional small town.

The report makes a series of “lesser points” as well, commenting on open/public space in downtown, traffic circulation, the role of transit and the proposed light rail station, and downtown’s connections to parks and natural areas. The report also notes that *“the weakest and most questionable aspect of the 2007 design lies in the triangular shape given to the plaza. The shape is inherently problematic, since the shape itself is not “positive” – in other words, it is not a shape that lends itself to human comfort and satisfaction.”*

Highlights of the Summary of Issues and Information provided by Milwaukie Community Members include comments on downtown’s:

- Overall Feeling and Vision
- Plazas, Parks, Outdoor Space, the Riverfront and Connectivity between all
- Water and Plants and Trees
- Businesses, with Dark Horse Comics receiving special attention
- Buildings, including Housing (some attention paid to the Library and the Treatment Plant)
- Sustainability, Music and Play
- Sidewalks and Streets
- Farmers Market
- Buses, Light Rail and Parking

A careful read of the Summary document reveals a strong sense of community identity and consensus about desired qualities in downtown. Although not exclusively focused on the South Downtown area, the Summary provides an extremely solid foundation from which City leaders and CES can begin building a redevelopment plan for the South Downtown area, or any downtown area, for that matter. It is a clear snapshot of what the Milwaukie community values and it is consistent in its principles with the *Downtown Plan*.

Phases 2 and 3

It is appropriate and advisable for the City to build on CES’ first phase of work. While the Phase 1 products set the stage for reconceptualizing the South Downtown area, they do not yet describe the best possible plan or approach for the area. The Review document suggests that strong ideas that are in play, but cautions against others, and

does not, in itself, adequately capture a full-fledged picture of the area's best potential. The Phase 1 products do not sufficiently guide the City's redevelopment efforts. For that, additional work is required.

Further, Council's selection of Lake Road as the single future light rail station in Milwaukie raises the stakes on the planning work under way. At the Lake Road site, the City has a rare opportunity to design a station and station environment that is uniquely "Milwaukie." Though not a part of the Phase 2 and 3 scope of work, the City will be taking advantage of this opportunity by spending the next six or seven months figuring out what it wants to see in the South Downtown. From there, the design of a unique and beautiful light rail station and station environment will be far easier to achieve.

Phases 2 and 3 (Attachment 3), picks up where CES left off with the community. The firm proposes to create a new concept plan for the South Downtown area by undertaking the following tasks:

1. Generating a pattern language based on the work already accomplished with Milwaukie community members.
2. Diagnosing the South Downtown area with the community to call out (with great specificity), the spots that need to be protected and those that need to be enhanced or repaired.
3. Designing a new concept plan based on the original sketch but updated from the work in 1 and 2 above.
4. Drafting a guidebook for implementing the new concept plan.

Staff is confident that the scope of work described by CES strikes the right balance between the community's desire to participate in the creation of a new South Downtown area, and its desire to see its plans realized in the downtown in the not too distant future.

Thus far, CES has delivered on its reputation as an inclusive, participatory and respectful design firm. The City of Milwaukie is beginning to gain attention from neighboring jurisdictions and the Portland-area design community as having started something special in the South Downtown area. TriMet is preparing to support Milwaukie's South Downtown planning efforts in its preliminary engineering for Portland-Milwaukie light rail. Staff strongly urges Council's approval of the Phase 2 and 3 CES contract.

Concurrence

Community Development staff has conferred with the Planning and Community Service directors on this contract. Both concur with the action, as does the City Manager. Feedback from the community about the Phase 1 process has been positive. TriMet has agreed to design its light rail engineering process to support the City's planning efforts.

Fiscal Impact

This work was anticipated in the 2008-09 Community Development work plan and funds for this contract are available in the Community Development budget. The contract will include a \$10,000 contingency (included in the \$120,000 total), which may not be expended.

Work Load Impacts

Significant staff time from the Community Development Department will be required to complete Phases 2 and 3. Staff is hopeful that this work will complement the Community Development, Community Services, Economic Development and Planning Department workplans, which include multiple related projects (including Riverfront Park planning, Public Area Requirement code revisions, Main Street, Kellogg Creek bridge replacement grant writing, etc.)

Alternatives

Council may elect to review other proposals for this work, or may suggest changes to the scope of work proposed by CES. Alternatively, if Council were not supportive of the expenditure of energy in the South Downtown area, Council could redirect staff efforts to some other aspect of the Community Development program. Staff does not recommend any of these alternatives.

Randy Schmidt of CES will be presenting to Council at its meeting and will be prepared to answer questions about any of the phases. Staff has invited the community members who have been thus far involved in the project to share their opinions with Council as well.

Attachments

1. CES Review of the 2007 Concept Plan for South Downtown Milwaukie
2. CES Working Summary of Issues and Information Raised by Milwaukie Community Members
3. CES Phase 2 and 3 Scope of Work
4. Resolution

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REVIEW OF 2007 CONCEPT PLAN FOR
SOUTH DOWNTOWN MILWAUKIE

June 20 2008

In 2007, consultants working for the Development Director prepared an initial concept plan, to stimulate discussion about the future of South Downtown Milwaukie. The concept plan presented a proposal for a triangular plaza, at Main Street and Lake Road, coupled with a transit station at that location.

Since then, the Center for Environmental Structure has been commissioned to undertake an elaboration of this South Downtown plaza concept and we are presently in the finishing stages of Phase 1 of our contract work. One of the deliverables of our Phase 1 work asks us to undertake a review of the 2007 concept plan, together with an explication of its strong points and weak points.

The plan drawing of the concept plan follows. The text following the drawing then summarizes our findings.

MAJOR POINTS

1. The essential concept of a South Downtown Plaza at that location, coupled with a transit station is a strong one. It draws on the ability of the station to generate foot traffic, thus animating the plaza and creating the potential for a lively place at the southern end of Main Street.
2. The most important feature of the proposed South Downtown Plaza, is its six-block distance from the other major focus of downtown Milwaukie: the City Hall coupled with the present location of the Farmer's Market site across Main Street.
3. These two plazas and the six block stretch of Main Street which connects them, together generate the core of a new downtown as a "barbell" structure, running six blocks and connecting three linked major foci:
 - (1) The focus at City Hall, considered together with the plaza already filled with trees across the street that presently exists as a parking lot.
 - (2) The focus of a new Downtown Plaza, six blocks south, at Lake and Adams.
 - (3) The focus of the lively six blocks of Main Street that will be animated by pedestrian traffic between the plazas at its two ends.
4. The barbell structure has the potential to create a lively downtown up and down the whole of Main Street, encouraging pedestrian traffic, night life, café life, and restaurants and music, and should, with careful management, be able to animate Milwaukie as a whole.
5. Most important, this new structure has the capacity to maintain, protect, and sustain the much loved quality of Milwaukie as a traditional small town. Many people wish to maintain this quality.

LESSER POINTS

6. Preservation of the trees on present farmers market site. Objectively, we believe the site of the farmers market, with its beautiful rows of trees, is possibly the single most powerful aspect of the urban landscape in Milwaukie. We believe it would be a mistake to destroy it or place any buildings on the eastern half of this

block. Even if the farmer's market were one day to be moved, the trees by themselves, coupled with their location across from City Hall, still have inestimable value as a prominent urban park. It would take years to duplicate such a place elsewhere in the downtown, and therefore, this area should be protected. The way that Main Street works with its two main centers (see item 3), would altogether lose its force if one half of the "barbell" were disrupted.

7. The suggestion that the transit station be located further north, recently under discussion but now defunct, would in our view have been a serious error. The northern plaza opposite City Hall, is important, but is tranquil and has relatively little excitement. The southern plaza has the capacity to provide this excitement, but that plan would naturally backfire, if the pedestrian traffic from the light rail were removed to another position.

ADDITIONAL POINTS OF THE 2007 SCHEME

8. The weakest and most questionable aspect of the 2007 design lies in the triangular shape given to the plaza. This shape is inherently problematic, since the shape itself is not "positive"—in other words, it is not a shape that lends itself to human comfort and satisfaction. If the plaza were made triangular, people would be less able to feel that it belongs to them.
9. As shown in the 2007 design, the triangle is also too small, aggravating the lack of positive space. The very pinched acute-angled corners reduce the effective available space even further.
10. The triangle also leaves little opportunity for surrounding buildings to "hug" the space. If better shaped, the pedestrian plaza could be ringed or partially ringed with buildings. We consider symbiotic relationship of buildings and the space which they surround vital to successful design of a lively urban plaza; we believe it is essential that we search for configurations in which this result may be achieved.
11. We believe, in addition, that the green triangle to the west of Main/Lake (Dogwood Park), should be protected as a vital component of any beautiful plaza

built in the South Downtown location, and incorporated in that plaza. This strongly suggests closing Main Street between Adams and the railroad trestle, or at the very least, *drastically* reducing traffic on that block. It would be better if it were altogether closed, with the space now seen as the last block of Main, incorporated in the plaza itself, thus making the plaza (Triangle+Last-block-of-Main+Green triangle) a wider and more visible target for people walking south on Main. The handling of this change, if made, needs to be subtle. Preliminary inspection of the situation suggests that 21st Avenue could easily carry the traffic load, without loss of convenience. Bus circulation with the advent of light rail would also need to be carefully considered.

12. It is still too early to give a solid opinion on Adams Street, but the creation of positive space on the plaza may also suggest a further street closing of Adams. It might be valuable to discuss closing the last westward block and a half of Adams, with access for the available commercial and residential lots from the plaza itself. This is a potent possibility, but would need careful consideration with several City departments.
13. In this connection, we have a picture of land ownership in the affected four block area, and the situation seems well placed for various possible forms of public-private cooperation with plaza land, and the land around the plaza, and different necessary kinds of vehicular access to buildings and functions on and around the plaza.
14. We are in agreement about the concept of mixed-use in the three-block area next to the plaza. Retail, residential, public, and some small workshops may all be appropriate, and we shall get further information on this issue, when the pattern language and input from Milwaukie residents have been collated.
15. However, the impression given by the drawing of the three mixed use areas, as shown on the 2007 drawing, is slightly alarming. It is of course only schematic, but it suggests somewhat massive buildings, with little opportunity for individuality of different concerns and uses. We believe it is even conceivable that the development should possibly be done piecemeal, perhaps then affording more opportunity for pleasant human scale, and greater care given to the architecture and detailing of these buildings.

16. This approach would also coincide more closely with the sentiments of people who love Milwaukie, and who would undoubtedly hope for a more intimate scale in the vicinity of the new plaza, which they may, in the future, come to think of as home.
17. Of course, too, the configuration of these buildings around the plaza would be better if not so blockish, and we may therefore expect a need for very subtle handling of the individual building masses, and their architecture, to be sure that the beauty of the whole area is a primary focus.
18. The idea of placing a tower, as shown on the 2007 drawings, to mark the plaza has positive merit, but as it stands it is conceptual indeed, too conceptual. It runs the risk of being a developer gimmick, which would in the end seem obnoxious. On the other hand a high building or tower marking the point, if it were made of beautiful and solid materials, and if given a sensible function that gives it intrinsic worth, could be very beautiful. It is a high ambition. It is worth pointing out that the leaning tower of Pisa is beautiful, because it stands on a massive white marble plinth, hundreds of feet in each direction, and is itself made of that same white marble. I doubt if we can (or should) aspire to that. But it does give us something to reflect on, and to reckon with, and (perhaps) in a modest way to aim at.
19. The tunnel which now connects Kellogg Creek to the river could indeed be re-engineered to provide a pedestrian path running alongside the creek, just as proposed in the 2007 Concept Plan. However, we feel obliged to express some misgivings about the usefulness of the tunnel, for two reasons.

First, we would not want to leave an impression for the City, that such a pedestrian underpass would solve the problem of connecting the City of Milwaukie to the Willamette River. For reasons expressed in item 20, below, we feel it essential in the long run to make a better and more vivid connection between the city and the river, and this cannot be accomplished with such an underpass.

Second, we have not had time to assess the feasibility of making this underpass really and truly pleasant. It may be possible, and it may not be. So far, we just don't know. For this reason, we feel obliged to fulfill our task as honestly as possible, and give the city accurate advice, as well as we are able, including our own uncertainty that exists currently only for lack of adequate study.

20. In fact, access from Milwaukie to the river is a major issue, in its own right. The town and the Willamette river belong together, and are made for each other. Given the circumstance of McLoughlin as a huge barrier, it seems to us that the traffic lights which have recently been built to help people across the road are a weak solution. Ultimately, we believe this issue should be faced, so that the river is more present in the lives of Milwaukians, and dealt with in a fashion that does credit to the grandeur of the river. This would involve development of the waterfront itself as a place of natural beauty, and also provision for more natural access between town and riverfront at more than one place along the river. How to do this adequately does not at present fall within our scope, but we recommend the City decide how best to take on this issue, at this moment in time.

21. We have considered the possibility of a large pedestrian terrace at the elevation of Main Street on its western side, somewhere between Washington and Adams. This place, possible over parking, would have a magnificent view of the sunset, a natural place to gather for a meal, and would permit the construction of a pedestrian bridge crossing McLoughlin, without the need to climb up in order to go down. It would thus provide a natural form of access to the river, at a relatively reasonable price.

21. The portrayal of Kellogg Creek, on the 2007 plan, which shows it restored from a lake to a creek and which appears to show a series of pools forming fish habitats, is very appealing. It is consistent, in principle, with the briefing Randy Schmidt received during a discussion with Chuck Willis, from the Army Corps of Engineers. However it is, any way you slice it, a very large project, requiring a considerable amount of money.

22. In addition, it is not yet easy to visualize the physical and planning process needed to repair the lake, and rebuild the original Creek in a way that helps the proposed South Downtown plaza. At present the lake is virtually inaccessible, to such an extent that one cannot even reach places from which to survey and imagine the possible improvements, and there is a kind of “can’t get there from here,” feeling about the entire problem. We wonder if it might be possible to undertake a relatively low-budget, piecemeal approach, in which the present concrete dam is first breached, to lower the water level, and then a period of observation and design is allowed to take place. In this approach, one would gradually see the situation unfold, without having to rely on an overall plan that can in principle not

be competently visualized, so long as the project remains underwater. This piecemeal process, done in conjunction with engineers and ecologists, would then reveal the likely best detailed final alignment of the creek and positions of possible pools, places for paths and steps and sitting places which would connect the whole area, organically, to the new plaza. Finally, once the working ecology had proved itself, one could then make finishing touches of paths and stairs, allowing people to enjoy the area.

23. Finally, there is the issue of pedestrian safety and convenience in the area of the proposed new station. The concept plan does not really address these issues, and we have not attempted, yet, to make detailed examination of this question. In any case, it is vital that pedestrians are not put at risk from the trams themselves, nor from the occasional heavy freight trains that pass through on the railroad line.

ATTACHMENT 2

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WORKING SUMMARY OF ISSUES AND INFORMATION RAISED BY MILWAUKIE COMMUNITY MEMBERS

IN PREPARATION FOR PHASE 2 PATTERN LANGUAGE WORK

June 20, 2008
(rev. Aug 6 2008)

The information we have gathered from Milwaukie community members in our one-on-one discussions is here distilled, and roughly grouped under headings based upon content. This material forms the starting point from which we will create a final pattern language during Phase 2 with the group of nine community members who will continue to work with us. This present document contains the raw material from which the final pattern language will be created, but it is not itself yet a proper pattern language.

Some topics which the community members spoke to us about, often with strong feeling and evocatively, were not directly concerned with the south downtown per se. Though these comments were not necessarily directly linked to our scope of work for the south downtown, we have included many of those thoughts here in this working draft, in order to present a more complete image of the community's dreams, concerns, and desires. It is in this context that the south downtown plaza will be created.

OVERALL FEELING AND VISION

- Keep the downtown pedestrian in feel. Lots of small businesses could come in without destroying the small town feel, if the town is kept pedestrian.
- All day long there is activity; vibrance and life. And there is a reason to be here, not just a place to stop.
- Create a safe environment, where you feel happy to be there. You feel invigorated by all the stuff going on around you.
- Things to do at night: I could come to Milwaukie after 6 PM and there would be things going on here. Social dancing, indoors because of weather; some sort of community center; people coming together to talk. Having coffee at outdoor cafes or the cafes that are already here.

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- An affordable place: the average person can go to get a good meal, a restaurant or boutique. Not upscale feeling. It is very blue collar city now, keep it that way. Be careful of gentrification. We do not want to be NW Portland or Pearl district, which are too upscale. But, do want some touches of it.
- I want to see a mix of a young group to give a feeling of growth and love.
- What is it that creates the small town feeling of Milwaukie? A bounded zone around the core of the downtown, so that it cannot sprawl outward.
- It is a place with trees, shops, bookstores, galleries, and cafés, concentrated together. Milwaukie can be a beautiful place for people to come on a Saturday.
- We need to maintain the good schools, friendly neighborhoods.
- People of all ages mixing downtown.
- It is really quiet downtown now. There are a lot of people out on the streets in my ideal downtown.
- For the many older Milwaukie citizens for whom walking is difficult, provide a place for them downtown and a way for them to get here.
- Families with strollers, people on their bikes, bikes locked up to the bike racks. In good weather people are sitting outside in plaza and at sidewalk tables of little restaurants.
- Developers need to demonstrate commitment to protecting and extending quality of Milwaukie, in order to be allowed to do a project here.
- Each street is different: unique markets, antique shops, and small stores.
- Don't alter things so much that they lose their character. A lot has to do with what your past is and what our past history is that you want to see maintained.
- More people walking on the street.
- People walking their kids and dogs.
- Smells of trees and flowers, food and people.
- A Milwaukie that is well funded; a different tax base would help – getting more businesses to the downtown core would help with that.
- Keep the downtown contained with park-like spaces, so there is no sprawl. It is contained by Library, the Pond house, Waldorf School, Washington St, Harrison St as it goes along the creek. Preserve these, and preserve this feel.
- The restoration of connections is fundamental to enhancing Milwaukie – an effort to make Milwaukie serve as a modest hub.
- Downtown should have small, personal scale. Small, so it's all walkable. Like Larkspur.
- A downtown that is people-centric rather than car-centric. The farmer's market is a good example. People walking to the downtown, or are biking with their kids to town. You can pay attention to other things other than traffic. People are communing rather than commuting.

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- I want others who use the town a lot and stay here for what they do in their life.
- Small businesses and residential downtown.
- A village of shops, restaurants, townhouses, stretching north to north industrial area.
- I want a place I want to go to downtown, something to walk to, not just to drive to.
- Places to sit outside and eat and have a drink.
- Places to gather.
- Places and situations where people are gathered and talking, the more the better.
- There should be lots of light in the downtown.
- Want all amenities close -- go no more than 6 to 8 blocks for groceries, restaurants, boutiques.
- More openness and connection between the Waldorf campus and the downtown.
- Nature is hugely important; giant trees, eagle nests, fish jumping in the river. Salmon, sturgeon, steelhead. Big Madrone trees.
- Utilize Dogwood Park as something gorgeous. The plaza is on the top of the hill and looks at this grassy knoll below. It has an estuary feeling; wildlife, ducks and birds. You can bring your dog on a leash. You meet someone. You can get over to the river. If you have a festival in town, that would be a great place to have it. Even the Farmers Market. As you get off the light rail you see the hustle and bustle, and it is warm and welcoming
- In nice part of year, outdoor tables and people sitting outside.
- Urban-looking; a lot of buildings and shops in a row.
- The whole downtown should be festive for holiday seasons.
- People would be shopping, eating lunch or dinner. Going to events, theater or arts – something that they could go to. Socializing. Talking to friends and neighbors. Picking up a few things they need. Not as crowded as Farmers market is on a beautiful Sunday, more spread out. I don't want to have to stand in line, I don't like big crowds.
- My dream: Milwaukie becomes a city of museums. For instance, there is an opportunity for the largest Kodak Camera museum on the west coast, and a maritime museum for the waterfront park.
- A draw to bring in people from outside the community.
- Have events that are of interest to residents (if they are of interest to residents, others will come).
- I like the hustle and bustle, music playing (live – anything), people talking, tables on the streets, no skateboarding.
- Neighborhoods that provide services to the neighborhood. Like a neighborhood grocery store.

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- Nice place to sit outside and enjoy the riverfront and have a cup of coffee
- Downtown should be more for late teenagers and adult-oriented because that is where the strength of our neighborhood associations comes from. They are the people who are spending money. Children would come but it would not be geared to them.
- Invest first in the middle of town; gradually this growth will creep to the south. Putting lots of \$ into the south end first seems perhaps risky. Can it invigorate town, or is it too far from things already working?
- Small festivals and farmers market draw people to downtown.
- Make the downtown the center of the city again. Nowadays people coming to Milwaukie tend to come to the new shopping center area on 224, rather than downtown.

PLAZA

- Create a multi purpose, open, safe, well lighted plaza. The city could organize events in this plaza.
- There should be a plaza near the light rail station.
- A pedestrian mall, focused on trees, gardens, natural look, fountains, and art, with lots of shade and plantings. Some people are sitting, some playing music, some talking; a happy place.
- The pedestrian-only area is walking cobblestone and walkable ground cover that can take ground traffic, like pervious pavers.
- The plaza area has no need to have cars in it. But it has to be accessible so people can get to it to use it.
- Plaza should have a hang out area, with cascading water falls flowing over tiles and natural rock to have soothing feeling.
- Create a town square or a communal area such as in Europe; there are places next to churches, which were town squares. Markets are there and people doing different things.
- Create an area where the public could congregate and would maintain a small town feel, a place where people can feel that they are a part of their city.
- Plaza should be central to downtown, rather than at south end. At Washington St at 21st St.
- A plaza is good, need to make it in a fashion which doesn't attract loafers
- Make sure plaza is not a place for high school kids to smoke dope and homeless people to sleep. More activity will help prevent this. Worried that

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south location will not have the needed level of activity (not central, and underutilized buildings and park surround it.)

- Plaza should not be empty, but should have levels, small defined areas, make topography and landscape interesting.
- A tower in the plaza, which could be the signature piece for the city of Milwaukie.
- Plaza should not be a place where it is easy to sell drugs. If people are always around, then the druggies etc. will not be comfortable sitting around.
- The plaza is near the light rail.
- There are public parks and a plaza, a gathering area.
- A secondary plaza is at south end of downtown, but it would not be the major plaza.
- Make a plaza at south end of town.
- Plaza needs nearby shops, with a bookstore.
- In plaza, pieces of canvas that are cool sails that can attach to poles so that if it is too hot can quickly put up a cover over people's heads. Not one big piece, rather several pieces. Some could be up, some down depending on light.
- Colorful flags in the plaza- dealing with Milwaukie in a historical fashion.
- Milwaukie needs a town square—it feels like it has one, only on farmer's market Sundays.
- Main Street should stop at the plaza, not go through.
- The plaza is adjacent to the light rail at Lake Road.
- The plaza should be like the plazas in Portugal and Spain, a large area in the center of town where all public stuff will be.
- Connect plaza with Kellogg Creek park area.
- Make a rill on the surface of the plaza, with river rock on the bottom of it. (instead of a fountain) The rill should be 6" wide, with tile at the bottom and on the sides. Little fish embedded on the tiles at the bottom of the rill.
- South from the plaza, the rill goes through the center of the walkway, merging into the park. Have tile fish embedded into the walkway, which goes under the bridge that will be built.
- The plaza would look like the plazas in Spain with hanging baskets of flowers.
- Benches (not wooden), rather concrete aggregate with river rock – colored blue or purple.
- Plaza should be open. Nothing higher than waist height. You can see all the facilities
- There would be summer carts with foods, veggies, hot dogs and snow cones.

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- The farmer's market would be held there too.
- A European deli on the plaza, bakery with tables and chairs outside, so people can have coffee and enjoy kids playing.
- The plaza is a place where the people can be picked up and dropped off for boat tours. The sternwheeler could come into a new dock, which would be there by enlarging the small boat ramp. It would be just below where the plaza is, so that the sternwheeler could tie up and load. This would be part of the integration of the river and downtown.
- It would be a bright open sunny space with beautiful vibrancy.
- Plaza has colored concrete; even when it is cold and grey out, colored concrete makes it brighter.
- Integrate the plaza with the rest of the south end of the development.
- Keep cars out of the plaza.
- The plaza is a meeting place for the citizens of Milwaukie.
- Plaza which would be tree lined with outdoor areas for people to congregate, have lunch, use computer, read Picnic tables.
- Sunken plaza with steps that people could sit at different levels.
- The Sunday market can use the plaza.
- Temporary not permanent stage.
- Frequent garbage pails with frequent pick ups, so that it is clean.
- A plaza like in Fort Collins, that is blocked off to cars, with benches, and access to business that were around it. It is a great place to gather.
- A gathering place where you could see a vendor of coffee, people would know that if they said "Hey, we'll meet you at the plaza after work and we'll go shopping, have a drink"
- A friendly open environment where people can feel safe.
- The plaza is in the park.
- The plaza could have live music, instead of at the library.
- Should be stores near the station, in a building which would be curved with a glass front. It would have: a store selling food sandwiches and coffee; a shop for magazines and newspapers, which could be separate or part of the food place; a "Boots the Chemist"-like store there too; a dry cleaner (drop off their dirty shirts in the am and pick them u in the pm); a shoe repair shop; a key maker.
- The store building near the light rail station should be open from 6 AM to 7PM, so the people using the light rail can use the space. Kids from the high school could sit and play and eat lunch.
- The shops at the plaza have blue metal roofs. So that light shines on them and shoots back to the plaza.

CENTER FOR ENVIRONMENTAL STRUCTURE

- There should be reflections of light and movement all over. (The glossy tiles would reflect light) Have surfaces reflect light and make the spaces feel bigger. The exterior of the shops should reflect light as well.
- Make Main Street dead end at Adams and create more of a pedestrian area. Use 21st as the main route in that area.
- Near the station should be a plaza, coffee shop, and gallery. Maybe a Post Office.
- Wide sidewalks in front of a grocery at Cashspot site(above parking), with a timber trellis overhead, trellis looks similar to the trestle. Roll-up doors in front of grocery, produce can be rolled out. Grocery becomes almost part of the farmers market. Tied together, grocery is semi-continuous with farmer's market.
- A timber trellis runs around to south from a grocery store, into the plaza, toward the rail trestle. Houses the farmers market. Could connect down to a way to walk across the lake.
- Don't allow dogs there.
- Plaza and other public places can be paid for by individuals. Pioneer Square was paid for by people buying the bricks that make it up.
- Locate a precinct police office at the station or on the plaza for Milwaukie police, sheriff's office and Tri Met police to use.
- Closed Circuit TV cameras there.
- Safety and security – continuity of open and lighted walkways so there are no places for people to grab others.

PARKS

- Downtown should have a nice park setting – someplace where there is a desire for people to go. People can enjoy their lunch or go somewhere after work.
- There is a sense of peace in the park, like on Lake Road. Less car traffic, open space with the trees. One can enjoy the sun and walk around.
- Protect green space.
- Create a nice park by joining both banks of the creek into a single park.
- More parks – more formalized parks, which have a sign that says this is a City of Milwaukie park. Rather than an undeveloped plot of land that nobody really knows what it is there for.
- Connection with nature –not necessarily like you are in the middle of an old growth forest, but there is a connection to nature well within your grasp.
- Better access to Elk Rock Island, with bike rack and allow dogs.

CENTER FOR ENVIRONMENTAL STRUCTURE

- Green spaces which are different than parks, which are reserved for wildlife, and landscaped in a way that humans are not encouraged to go in. Like the area behind the library. There should be some in downtown or area surrounding downtown.
- Open spaces, park for kids to play in.
- Create local neighborhood parks.
- Create a park at the Kellogg Creek area, a place for people to do things like play Frisbee and still have a natural area.
- A community garden – a Pea patch
- maybe a dog park
- We need a lot more parks, not just small pocket parks but real significant sized neighborhood parks that people can walk to and enjoy.
- The waterfront and plaza will take care of parks for downtown, but need a park at Lake Road area.
- A city park setting without any grass, and a close by area of grass where you can sit down and have a lunch or a festival. Meet a girl or guy close by. It is a nice relaxing area where everyone feels comfortable.
- Small parks every other block, like Buenos Aires.
- Integrate Dogwood Park into the downtown. A flow and an inviting approach.
- In Dogwood Park create small public plaza or meeting area as one approaches down to the level of the creek. Progression from public sidewalk, into the park, then from there down to small meeting areas, and then down to the creek so it does have water access.
- Create 2 kinds of gardens: a) for people to pray and b) to socialize. (eg: Japanese garden, and Mediterranean European garden)
- Create informal natural places integrated into the urban environment, where people can communicate with nature. The waterfront is no longer a natural place, but there are a lot of opportunities to do informal nature places.
- Preserve parks; don't let them be used as the next parking lots.
- Parks need lighting and trimming so that police can monitor and keep them from being used as hangouts for kids.
- Create access to Kellogg Lake.
- Integrate buildings and developed parkspace with natural environments, in a way that allows the community to experience this integration.
- Must preserve wilderness areas in Milwaukie. Johnson Creek, Kellogg Lake. Re-establish native biological diversity around the edges of the lake.
- Restore the Kellogg Lake to a creek, but it must be well done, the habitat must be restored for the fish and other animals – beavers, eagles, osprey, etc. This is a quiet place where the animals thrive, as very few people go back there.

CENTER FOR ENVIRONMENTAL STRUCTURE

- Efforts to clean up the trails should especially include restoration of water edges and improvements for fish.
- A natural park, separate from the built-up downtown.
- Community gardens in Kronberg Park. The community gardens would supply local food into the farmers market.
- Preserve areas in each neighborhood that are used for recreation.
- Don't cover natural areas with development.
- Keep the south end of town natural.
- Dogwood Park becomes the termination of the downtown.
- If they drain Kellogg Lake, it needs to be a park, so nothing is built on it, because it will be open to flooding in the future. We should not build in the flood plains.
- Keep the mouths of Johnson and Kellogg Creeks, and the riverbank between them, as natural as possible.

CONNECT PARKS

- Link the parks in the city with bike paths. One can walk or bike from one park to another.
- A pedestrian bridge on the trestle.
- Connect the three parks: Riverfront, Dogwood Park, and Kronberg Park.
- Restore connections such as trails: The Spring water trail, the Trolley Trail, and so on.
- There should be a bridge connecting two banks of Kellogg – joggers could go over, jog around a circuit in a safe neighborhood around the area. It would connect to other bike paths.
- Put in a pedestrian bridge over the creek to Kronberg Park
- Integrate Kellogg Lake with the river.
- Connect riverfront with Dogwood Park and the south downtown.
- Don't want park development to be concentrated only in the south downtown. Wants other areas of the city to be connected through the parks.
- Incorporate Dogwood Park and the south end of town with the riverfront.
- Develop Kellogg Lake area and connect it to the Willamette.
- Beautiful walkways along the Kellogg Creek, pedestrian bridge(s) across it; maybe a stone arch bridge down low – you go down the bank, cross that stone arch bridge close to water, then go up again
- When Kellogg lake is lowered, create a walkthru to the river.

RIVERFRONT

- It is important and meaningful that the river is so close.
- I love the river, its always changing and evolving.
- Make McLoughlin easier to cross – I am afraid to cross it at rush hour.
- Place where you can put in your canoe or kayak, the non motorized boats. Make the launch point to be non motorized instead of motorized. Deter the large vehicles with larger things attached to them, but still encourage the connection with nature.
- Unite waterfront with downtown. Currently McLoughlin divides them. When I think of downtown I forget to even include the waterfront.
- Create public playgrounds at the waterfront that are safe, relatively up to date and also are maintained regularly so the broken glass from the beer bottles isn't such a problem.
- We need to make it so you can get back and forth from downtown to riverfront. Pick up your ice cream and be able to walk over to the park.
- Create better connectivity to the waterfront, in a pedestrian friendly way. The recently added traffic light helps, but not enough.
- Riverfront could be the heart of the city, loves Joann's plan.
- Need to improve problematic access to waterfront. Access could be developed through Kellogg Creek conduit.
- Pedestrian bridge to the waterfront. A safer way to get to the waterfront than crossing McLoughlin. It could be underground.
- Need better access to river: two pedestrian bridges, 1 in the south and 1 in the north end of town, connecting Main Street area to Riverfront Park.
- Connect the river to Milwaukie without having to cross the highway.
- Friendly easy access to the river. Focus on the river. That is the draw.
- Make river front more accessible and usable.
- Connection to river is not good, should be two pedestrian overpasses. Underpasses are smelly. One overpass starts from the Dogwood Park area, out to the river. Because this place is well above McLoughlin, don't have to climb much in order go over McLoughlin toward the river. Could call it "Dogwood Overpass", with ironwork railings with dogwood ornaments in the railing. Another pedestrian overpass at the north end of town, around Jackson Street.
- Need more crosswalks across McLoughlin, between the two overpasses. At least one more than currently. Perhaps a light and crosswalk at every corner?
- Pedestrian overpass to riverfront

CENTER FOR ENVIRONMENTAL STRUCTURE

- Loves the waterfront, needs more strengthening, need to connect to it more.
- Would love a comfortable integration of the downtown and the river
- Have a safe easy connection between downtown and the riverfront, making the riverfront the heart of the city.
- Have great big wide walkways across the McLoughlin Boulevard. It can go overhead too; if the walkway is raised, make it wheel chair accessible. It cannot be an underground walkway, which become public urinals and are scary at night.
- At river front: some outdoor vendors. Kayaks to rent. Specific area for people to fish so they don't get tangled up with the boats. A playground for kids with play structures.
- Loves the waterfront in Milwaukie. It is very important to develop it like Portland has done or Austin, Texas. Beautiful riverscape. You can bike, walk, fish, take boats out. Dock?
- There should continue to be a boat launch because a lot of people fish, to take it away would be wrong.
- Perhaps could locate the farmers' market on the waterfront.
- Concerts there.
- The river is ok, but there really isn't one place to go. Need a real place to go.
- He has only been down to the shore at Milwaukie, one time. Yet he and his wife moved from San Francisco and need to be near water. The access to the Willamette has not been solved by the crosswalks.
- An interconnectivity to the river – a safer way to get to the river.
- A water taxi to take me to downtown Portland
- Have the Spirit of Portland – a cruise ship- come here and stop for dinner.
- Create public spaces at the river and a better connection to it.
- Encourage boat activity on river: Sternwheeler tour of river. Riverfest and dragon boats. Generates economic activity – have tourists visit but not stay.
- Picnic tables by the river
- Strengthen connection between Main Street and the river --don't put up tall buildings between Main Street and the river
- Connection between the shops and the river. (like San Antonio)
- Walkway by the river. Like in Portland, a wide concrete walkway by the river: people skate; there are restaurants with tables by the river; a place on the riverfront where kids play in the fountains.
- Make the waterfront as between the two creeks as a park; it becomes a nice place to be and forms a connection from the downtown to the river
- Move the boat launch further south.

CENTER FOR ENVIRONMENTAL STRUCTURE

- We should have a destination restaurant that people could access from the water -- There are few places on the river where one can go to eat with your boat.

WATER

- Clean water for public use. Everyone should protect and nurture it.
- Fountains in the plaza which are simple, for kids to enjoy.
- Fountains in the park for kids to play in too.
- Simon Benson bubble features like in downtown Portland. Get a drink and wander on.
- Bring creeks back up above ground, with walking bridges crossing them. On Harrison we have a creek that runs from the Waldorf school under Harrison street to the Pond house and then it goes underground till it dumps in the river. You could have a walking bridge across it to get from the Pond House to the Library. So you can see the water, rather than have it shoveled underground.
- Restore Kellogg Creek so you can hear the sounds of the trickling water.
- Leave Kellogg Lake as is, without draining
- Running water from water features. It is soothing and relaxes you.
- The fountain in front of Ledding library – might be repeated, and the sound of water flowing could be heard in various places.
- Very much likes the fountain in front of Ledding library.
- A water feature in the middle on the south end of the downtown. A more artful way of getting the storm water to where it needs to be
- Small water feature where kids play.
- Make a place to be near water.
- Accessible water: maybe running water, trees, in a calm location which is not too close to car traffic. Must be able to get right up to the water.
- Restore Kellogg Lake to a pretty little creek.
- Need to be able to get to the creek.
- Fountains that kids could run through to cool down.
- I want water – fountains, features, cascading rocks.
- I want the sound of water—a water feature that you can hear.
- Make places where one can play in water.
- I like the water feature at north Main.
- A fountain for whole family to enjoy on hot days. The whole area of the fountain, within the white, line fills up and then recedes every few minutes. People put their feet in it. People could go to this location on their lunch

hour, soak their feet. A grassy area nearby, people put blankets on the grassy area. Aspen or Birch provide shade and grow quickly.

- I'm OK with restoring Kellogg Lake to a creek.
- Special places: library/pond house and surroundings, Washington St. flour mill with water wheel (at Washington and 27th); the place where "Spring Creek" passes under Monroe – not visible from the road.
- Use swales to take runoff and guide it into Kellogg Creek.
- Clean up the two creeks, Johnson and Kellogg.

PLANTS AND TREES

- Plants- landscaping like the area outside of City Hall. Grass where people can hang out. It gives the location a kind of calm feel and a place that you want to hang out.
- I would see lots of trees
- Interesting mixture of trees and grass (not overly maintained grass, not golf club grass).
- Keep the trees.
- A great variety of native northwestern trees in the park.
- Growing up in the Philippines, had classes outside under growing bamboo. Perhaps Milwaukie could have a version here: a place outside, shaded by a native plant or tree, within which people could picnic, enjoy the moonlight or just sit.
- Plants and trees and flowers.
- Leafy trees that look beautiful and play off each other.
- Flowers and hanging baskets
- A lot of green landscaping that is sustainable.
- Flowers and landscaping that you can smell in the air.
- Preserve significant trees.
- More street trees.
- Loves green; need trees and plants downtown.
- Likes the two dogwood trees in front of City Hall.
- Protect trees: he loves the big tree in front of Ledding Library, on Harrison Street.
- Create a bing cherry orchard.
- Flowers and decorative plants downtown.
- Use natural grasses and plants like salal and huckleberries. The grasses would be in motion from the wind.
- Use plants in an informal way, rather than formalized rows of trees.

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- Keep Dogwoods in the downtown.
- Use natural planting whenever can so that it does not require a lot of care.
- Trees which create a canopy.
- I like tree lined streets, there are not enough.
- Really like the trees up and down Main Street.
- Shade is important. Birds are drawn to the trees that give shade. Shade draws people in.
- Perhaps some area might be devoted to a fruit farm or orchards. Mayberry quality of life.
- Flowering baskets on every light pole.
- Easily maintained landscapes.
- Have community supported agriculture.
- Bring back the Old Pacific Dogwoods to downtown.

TRAILS

- There would be paved and unpaved trails for walking and running.
- Unpaved trails for teenagers with dirt bikes, they need to have a safe place to use them.
- Complete the Trolley Trail.
- A path that runs into the new Trolley Trail, so that the Trolley Trail is easily accessible from the downtown Milwaukie area.
- Continue efforts to clean up and complete the Spring Water Trail, including restoration of water edges and improvements for fish. This trail on an old rail line is a very important connection – a trail that one can access by the riverfront, that goes to Gresham, then south, and loops around. It feels good to use it.

BUSINESSES

- Mixed use buildings for businesses + residential.
- Variety of stores that feels homey.
- Businesses that operate throughout the day, that draw people to the downtown.
- Businesses rather than homes in the downtown. Like a bank, or post office and restaurants (serving healthy NW cuisine).
- Coffee places as well.

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- Small local businesses selling things that are hand made or grown on their farm. You are talking to people who made the thing.
- More restaurants. Independently owned restaurants. Low key. Mexican, delis, Internet café, vegetarian/vegan place. Non smoking.
- Bar that has a different feel than the bars that are currently in town, like non smoking. The bar would attract younger people, 20 to 40 somethings – live music some nights, bluegrass or folk music or blues, jazz.
- Have the education material store currently in the Waldorf School connected to the downtown.
- Restaurants – variety, but no fast food. Nice to have a deli – slice meat etc. Small restaurants that have a specialty type food.
- Bookstore, though not competing with library, maybe a specialty store of Powell's.
- A brew pub on the upper floor of one of these buildings that overlooks the river. A place where you can take the family and also meet friends, a place like McMenamins. I would like to sit with my friends and have a beer.
- More mixed-use development. You could live in downtown Milwaukie and go someplace nearby and have a complete neighborhood. You could be born and die in your neighborhood.
- There should be small specialized shopping – a small kitchen houseware shop, shops that are more local as opposed to national, northwest related clothing,
- A bike shop at the north end of town near the bike trail.
- Small movie theater which shows first run movies, classic movies too. Could be in conjunction with a theater group, interconnected.
- Have businesses like attorneys, CPAs, graphic designers, they can be anywhere so it is nice to have them in your community. Then you have office people adding to the streets of downtown during the day.
- Pizza place. Hair salon. (like new Safeway project in Milwaukie.) Local bank. Post office, to do your mailing – but it does not have to be a separate entity.
- A hat store.
- Downtown would have retail businesses like card store, small grocery store..
- Need good informal restaurants downtown.
- Restaurants should be accessible directly from the sidewalk.
- A place to do events. A candidate comes to town and could speak there, a flower show, as opposed to having to close off the street every time to do something.
- A really good place to meet people publicly -- a meeting room to meet a few people at. A social restaurant where you can take a team and have a meeting. Have a pitcher of beer, talk for an hour, then make room for the

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next people. Like a Pancake House with a separate meeting room, like a brewery that has a space for the meetings.

- Move lumberyard to contaminated railroad creosote site in Hector Campbell neighborhood northeast of downtown. Might be difficulties associated with doing so.
- A place in which you do speed dating.
- On Cashspot site, would like to see 2 story garage, with a grocery like Trader Joe's or a Bi Mart on top, grocery is street level to Main Street.
- Downtown should have a mix of shops where you can get everyday normal items: a shoe store, small Ace hardware store, a general mercantile. So you can just come downtown for much of what you need. Should be able to buy a nut and bolt, nightcrawlers, a sweatshirt, groceries.
- Downtown should be more shops than restaurants.
- Bring more business to downtown. Businesses are needed more than open space.
- Milwaukie is a hub for medicine: hub of acupuncture, massage and chiropractor.
- A movie theatre.
- A live music venue.
- A Trader Joes grocery store.
- Update the Bowling Alley into a hot bowling alley, pool place, brew pub to make synthesis with the restaurants.
- More of an active specialty niche retail scene. Dark Horse may be the starting point of that. Take that and broaden it into a wider arts community.
- Coffee shops, bakery, florist, (we have had them but they don't make it), popcorn and Chinese food, restaurants of whatever they are making.
- Brew Pub.
- A junior college.
- Used book store.
- Cooking school.
- Knitting store.
- Clothing store. We have used one next to Sullys. Not a big store, a local one.
- McMenamins
- A good bagel shop – some sort of a deli.
- A small grocery store, bakery, dairy, that you could walk to. Doesn't have to be a super chain.
- A child care center.
- More destination restaurants, which carry local produce and farms, lots of desserts chocolate, not fast food chains.

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- Attract new small businesses: baker, upscale grocery/deli, restaurants, gourmet food.
- A grocery store like Trader Joe's – a specialty store – would be great, a reason to come downtown everyday.
- Variety of different types of stores like antique stores, clothing store, grocery store
- Art galleries and shops,
- There should be boutiques, shops in the downtown.
- A signature hotel and conference center, a meeting place. It would bring jobs and business here. A 700-1,000 room facility, with a 2,000 seat auditorium; smaller rooms for smaller meetings; shops and boutiques.
- A marina.
- Has got to be grocery store for all those things at the north end of town.
- More boutiques type retail businesses – clothes, giftware, good card and paper shop, any kind of galleries, textile store with yarns etc,
- More restaurants (any ethnic foods, Indian, Italian, Thai,) a bakery –
- A grocery store that has a small footprint, like New Seasons. Like Select Market.
- Restaurants which have outdoor tables on the sidewalk, build the sidewalks to accommodate that.
- Have credit unions, banks, churches; things that draw people in. Upscale it a little bit.
- Little boutiques, comfortable – mom and pop shops like candy shop.
- Wonderful to have a grocery downtown.
- Mixed use –ground floor retail, second and third story can be office/residential. If you have a small scale office that supports the retail that is below, that is good.
- Restaurants at right size and pricing, like Cha Cha Cha. It is an appropriately scaled restaurant, on the small side, and it will survive.
- Don't do artificial subsidies to get development off the ground – if we do, we are propping something up that should not be.
- It would be nice to have more services and shops here, so you do not have to get in car and leave Milwaukie. Need dry cleaner, florist, pharmacy, shoe repair.
- Put a hotel on the Waverly Country Club; a destination conference place.
- A bookstore. Maybe Powell's could have specialty book store related to youth books.
- Restaurants are important
- A Bed and Breakfast in the downtown.
- No fast food.

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- Really nice deli where you can get olives and pre-made salads and good meats and cheeses.
- A grocery store.
- Hair salon, spa.
- Clothing retail, New Seasons grocery store, small store like this, small boutiques book store, a bakery.
- Bring back theater to show real first run movies.
- Need a grocery store downtown.
- A good coffee shop in south downtown
- Shops should be locally owned.
- Bookstore.
- Produce store featuring locally grown and raised produce.
- Music store selling CD's etc.
- Wine and cheese store (like Vino, sit down and taste wines, bring your own cheese etc. 5 different wines to taste for \$10 a pour for 5 tastes).
- More restaurants – no fast food. Good steak house with seafood that doesn't allow smoking. Quirky home style kinds of food – du jour – Cajun café- like the Delta café, which is a lot of home cooking, soul food. Every meal comes with corn bread, homemade- real food. Slow food. Ingredients you didn't need a special degree to pronounce
- Brew pub – quality craft ale – menu not fried pub food- cheap foods, something on the fresher side as well. Microbrew tastings. Not smoky. Man in Estacada has a Fearless Brewing company and I would like to have him come here.
- An espresso cart run by the church on farmer's market Sundays, perhaps at the SE corner of Jefferson and Main. This could be an extension of the church, and an extension of the farmer's market.
- Quickie food and drink, but no fast food.
- Street vendors -- all the time , but on holidays more of it.
- There should be small cafes, bakeries, delis to attract everyone in Milwaukie.
- There should be ice cream stores and a movie theater.
- Milwaukie should have a brew pub like Laurelwood Pub. Friendly, fun for the family and it has the entire brewing operation visible. I want a place where my friends and I can go to have a beer, here in my neighborhood, so I don't have to go to their neighborhood.
- Not box stores or national chains.
- An antique store would be nice.
- Vibrant shops and restaurants
- There ought to be a variety of restaurants. Bring a diverse group of people by having diverse foods.

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- Rooftop restaurant with a view of the water.
- A nice restaurant, where you can have drinks and sit on the deck watching the river traffic.
- Create a place where people that are not yet successful, can be out there marketing and bringing their products to the market.
- Have a food coop -- a small grocery store. Make this grocery store accessible by bike.
- Indoor and outdoor cafes with large windows to see and be seen.
- State, county and federal offices need to be downtown. The extra foot traffic caused by those offices being here would energize the downtown.
- A municipal court in town. We should trade with the county commissioners. Build a court they could use for their court needs and we could use it too.
- Could be higher density of offices down at the south end.
- Nothing commercial. Keep truck traffic out as much as you can.
- Ballroom dancing for older people at night.
- More restaurants; nice casual moderate to low priced.
- Clothing stores
- Galleries
- Bakery.
- The downtown needs to be self sustaining: all major amenities like grocery, hardware store, and clothing store; so you don't have to drive elsewhere to get what you need.
- Mother Goose store in Portland is a nice set up. That is a good kind of store for here. (high end craft and home accessories)

HOUSING

- It would be nice to have a few more people living downtown.
- Add residential – apartments above buildings – and that adds people to the street.
- If housing is built at south downtown, make it affordable: 600-900 sq ft units for \$135,000.
- If there is housing, minimize it so the open space is not compromised.
- People living downtown. It adds more life to the downtown. 5 stories might be ok, depending on where it is.
- I don't want every balcony with a barbeque and lawn chairs on housing in downtown.

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- Elderly people living downtown, they do not have to drive places, but could walk to what they need. Parking has to be provided though. Should be a better quality building than the north Main building is.
- Bring in residential: condos, apartments. Something with a little bit of upscale, nothing shabby that drives people away. Could be for people whose kids have gone to college looking to downsize, young ones looking to go to Reed College on the light rail. Have a variety of ages to join together.
- Don't build low income housing just because the light rail is here. Build what people want to own.
- Don't build more condos right now. The condo market has gone soft, not worth building them at the moment.
- Potential development areas which are outside of downtown, should be developed as residential rather than business, so that they don't compete with downtown businesses. (One is behind the Milwaukee marketplace and one near hospital)
- Have real co-housing opportunities with a central gathering place and a central kitchen.
- Have 3 ft wide doors for wheelchairs so people can live in places long term.
- Milwaukee Lumber would be a good site for multi family projects that have a style which brings in young people and older people, so you would see people in school or out of school coming to town.
- I want to see a mix of a young group to give a feeling of growth and love so that when they out grow their condo they come to us to buy a house.
- Could locate co-housing + other retail too, at Kronberg Park.
- Above any new storefront buildings, make apartments; so there are people on the streets all the time.

BUILDINGS

- Building heights: 2 floors maximum.
- The buildings should be beautiful, with big arches. Not just a big block of concrete.
- Some amount of building restoration to encourage the sense of history. I would like to see more pride in the historical aspects of those buildings we have that are obviously not of our generation
- Encourage local ownership of buildings, rather than out-of-town owners, so that building owners are more engaged in civic matters.
- No building over 3 stories.
- A lot of the storefronts could use a facelift.

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- Development should not have a feel like a strip mall; should not have large national retailers like Walgreens.
- Buildings should have an English cottage feel.
- Buildings should not be overbuilt—we need enough walking space, parking space and open space. Should not feel surrounded by high buildings.
- New development could have storefronts and condos on the street, and several parking levels in the center of the building.
- Small buildings.
- Storefronts should be retail businesses that use and encourage foot traffic. Office uses should be on 2nd floor, rather than first floor storefronts.
- Through codes, we adopt a plan which says this is our niche and we are going to try to build our city this way. Make sure that when people sell a building, the new owner maintains the character.
- Don't want more than 4 stories on buildings.
- Two stories buildings are ideal. Three stories might be allowed, but only with special conditions. Four stories and above not allowed!
- Businesses on Main and 21st Street need a face lift.
- Must shine up downtown a bit. You walk through downtown now and it is nice and quaint, but has a feeling of rattiness. You can tell the type of people you are asking to draw to the city by what the place looks like. I don't want the kind of people drawn to Milwaukie that our downtown speaks to. I don't want it to be snooty. Ask the business people who don't vacuum their rugs to vacuum. Raise up the blue collarness a bit so it isn't tawdry.
- Buildings with a style and a feel that maintain a little bit of the home town feel but yet with an imaginary tone.
- Openness. Keep views of the river as open as you possibly can. Maybe have archways throughout the buildings to give views to the river.
- Find our own style, don't repeat what other areas have done (like Lake Oswego).
- 2 to 3 story buildings.
- Big multi-pane windows, surrounded by big solid members.
- Buildings should have a simple shape, and should be well sited which means tucked in, and surrounded by trees.
- Prefer 2 to 3 stories downtown, instead of one story.
- Likes brick on buildings, for instance on Ed Parecki's Main St building
- Buildings should have nooks and crannies in their facades, like the small commercial Horton Electric Building, on 21st Street. It's not the style of that building; it's the various different small volumes, the separate entrances, along the building edge.
- 5-story buildings OK, if they have a good relationship to the street.

CENTER FOR ENVIRONMENTAL STRUCTURE

- Building height: 2 to 3 stories is ideal; 4 stories might be ok at either end of Main Street, and only if it's on the east side, as a backdrop for the plaza, not blocking the river.
- Developments should be in small scale increments; this is realistic and cautious. Ed Parecki's renovations are a good example: small scale, re-use of existing buildings. He has 100% occupancy, very successful.
- Buildings should be eclectic, not all the same. Likes that Milwaukie is eclectic, buildings are different styles.
- Make sure that we don't wind up with retail on the street frontage and garbage alleys on the sides or back of a block. Retail and pedestrian friendly experience should be on all sides of a block.
- Nothing should be over 3 stories.
- Buildings shouldn't be higher than 4 stories.
- The old Milwaukie feel should be kept.
- Old buildings like "Wetzler 1913", with the old bricks on it, should stay.
- Preserve height and character of Milwaukie buildings 1 to 2 stories, not like what was done in the north end.
- Maintain the character of the buildings - what Ed Parecki is doing with the bank building is exactly what we should be doing. Don't turn it into a high rise Pearl district.
- The City Hall building represents what the past was, the present and the future.
- Spec development should not be a high price point – hard to rent if too expensive.
- Need to incorporate 21st Street in the upgrades also; it is ugly and awful now.
- Milwaukie needs its own unique style of buildings so people could say, "I have been there. I enjoyed being there and I want to go again."
- Mixed use buildings.
- Neon signs. Loves the neon letter "B" of Bernard's garage and the neon lights of the theatre/arcade.
- Buildings no more than 3 stories tall.
- No overly large buildings that build a wall between McLoughlin and the downtown.
- Parking can be on the interior of the blocks, with stores on the outside.
- South downtown area should have new 3 story buildings.(Bernard Garage area and south)

SUSTAINABILITY

- Any public space should be a demonstration of sustainability concerns and solutions – local materials, recycling containers, energy efficiency, and current technology.
- Ecofriendliness to go along with the river and plazas.
- Build with green, environmentally friendly materials. Recycle.
- Buildings should be green and sustainable.
- Natural products used throughout, as well as traditional building products; combination of the old and new.

OUTDOOR SPACE

- Want more outdoor space adjacent to buildings.
- But, don't need a huge amount of open space. You can have breezeways and walkways and allude to a lot of open space.
- Buildings and lawns alternate, like a campus, which would create an area that people feel comfortable to go to, kick your shoes off and put your feet in the grass.
- Plazas within buildings, courtyards and atria, where people can have conversations, sit on concrete or wood benches.
- Courtyard: a space surrounded on three sides by buildings; two rows of trees arching over, grass, picnic tables, building walls are brick, one and two stories. Like a Spanish courtyard house.
- Create outdoor places where it is nice to be outside in sunny weather (3 months of the year), but which are also covered in some fashion, so you can be sitting outdoors in drizzle (9 months of year). Can sit and read, look at river or creek or lake.
- Privacy gradient of outdoor spaces.

ARTS

- There should be arts.

CENTER FOR ENVIRONMENTAL STRUCTURE

- Arts – small theater for plays and live art and dance. More formal live music events, classical recitals. Have a dedicated space for this.
- Have a place for artists to hang their work for public exposure maybe for sale maybe not. An art center for the community.
- Arts in whatever form.
- An art walk. That would give more reasons for families to come downtown.
- More art –statues and sculptures. We don't have any.
- Bring artists into the community – building that is specifically designed for artists. Small spaces so that the artist can afford to rent them. 3 or 4 floors.
- Art walk – once a week. Artists in the plaza every first Thursday for instance.
- Create an artist community downtown - the church would want to be a part of it- their meeting space could be a gallery space.
- Artists doing their craft.
- South Downtown could have a performing arts space - Waldorf could go in on it - they need such a space too.
- Artists and street musicians performing on the street.
- Some area where a person could set up and give a seminar to kids on how to throw a pot or something...the arts.
- A performing arts space, perhaps with movies too.
- The things being sold have something of somebody in them -- craftsmanship.

MUSIC

- Music all the time. Riverfront concerts.
- Make Milwaukie the music capital of Oregon.
- Lots of live music.
- Music venues for live music.
- A place to gather to listen to music. People getting together to listen to music is a form of prayer.
- Outdoor concert place: a) in a big open park area, which is separate from the shops.
- Or alternatively: b) Outdoor amphitheater in the midst of the shops. Awnings over it so they could have shows in the rain. There could be a higher building nearby, from which people could watch the shows in the amphitheater from the rooftop in lawn chairs.
- Lunch hour and weekend concerts on the plaza.
- Street musicians.

CENTER FOR ENVIRONMENTAL STRUCTURE

- A bigger amphitheater on the waterfront.
- Create an outdoor performance place for lunchtime concerts, kids that have dance troops dancing on weekends. There is not a stage – but there is an open area where people can perform. Like at Pioneer Plaza with the stair steps that create levels.
- Outdoor concerts at the farmers market, if they built a stage with it. it could be used for music. Like a Koenigplatz, there are fountains and cafes. It is where the buses etc come. You meet people in the Koenigsplatz. It might be compared to Pioneer Place.

BIKES

- Lots of people on bikes with helmets on, obeying laws. Bike racks all over that are full of bikes.
- More people using bicycles, so we need bicycle racks.
- Encourage bike use. More bicycle racks, a safer way to bike here, More bike lanes, especially on Lake Road. Create lockers for bikers, so people can leave their things safely, if they are going to take the light rail or bus to go somewhere else.
- Everything should be convenient to us, so you can ride a bike anywhere.

PLAY

- A place for kids to play. In Corvallis they have a steel frame with mesh and cement on top that were shapes that the kids could crawl and run on. Its is an art feature which is also a playground.
- There are things to play – like chess, shuffleboard, hopscotch for kids. One pole with a hook so that you could do jump rope during the day. parents bring kids they could have jump rope. But no play structures for kids.
- Maybe have a little skateboard park.
- Skate board plazas.
- Want in downtown: a place for families and kids, something based on nature; for instance a playground with giant logs, giant rocks, and water (not necessarily manufactured play structures.) It's important for the city to have a place to go for families and kids, which is accessible all day long (the Waldorf playground can't be used while school is in session for instance.) Should be part of surroundings, not standing out. Not a concrete jungle, more parklike. For example a maze cut in short grass in the midst

of taller grasses with trees; a natural teeter-totter which is just a board over a log.

SIDEWALKS AND STREETS

- Hanging baskets of planted flowers high in the air, hanging off utility poles at sidewalks. (can see them in various cities, including Portland). Should be 18" deep, 4' diameter, with nasturtiums and the like hanging down.
- Street side amenities – planters, benches, place for bikes to be parked, activity that happens on the street
- On the street restaurants have tables outside, people sitting and reading, there is some parking, but there is openness to that.
- Places where people could stand and talk or sit and have a sandwich. A vendor could have a rack of clothes outside, or displaying their wares, so you see them when you are going by.
- Small shade trees along street with small branches over the sidewalk, to shade me as I walk downtown. Not big trees overarching the whole street.
- Garbage pails next to the trees, in sufficient numbers that one doesn't have to walk far to find one.
- Garbage cans downtown, which have recycling containers on them.
- Profound absence of car exhaust smell.
- Do more of the sidewalk improvements from the downtown plan, for instance those installed by St John's church on Jefferson Street between Main and 21st.
- More terrazzo medallions in sidewalk, like the one by City Hall
- Parking signs, which to tell me where to go to parking, like at Pietros. Identify what places are ok for public to park, in downtown.
- We need wide sidewalks.
- Keep car speed down and traffic volumes down.
- Incorporate historical plaques in the downtown (idea from the Atlanta Olympics). Milwaukie is important in the history of this area. I think we are technically older than Portland.
- Trees on Main Street are beautiful.
- Wide sidewalks (about 12 feet) on Main Street are very good, might possible be extended to other blocks.
- Sidewalk improvement at Main and Jefferson, SE corner – we need to generalize what the issue is.
- Some green streets, parking strips are permeable pavers that grass and weeds grow up through.

CENTER FOR ENVIRONMENTAL STRUCTURE

- Combination recycle, garbage cans, and ash tray, a la Santa Barbara.
- Replace awful barricades you see coming into Milwaukie on Harrison St. and off of McLoughlin. Use something else besides barricades. Have kids do art work on canvas that depicts the river and create boards that hide the barricade.
- Ashtrays for the people who smoke at the bus stops - there is no place to put their butts except on the ground.
- Some pedestrian streets that are closed off to cars.
- Likes brick in the sidewalks.
- Likes the terrazzo dogwood medallion in the sidewalk, SE corner of Main and Harrison.
- Likes the bump-outs at corners being done in accordance with the downtown plan.
- More bump outs on the sidewalks for planting. Corners where mass planting can be made
- Sidewalks should be wide enough for tables near the building, then the walking area, and then shade trees near the curb. The Wind Horse block is an example, but it could be wider still.
- Flat wooden canopies over sidewalks, like in front of "The Brew" (pub on Main Street). This kind of canopy could be an architectural touchstone for the town that makes sense for the climate.
- Like the flat canopy on Main Street, by the Brew Pub.
- Some streets blocked off from cars, with cobblestone surface.
- More sidewalk benches.
- Benches, places for people to sit down.
- Outdoor seating.
- Do not put in benches, community does not use them. Only people on benches are people drinking beers or the like.
- Garbage cans.
- Possibility of making Main Street pedestrian, or mainly pedestrian. Needs thinking through.

FARMER'S MARKET

- I love the Farmers market.
- Every time I come to the farmer's market, I am glad I live here.
- The farmers market is great, the produce is better than any store. It could be made more central to all Milwaukie than it is right now, or it could be kept downtown.

CENTER FOR ENVIRONMENTAL STRUCTURE

- A year-round farmers market, and a place it could be under cover for winter months.
- A place for the Farmers market is very important. It could be incorporated into the south downtown. It brings a sense of community to the city.
- The farmers market is great.
- Farmer's market needs to stay where it is.
- Farmers market could have a mini market on Wednesday in the evening.
- The Farmer's market is great, especially at the beginning of the season (May).
- Move the Farmers market to a mall area in the center of the downtown; it would draw people to the main part where the stores are. Have it be the draw for the downtown.
- The market is the town's living room, it's a communal place.
- The current location is simple, but it suits the market. It is ideal. Current spot is perfect location.
- Market should not be a single straight shot; could be three sections like now; customers can wander for 2 hours and not get bored.
- The south downtown site currently has a lack of shade, lack of adequate parking, lacks visibility from McLoughlin, lack of electricity and water.
- If the market moves, the new place should have drive-in access for vendors, then shut off with bollards. 3 access points is ideal (like current setup)
- Trees are integral to the farmers market.
- Deciduous trees at the market are important; beautiful color change which marks the harvest , the change of season. Also allows more sun at the end of the season.
- Market needs a semi-permanent structure, in the middle of the market, to allow customers to be out of rain. Seating area which is covered overhead to shield rain and sun. Currently have 10' by 40', but 15' by 40' would be better. At very least should have holes in paving, where such a cover structure could be carried there and easily dropped in on market days.
- Farmers Market, if moved, needs trees at edge of market space, to define its edge.
- Ideally there would be trellises in the market space, to give a feeling of shelter, and to shed rain.
- Farmers market is a prime source of interest and activity.
- Sundays should close Main St for the Farmers Market days.
- Integrate the Farmer's Market into the fountain, plaza area at the south downtown.
- If the market moves, how do we recreate the sense of a canopy that the trees now provide for our farmer's market? We could have an arch like was done in CES Fresno farmers market, and then it would be okay to move the market to a place that has no trees.

CENTER FOR ENVIRONMENTAL STRUCTURE

- An open space for the Farmers market, a permanent place with big shady trees.
- Kronberg Park could have a farmer's market.

CITY HALL AREA

- The town needs a town square, on the block across street from City Hall. Should not build on this site.
- This axis of three things is important, should be protected: City Hall, the "town square" where the market is, the river.
- On block across from City Hall, add more trees at west portion.
- Create a fountain on the block across from City Hall.
- The trees across the street from City Hall are beautiful. Should protect them.
- Keep a plaza in the parking lot across Main St from City Hall.
- Close off Main Street to cars for one block, in front of City Hall. Put brick over street surface, a fountain at either end of the space, green, benches, perhaps stone chess tables. Bollards at either end. This space would work in either event: the block across the street gets developed into a building, or stays open.
- A community theater building might be built, on the western portion of the block west of City Hall. The Farmers Market would still take place in the space where it is. The market can also spread into the closed down block of Main (above). The theatre building mirrors the City Hall; it faces City Hall, but has some "curb appeal" facing McLoughlin too. The theatre would have big broad steps facing the City Hall, where people can sit and hang out. The east face of the building would be about mid-block, where the two east-west traffic islands end; west face of the building is about $\frac{3}{4}$ way to McLoughlin, where concrete still exists in blacktop parking area. South and north faces of the building would be lined up with the south and north faces of City Hall. There could be some underground parking.
- Keep the open space across from City hall, as a town square. Could be a gazebo there with concerts on weekends.
- There needs to be a visual connection from City Hall to the river. The block right across from City Hall could be a public plaza.
- Wants to protect the open connection from City Hall, across the square, to the Willamette.
- The city square should be located at the parking lot that turns into the farmers market. The current scale is okay. I don't think the south end is necessarily a great spot to compete with that.

CENTER FOR ENVIRONMENTAL STRUCTURE

- Make a plaza in the parking lot in front of City Hall, since this seems to be the center of town. Don't put a building there.
- The plaza ought to be where the market is now occurring. It ought to enhance the City Hall.

PARKING

- Need for parking. This needs thinking through, a difficult issue.
- Create parking structures at either end of the downtown area, so people can get out on foot. Would mitigate the current feeling that downtown is one giant parking lot.
- Cash Spot site, as a park and ride, but not strictly that, needs to feel part of Dogwood Park.
- A parking garage at Cash Spot site, it will relieve the pressure on downtown parking.
- Parking – a place for the public to park to connect with the bus depot or light rail, so it encompasses much of the ridership. It could be multi level. Go underground 1 level, plus 2 levels above ground.
- At CashSpot site, would like to see two levels of parking, with retail shops on McLoughlin, a grocery store fronting on Main Street on top of the parking, lively retail on Main Street south of the grocery. 2 stories of residential above that.
- Parking structure near bowling alley, shops at ground, with parking above. Entire block. (This spot is better than Cashspot site, which occasionally will flood as river rises.)
- Cash Spot site should become parking structure.
- There needs to be more parking, hidden.
- Want parking – underground is best, or parking structure with retail on ground floor.
- Commute parking should be in industrial areas or at Park Blvd.
- Parking structure, parking tucked into building with shops and restaurants all the way around the building. There could be parking for 500 cars and you will not see the cars.
- A parking structure. The parking structure does not have to be an ugly block; it can have hanging baskets, elevators that move cars, shops on the first floor, art work. It could be a beautiful structure.
- By the plaza you need some sort of good parking area.
- Parking for people going to go sit by the river.
- Parking for Farmers Market on Sunday, where do they park?

CENTER FOR ENVIRONMENTAL STRUCTURE

- Parking in a structure, 2 stories below ground, and 2 stories above ground at most.
- Have a green roof on top of the parking structure, covered with sedum and natural grasses.
- Should be more parking downtown.
- Employees of downtown businesses should have their own parking provided by the business, so that street parking is left for customers. Currently Dark Horse employees use street parking, and come out every 2 hours to move their cars.
- Parking on the periphery. That gets people out of their cars and gets them walking. Point of getting around is that people are on foot, not in cars. City has to invest in some sort of parking structure.
- If there is a parking structure, make it central so you come out right in the middle of things.
- Milwaukie needs parking. Make a place for people to park that is subtle and nice. Parking for park and ride should be close to downtown, but not in it. A parking garage would be better than large sprawling areas for cars.

LIGHT RAIL

- In favor of a light rail stop. It can create energy around itself.
- A south downtown rail station; it will have good access to downtown businesses.
- Create a real station house for the light rail. (like the old one in Bend Oregon)
- There should be a proper, good-sized station building. It should look like a mini Paddington Station. It would have food vendors.
- I want light rail, I will use it. But I don't like it stopping at the Waldorf School.
- Platform at Lake Road may affect some things negatively.
- Would like to see a real rail station, in the old station model; built like the existing trestle with heavy beams.
- Want better public transportation.
- Keep transit places active with people, for a feeling of safety. There is a transit mall behind city hall where buses layover. It's isolated and there have been problems there.
- Ok to have light rail – the potential problems can be handled well if everyone works together to solve them.

CENTER FOR ENVIRONMENTAL STRUCTURE

- Light rail station should be centrally located. If only one station, it should be at Washington. If two, one at this end and one on Lake Road. Light rail should go all the way to Park Road. Has been to new stations in North Portland that feel safe – no crime reported
- Protect Waldorf school from effects of light rail
- Curtail the sounds of the railroad; get rid of train whistles at intersections in the middle of the night. (both freight trains and trams)
- Is it possible to reduce the scale, length, car-size, noise, of the light rail. In addition, the light rail should be tangent to the downtown.
- Love light rail, but I am concerned about the footprint. The size and the swath of how much room it will take up with two railroad lines. I am sure it could be somehow hidden. Maybe it is because all the buildings down there are so small. Just seems like it is such a small area for it to be coming in here.
- Have a major light rail station at north end of town, rather than south end of town and a termination at Lake Road.
- In favor of light rail for getting to work.
- Light rail should be in the major street; this is how it is in Beaverton, Hillsborough, and Gresham. It makes more sense to have the light rail in McLoughlin, or in Main, or as a pair of lines in Main and 21st.
- Reduce the sound of the trains --I don't want to hear it.
- Don't put obstacles in the way of the platform, so that people can see what is going on on the platform or around the platform
- The lighting at the platform and the plaza has to be bright enough so that people can feel safe.
- The light rail should be in the center of the town to be more centered in a larger commercial area.
- Light rail bridge must not disturb the old trestle. Love the rail trestle. It is massive, strong. Terrified what a light rail bridge will do to it.
- The design of the new light rail bridge should somehow mirror the old trestle.
- Light Rail is ok.
- All of the things close to the light rail should have a natural feel. The rail line should fit in with Dogwood Park and Kronberg Park, not disturb them.
- Don't let the light rail be a knife that slices through the city, for instance in the way that McLoughlin currently does.

BUSSES

CENTER FOR ENVIRONMENTAL STRUCTURE

- The bus hub could be better located or built to accommodate the large amount of buses that come through Milwaukie.
- The hub aspect needs further consideration, how the bus depot area could be made more friendly, and more useful; and the light rail, similarly, could be made friendly, and helpful, increasing peoples opportunity for connections.
- Keep the buses out of downtown, because they smell, the noise, they tie up a lot of the downtown area that could be used more productively for the citizens.
- Police the bus center better. drugs, prostitution
- A shuttle or tram or trolley from the neighborhoods to downtown, so one doesn't have to drive or park.
- Downtown should be well-served by transit but not gutted by transit. Right now there is a huge issue with the transit mall being in the center of downtown. Having the downtown be a transit center is not the right way to do that.
- I like the electric buses downtown in Seattle.
- The metro buses are at a depot, more controlled, which is arranged to be safe for the school children and convenient for riders. It should not intermingle people walking and buses coming and going as it does now.
- I think the bus terminal needs to be on the outside of Milwaukie downtown. Cannot add any busses and still maintain Milwaukie character.
- A rapid transit bus system, which would access the neighborhood frequently and take people wherever they want to go, not just downtown Portland. Small buses to run to the larger bus lines, they run very frequently. They access the neighborhoods within 2 blocks, as any house and they would take you to the major lines. Like they have in Honolulu.
- Move bus transit area.
- Stop drug dealing at the bus stop areas around the City Hall.

LIGHTING

- More consistent street lighting that has the character and charm of an older town.
- Street lighting which is not too bright, which sends the light down, not up. No light haze. Must prevent light pollution. The street lights in the north main are okay
- Lights for night time activity.
- Lights in the trees are magical.
- Lighting: I want there to be no dark hiding places, so that it will be safe.

CENTER FOR ENVIRONMENTAL STRUCTURE

- Cute street lights like at North Main Village - carry those all the way through.
- Electrical outlets in the sidewalks so we could light the trees at christmas like at NW 21st.
- Wooden benches.
- Clean public restroom.

VIEWS

- Strengthen views to the river from Main St. Watch the sunset.
- Utilize the beautiful views of the river.
- Make it so one can see the lake.
- View from inside buildings across water.
- Open up the view to the river by getting rid of junk buildings that obscure the view.
- The view to the far evergreens and hills to the west across the river. Important to see this from City Hall area and elsewhere.
- Build things on this side of McLoughlin with a view of the river.

SOUNDS

- Hear music – a lot of talking, different types of conversations going on
- Quiet but active. You don't hear the rushing of traffic. You can have a conversation on the sidewalk. There are things going on. There are people. But you are not competing with squeaky bus wheels etc.
- She never hears little kids laughing in downtown; she loves to hear it. She heard the other day on Main Street, it really surprised her.
- Want mixed sounds. The sounds of life. Languages, yelling, at each other, music, skateboards, laughing, children laughing, discussions.

DRIVING

- The connectivity to Lake Road is not good. Should improve.
- Downtown is easily accessible to the neighborhoods- streets coming into the city with a minimum of traffic back up.
- Do not want to have a lot of traffic down on the south end.

CENTER FOR ENVIRONMENTAL STRUCTURE

- Must slow down the traffic on McLoughlin. When I was younger, McLoughlin wasn't a knife cut through the city. Traffic increased and made it so.

ANIMALS

- Fish and birds should be around.
- Geese and ducks.

VISITOR'S CENTER

- Milwaukie visitor's center – a concierge for the city. If someone wanted to know how to walk around, get groceries, someone would show them a walking map of Milwaukie. Kind of like an education center. Spreading the good word about Milwaukie.
- Have a facility in the light rail stations. Could the Oregon Tourism Center move there?

DARK HORSE

- Some kind of museum – Dark Horse have a museum – more interactive with the community.
- It would be nice if Dark Horse consolidated their space into a 4 story building downtown with a museum at the bottom.
- I would like to see Dark Horse step up to the plate and make their quarters more community friendly.
- Dark Horse is unique. It attracts people.
- The storefronts of Dark Horse are dark, black and ugly. They should do something else in their displays or lease space.
- A Dark Horse museum -- it would be interesting. Dark Horse comics is international company and very well known outside of here but people here do not know them. If they did seminars or walking tours, then they are contributing to the city not just present in the city.
- A campus of culture, at a public cluster of three buildings: the library, the Pond House, and hopes to have City buy the lawyer office next to Pond House. Could put a Dark Horse museum and theatre there
- Get Dark Horse into an office space somewhere above the ground floor and convert the retail back to something that is more inviting to downtown.

CENTER FOR ENVIRONMENTAL STRUCTURE

(Dark Horse Comics scare the little kids from the school, their ground floor presence does not help Milwaukie.)

- Dark Horse would be in a building large enough for them, but not taking up the street space they do now.
- Dark Horse has a storefront museum. It would be a draw to the downtown.
- Downtown storefronts should be shops, not offices (eg Dark Horse)
- I would never want Dark Horse to move.
- I would like to see Dark Horse's name associated with things downtown. A Dark Horse movie theater, garbage cans (brought to you by Dark Horse). They are an ecologically sound company. Have them help with the downtown revitalization.
- People in the community are concerned that if the owner of Dark Horse keeps expanding, the downtown will be all Dark Horse.

LIBRARY

- More huge library with lots of books, more study and quiet room space.
- A place that is conducive for studying and reading quietly.
- Make the Booktique in the Pond house bigger.
- The library would be exactly as it is but maybe even bigger with more green space behind it. I love the library.
- Library and surrounds is the living room of the city, and the busiest place in town.
- Library feels nice because of enclosed space, the Pond house. Would be good to have a bridge between the two so pedestrians can stay off the street.

TREATMENT PLANT

- Move the sewer plant.
- Get rid of the treatment plant.
- Get rid of the sewer plant and put boat moorage, restaurant, hotel, there.
- Any buildings on that site the lower floors will need to be able to take flooding without damage.

NORTH DOWNTOWN

CENTER FOR ENVIRONMENTAL STRUCTURE

- Create a pedestrian underpass to the north industrial area, so there is a better pedestrian and visual connection. Expand the downtown north to the Southgate side and build housing there.
- Near 224, have residential, industrial and community college.
- Develop the industrial area on 99 north of town.

CENTER FOR ENVIRONMENTAL STRUCTURE

OUR THANKS to the following community members who have told us their hopes, concerns, and desires for Milwaukie, which we have summarized above. We thank them for their time and commitment, and we hope to have a continuing relationship with a group of them as we continue our work for Milwaukie.

Amiel Alo	Lisa Gunion-Rinker	Ronn Palmer
Dave Aschenbrenner	Alicia Hamilton	Ed Parecki
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Jeff Davis	Gary Klein	Sarah Smith
Sherri Dow	Dolly Macken-	Cami Waner
Brendan Eiswerth	Hambright	Ed Zumwalt
Rev Sarah Fischer	Matt Meneley	
Mark Gamba	Mic Miller	

ATTACHMENT 3

South Downtown Concept Plan Exploration and Development

Phases 2 & 3:

Diagnosis, Pattern Language, New Concept Plan, Guidelines for Plan Implementation

Scope Description

Contractor will create a new Concept Plan for the South Downtown (“SDT”) area of Milwaukie. To this end, the following tasks will be undertaken:

Generate a pattern language for the SDT area, working with ongoing participants who are residents of Milwaukie, and based upon citizen interviews previously conducted by Contractor in Phase 1.

Diagnose the SDT area, together with the local ongoing participants. In this process the contractor will study and map the potentials of different areas -- inherent strengths and weaknesses of different spots within the area, specific places that need to be repaired, and specific places that need to be protected.

Generate a new, developed Concept Plan for the SDT -- a sketch design which updates, embellishes and supersedes the previous Concept Plan. Including work by community members and input of property owners, a scale model that is based on the approved pattern language, will be created. Our aim is to find an inspiring urban design solution, that comes from the thoughts and wishes of people in Milwaukie.

Begin preparation for a strategy for implementation of the new Concept Plan. This will include possible phasing strategy, notes on potential impacts on particular lots, and integration of the metro station. In essence this will be a guidebook to implementation of the pattern language in the South Downtown.

Deliverables:

- Consolidated Diagnosis map summarizing citizens’ and Contractor’s conclusions
- Agreed-on pattern language for the South Downtown
- Concept Plan sketch design: plan drawing, study model of siting and volumetric design based on the approved pattern language, photographs, aerial perspective sketch
- Draft implementation strategy
- Written report and presentation to the City Council

ATTACHMENT 4

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE CENTER FOR ENVIRONMENTAL STRUCTURE FOR PLANNING SERVICES FOR MILWAUKIE'S SOUTH DOWNTOWN AREA PHASES 2 AND 3.

WHEREAS, in 2006 the City of Milwaukie recognized the need for coordinated planning to optimize future development of parks and other improvements in the South Downtown area; and

WHEREAS, the City began working with the Center for Environmental Structure in the Spring of 2008 on Phase 1 of the South Downtown Concept Plan; and

WHEREAS, in July of 2008 the City solicited for design firms interested in building on CES's Phase 1 efforts. The City received submittals from five firms; and

WHEREAS, staff selected the Center for Environmental Structure to continue the South Downtown work; and

WHEREAS, the Community Development Department has sufficient resources to fulfill this contract and does view this work as essential to achieving the revitalization plans and policies in place for the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorize the City Manager to execute a contract with the Center for Environmental Structure in the amount of \$120,000.

Introduced and adopted by the City Council on August 19, 2008.

This resolution is effective on August 19, 2008.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney



To: Mayor and City Council

**Through: Mike Swanson, City Manager
Kenneth Asher, Community Development and Public Works Director**

From: Alex Campbell, Resource and Economic Development Specialist

Subject: Logus Road Improvement Project ROW Acquisition

Date: August 1 for August 19, 2008

Action Requested

Approve a Resolution providing the City Manager the authority to acquire, through eminent domain if necessary, right-of-way to construct sidewalks on Logus Road between SE 49th Avenue and Stanley Avenue.

History of Prior Actions and Discussions

July 2008 – Council approved an amendment to the IGA with ODOT for contracted appraisal services to expand and extend those services.

February 2008 – Council approved an IGA with ODOT for contracted appraisal services and an IGA with Clackamas County to allow expenditure of CDBG funds on the project.

March 2007 – Council approved an IGA with ODOT to accept a Bike/Ped program grant for the project and to initiate project expenditures.

Background

Project design is now complete. The project will construct a continuous pedestrian connection between S.E. 49th Avenue and Stanley Avenue along Logus Road. The project incorporates a “green street” approach, preserving as much tree canopy as

possible (only 2 or 3 significant trees will be cut down over the entire project) and providing on-site storm runoff capture and treatment through the use of “rain gardens.” The project includes new raised cross-walks at either end of Seth Lewelling Elementary. See Attachment 2 for a landscape architect’s rendering of what the project will look like at SE 49th Avenue.

Project design has been modified in two places to avoid properties that expressed concerns about the project directly impacting their property. Staff has had discussions with all other property owners and is not aware of any that are reluctant to sell needed easements to construct the property. The power of eminent domain would only be used as a last resort, in a situation where the right-of-way is essential to construct a continuous ADA-compliant walking route, and a property owner is absolutely unwilling to sell the necessary right-of-way to the City.

The original target date for construction was summer 2008. Due to staffing and other project complications, that timeline has been delayed. In particular, necessary right-of-way acquisition has not been completed. A first phase of construction, including an overlay of the road surface, new gutters, stormwater improvements, and some sections of raingarden and sidewalk will be constructed this fall. The balance of the project will be completed in early 2009, after necessary right-of-way acquisitions have been completed.

Support of the immediate neighbors has been strong and several temporary construction easements and perpetual sidewalk right-of-ways have already been donated. ODOT has delivered several appraisals of additional right-of-way that is needed and is in the process of appraising the rest. Several of the properties being appraised are likely to be donated, but mortgage holders often require the opportunity to review an appraisal before allowing a donation to take place.

As stated above, staff does not know of any unwilling sellers. However, to move forward with bidding the project on a definite timeline, it is important that the City have the ability to compel sale. Eminent domain authority can be useful in a negotiation process as well. In addition, in some cases a willing seller may even prefer an eminent domain purchase if there is some kind of “cloud” over the title which might make the title holder reluctant to conduct a market transaction.

Concurrence

The Resolution was drafted with input from the City’s legal counsel. Staff from the Community Development department are working closely with the Engineering Department on project design and with the Community Services Department on public

information. City staff are also in consultation with County CDBG staff and ODOT bike and pedestrian program staff regarding project design and timing.

Fiscal Impact

All funds necessary to acquire needed right-of-way are included in the existing project budget and the approved City budget.

If the eminent domain authority were to be invoked, and a property owner were to oppose such an action in court, the City could incur additional legal expenses. Every effort will be made to complete all purchases as negotiated sales without use of the City's eminent domain authority.

Work Load Impacts

Approval of this Resolution itself is likely to reduce staff work loads. Operating without this authority could lengthen negotiations and impact the project delivery schedule.

Alternatives

It is possible to move forward without this authority at this stage. Council would still have the ability to provide this authority at a later date, but seeking and receiving that authority at a later date could cause significant project delay. Leaving the question of whether the City would use this authority or not unanswered would leave both staff and property owner representatives with greater uncertainty regarding the likely outcome of a stalemated negotiation and could make negotiations more difficult.

Attachments

1. Resolution
2. Rendering of SE 49th Avenue and Logus Road Intersection

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON
DECLARING THE NEED TO ACQUIRE PROPERTY ON LOGUS ROAD FOR
SIDEWALK AND UTILITY RIGHT-OF-WAY AND APPROVING THE PURCHASE
AND/OR CONDEMNATION OF SELECT PROPERTIES ON LOGUS ROAD IN
FULFILLMENT OF THE LOGUS ROAD IMPROVEMENT PROJECT.**

WHEREAS, the City by Resolutions 15-08, 32-08, and 34-08, has authorized contracts for the completion of the Logus Road Improvement Project ("Project") for the purpose of providing sidewalks in support of pedestrian safety in the vicinity of Seth Lewelling Elementary School; and

WHEREAS, in order to complete the project the City must acquire sidewalk and utility rights-of-way from the owners of multiple properties in the Project location; and

WHEREAS, the City of Milwaukie has the authority to acquire property including rights-of-way under Charter Section 4; and

WHEREAS, the City has authority to acquire property including rights-of-way by condemnation under ORS 223.001 -.110;

WHEREAS, the combined value of the rights-of-ways to be purchased will total more than \$25,000.00; and

WHEREAS, Milwaukie Municipal code section 3.15.030 requires that a purchase of real property valued at more than \$25,000 requires the "approval of the City Council"; and

WHEREAS, one or more of the needed rights-of-way on Logus Road may not be available to acquire except by condemnation;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie that:

Section 1: The acquisitions of rights-of-way over the properties listed in the attached Exhibit A are needed for the Logus Road Improvement Project.

Section 2: Pursuant to Milwaukie Municipal Code Section 3.15.030 and ORS 223.001-.110, the City council approves the purchase and/or condemnation of the right-of-way over the real properties identified in Exhibit A, and authorizes the City Manager to take all action necessary, including execution of all necessary documents, to complete said purchases or condemnation.

Section 3: Upon the trial of any suit or action instituted under the provisions of Section 2 above, the right-of-way agent's legal counsel, after consultation with City staff,

is authorized to make any stipulation, agreement or admission that in the counsel's judgment may be for the best interests of the Project and the City of Milwaukie.

Introduced and adopted by the City Council on .

This resolution is effective on .

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

EXHIBIT A

PROPERTY OVER WHICH RIGHTS-OF-WAY ARE NECESSARY TO ACQUIRE TO COMPLETE THE LOGUS ROAD IMPROVEMENT PROJECT

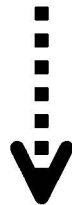
SITUS	TLNO20	TAXPAYER
10001 STANLEY (NO SITUS)	12E30DC00101	DURONSLET
10001 SE STANLEY AVE	12E30DC00102	DURONSLET
10049 STANLEY (NO SITUS)	12E30DC00100	ROMANIAN BAP.
4940 SE LOGUS RD	12E30CD01400	ROSEN
4960 SE LOGUS RD	12E30CD00100	WILSHIRE
4972 (4952) SE LOGUS RD	12E30CD01300	JARMER
5044 SE LOGUS RD	12E30CD01100	BABBITT
5151 SE LOGUS RD	12E30DB07400	PISANO
5206 SE LOGUS RD	12E30DC01800	HAUGEN
5230 SE LOGUS RD	12E30DC01700	WILSON
5301 SE LOGUS RD	12E30DB06500	MÁCGREGOR
5302 SE LOGUS RD	12E30DC01500	BARKER
5314 SE LOGUS RD	12E30DC01400	CLARK
5420 SE LOGUS RD	12E30DC01100	CAMPBELL
5556 SE LOGUS RD	12E30DC00900	WYMAN
5611 SE LOGUS RD	12E30DB06400	SMITH
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5626 SE LOGUS RD	12E30DC00700	KNUTSON
5630 SE LOGUS RD	12E30DC00600	MICHEL



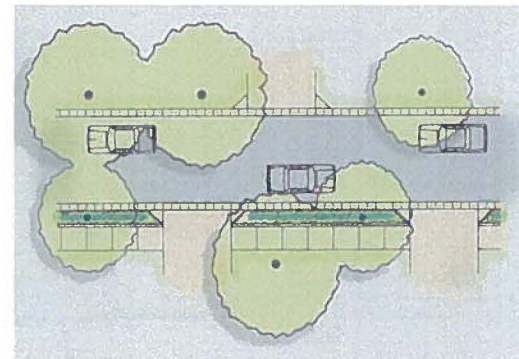
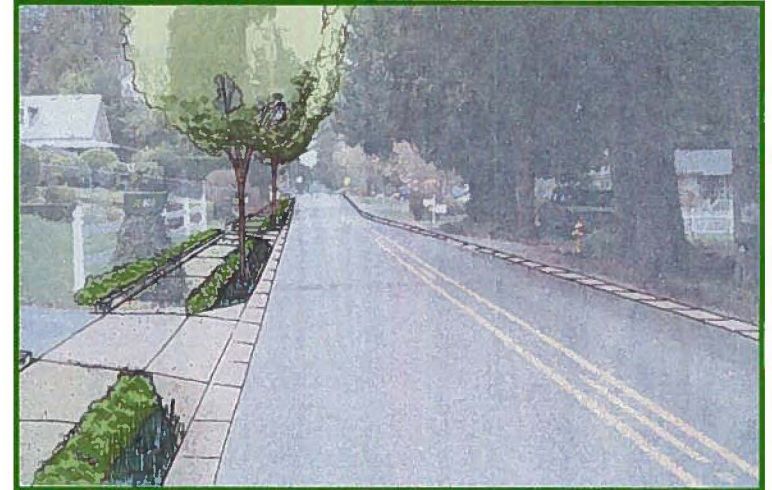
Logus Road Improvement Project
Building a safer Lewelling Neighborhood



LOOKING NORTH ON
S.E. 49TH AVENUE
TOWARDS LOGUS
ROAD



FACING WEST ON LOGUS
ROAD BETWEEN STANLEY
AVENUE & SETH
LEWELLING
ELEMENTARY





To: Mayor and City Council

From: Mike Swanson, City Manager

Subject: Council-Staff Discussion on Wastewater Treatment and Proposed Rates

Date: August 8 for August 19, 2008 Work Session

Action Requested

No action is requested, however staff seeks Council input and guidance in light of a recently proposed wholesale wastewater treatment agreement (including a new wholesale treatment rate) from Clackamas County Service District No. 1 (CCSD1). Of particular importance is council direction on a proposed “provisional partnership committee” to define a regional wastewater treatment approach.

History of Prior Actions and Discussions

December 2007 Work Session - Mr. Mike Kuenzi, Director of Clackamas County Water Environment Services (WES), briefed City Council on CCSD1’s interim capacity management plan and the establishment of a Community Partners Task Force constituted to examine the potential for a community collaboration on wastewater management.

2006-07 – various Council discussions and reports from staff regarding efforts to regionalize, consolidate or otherwise improve wastewater treatment in north Clackamas County.

Background

CCSD1 Interim Capacity Capital Improvement Plan

Over the past year or so, CCSD1 developed a new capacity management plan that would allow maintenance at Kellogg and provide additional capacity at Kellogg in the near-term. The new capacity management plan would:

- Address past environmental violations at the plant;
- Address the inadequacy of existing capacity at the plant; and
- Address future capacity needs in the CCSD1 service area under a voluntary compliance agreement with DEQ.

The new capacity management plan includes:

- Critically needed mechanical upgrades at Kellogg (related to water quality and deferred maintenance), including new “hydraulic” capacity to handle severe wet weather events;
- New capacity at the Tri-City’s plant; and
- “Downloading” (i.e. decreasing demand) on the Kellogg plant by constructing a new pipeline to divert Kellogg-bound sewage to the Tri-City’s plant.

CCSD1 believes this set of improvements will provide sufficient capacity for eight to ten-years worth of growth. The total cost is approximately \$116 million, with the vast majority (roughly \$110 million) to be spent on the new capacity at Tri-City’s and the new diversion pipeline. CCSD1 has conducted several community processes to help affected stakeholders understand and participate in the planning progression, in which Milwaukie has been continuously involved.

Wholesale Agreement between CCSD1 and the City of Milwaukie

Clackamas County (on behalf of CCSD1) and the City of Milwaukie have entered into a number of agreements since 1970 related to wastewater treatment services at the Kellogg Creek Treatment Plant. In 1970, the City of Milwaukie agreed to pay its share of operational costs and 40% of the cost to construct the plant. The original 1970 agreement has been amended several times. The County has consistently charged the City a percentage of operating and capital costs at the plant based on the relative share of capacity that has been used by the City and its customers. Over the past ten years, the City has paid roughly between \$1 million and \$1.7 million a year to CCSD1, with the amount depending on the capital improvements made at the plant during a given year.

The existing agreement does not sufficiently address a multitude of issues that arise in the shared use of the plant, including ownership rights, governance, liability, rate structuring, term, etc. Given the insufficiency of the existing agreement and the scale and cost of the proposed improvements, CCSD1 is seeking a new agreement with the City.

Clackamas County/WES, on behalf of CCSD1, presented staff with a new IGA for wastewater services (attachment 1). The IGA covers a wide range of issues, virtually all of which establish additional rights for the WES and CCSD1 vis-à-vis the City. Staff has a number of concerns about the agreement that are detailed in Attachment 2 and not summarized in this report. Instead, staff will focus the remainder of the report on the proposed rate structure.

Proposed Rate Structure

Within the agreement, WES proposes a new rate structure that would apportion City rates/costs based on the City's share of total customers in the service area. (The ratio of Equivalent Dwelling Units, or "EDUs", in Milwaukie to EDUs in the entirety of CCSD1's service area.) The existing agreement bases the City share of operational and capital costs on the percentage share of actual capacity used (i.e., average measured flows). City staff considers this a useful change that would provide the City more predictable treatment costs from year-to-year.

However staff has concerns about the rate structure. The proposed wholesale rate is designed to cover three basic costs:

- Approximately \$850,000/year as Milwaukie's share (about ¼) of operations and maintenance (O&M) expenses. This is a reduction of roughly \$150,000 per year compared to the average O&M costs allocated to Milwaukie over the past five years under current the current agreement.
- Approximately \$1.3 million/year as Milwaukie's share of the capital cost of the interim capacity management plan. Of the \$116 million total price tag of the capacity management plan, WES is allocating 58%, or \$66 million, to existing customers. Milwaukie is being asked to pay ¼ of that \$66 million over 20 years. This represents a significant increase over the current rate, driven mostly by the size and cost of the new investments proposed.
- In addition to the \$1.3 million annual cost to Milwaukie for capital improvements, CCSD1 would also charge approximately \$460,000/year as a "finance fee." This was justified by CCSD1 to Milwaukie staff as a "risk premium," calculated as the cost of an additional 1% in interest on the full \$66 million of capacity improvements allocated to existing customers.

The new wholesale rate is proposed to be phased in over a three-year period, at the end of which time Milwaukie's wholesale treatment costs would be roughly twice what they are today. To pay that wholesale rate would require the City to increase sanitary sewer rates. A typical residential sewer charge in the City is \$20 to \$25 per month, of which just over 40% covers wholesale treatment costs. To pay double the wholesale treatment cost, typical Milwaukie rates would increase to \$30 to \$40 per month, with roughly 60% paying for wholesale treatment. In terms of a per-EDU cost, wholesale treatment costs would change from approximately \$11 per month to \$22 per month by FY 2010/2011. The retail rate changes could be phased in over three years, matching the wholesale rate change.

Staff believes the proposed IGA and associated rate structure are not reasonable and that it is not in the City's interest to move forward without resolution of the following issues:

- CCSD1's position, supported by the County, is that Milwaukie has no ownership rights nor ownership equity in the existing plant, despite the City's initial and ongoing investment in Kellogg's capacity. Similarly, the proposed rate structure (and any subsequent rate adjustments) presume an expectation that Milwaukie should pay for capacity expansions (now and in the future), and do so without any correlating rights or control.
- Milwaukie is expected to participate in proportion to our share of EDUs in the current service area to address a *current capacity shortage* in the district. However, the City (which is not a part of the district) paid for the construction and maintenance of 4MGD in plant capacity and has never exceeded that usage. Therefore, it is staff's position that the City does not and has not contributed to the current capacity shortage.
- Milwaukie is being asked to participate in a capital expansion project in order to *increase capacity* for the larger district (not the City of Milwaukie), and is also proposed to subsidize CCSD1's borrowing costs through payment of a finance fee. The nature and extent of City participation in a CCSD1 capital expansion project deserves careful scrutiny.
- The finance fee is proposed to compensate for the district's risk, but this raises several questions about the actual risk, the City's justifiable responsibility in mitigating that risk, the appropriate price for that mitigation, the methodology being used to assess the fee, and alternative approaches that could also compensate for risk. For example, the IGA proposes that the City subordinate any other municipal debt to its rate payments to CCSD1, as another risk mitigation measure to be borne by the City.
- None of the measures, assumptions or justifications presented to Milwaukie squarely address one of Milwaukie's key goals; the decommissioning of Kellogg

and related reclamation of the city's waterfront. Were this goal included as part of CCSD1's capacity expansion plans, there would be more common ground on which the city and CCSD1 could negotiate. Without this component, it is difficult to find common ground.

Community Partners Task Force

The Community Partners Task Force, with representatives from each of the sewer service providers in north Clackamas County, was asked to explore the possibility of regional cooperation on wastewater treatment. The group did reach consensus that there were potential savings on needed long-term capacity improvements that could be realized through a cooperative approach, and reported a series of recommendations back the Clackamas Board of County Commissioners. (See attachment 3.)

The City of Milwaukie has been asked to affirm the principles developed through the "community partner dialogue" and to provide a city representative for a "provisional partnership committee" tasked with developing a legal and governance structure through which regional treatment capacity improvements could be coordinated and funded.

Staff believes the City should continue with the process but explicitly withhold concurrence on one assumption in the "fairness and equity" principles. Assumption F reads:

"There will be no capacity expansion investments in Kellogg Treatment Plant with a goal of reducing the plant footprint over time and as economically feasible."

Staff does not believe this principle contributes to the "fairness and equity sought for each partner" (in this case, the City of Milwaukie). In fact, staff believes that fairness and equity for Milwaukie has receded through the recent Community Partners' processes. Staff concerns include:

- This position reverses the CCSD1 governing board's (the Board of County Commissioners) previous position on decommissioning Kellogg. (The previous position clearly stated the goal was closure, whereas the above language only mentions reducing the plant footprint.)
- The decommissioning has been recently linked to "economic feasibility." This language is unclear. Staff would argue that taking concrete steps towards decommissioning are clearly economically feasible now. On the other hand, this language could provide cover for those who would argue that decommissioning should only take place if or when it is the lowest cost option.

- The downloading of the plant and new capital investments at the plant included in the proposed interim capacity project very likely extend the useful life of the plant.
- The voluntary compliance agreement between CCSD1 and DEQ enables the plant to continue indefinite operations whereas a different remediation strategy may have helped facilitate the plant's decommissioning
- Recent public processes have elevated the concerns and interests of other regional entities above the concerns and interests of Milwaukie

In view of all this, staff believes the City of Milwaukie should continue to participate in the regional discussion, but only with complete transparency about the City's need for a date-certain decommissioning of Kellogg.

Given that decommissioning is not a principle of the Community Partners, not a term of the proposed IGA, and not an end toward which a single dollar of the Milwaukie rate increase will be directed, there remains considerable work ahead for the City and its regional partners.

Concurrence

The City Manager has developed these recommendations through consultations with the Directors of Community Development/Public Works, Operations, and Engineering, and the Resource and Economic Development Specialist.

Fiscal Impact

These issues have very significant fiscal implications for the City. On one hand, the WES/CCSD1 rate proposal implies a capital cost contribution from the City of \$1.74 million per year, for twenty years. On the other hand, a resolution of these issues that would allow redevelopment of the plant site would generate \$50 million in new private investment (based on a conservative estimate by Johnson Gardner). That scale of new investment would mean an increase in City property tax revenues of \$150,000 per year.

Work Load Impacts

Council's direction on participation in the provisional partnership committee could have work load impacts on the staff, as will continued negotiations with the district on the proposed treatment IGA.

Alternatives

Council's positions on each issue (the proposed treatment IGA, the proposed wholesale rate, and the next phase of the community partners task force) could take the form of

rejection, approval, or approval with some reservations or caveats. On the whole, staff's recommendation is to continue to cooperate for a cost-effective, efficient and environmentally sound wastewater treatment strategy for the region that takes the Kellogg Plant out of commission by an agreed-upon date.

Attachments

1. Proposed Wholesale Treatment IGA
2. City Manager communication to Mr. Kuenzi regarding proposed new wholesale treatment IGA and rate
3. Community Partners Task Force – Summary Report and Recommendations

ATTACHMENT 1

Milwaukie IGA DRAFT v. 1
June 13, 2008

INTERGOVERNMENTAL AGREEMENT
BETWEEN
CLACKAMAS COUNTY SERVICE DISTRICT NO. 1
AND
THE CITY OF MILWAUKIE
FOR THE PROVISION
OF WASTEWATER TREATMENT SERVICES

THIS INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF WASTEWATER TREATMENT SERVICES (this "Agreement") is entered into this _____ day of _____, 2008 by and between CLACKAMAS COUNTY SERVICE DISTRICT NO. 1, a county service district and the CITY OF MILWAUKIE, an Oregon municipality.

RECITALS

WHEREAS, the Parties are authorized to enter into agreements regarding the provision of services to their residents, customers and service areas pursuant to their respective charter or principal acts and ORS 190.010; and

WHEREAS, the Parties share a substantial common boundary and interlinked wastewater systems; and

WHEREAS, CCSD No. 1 and Milwaukie are currently parties to the Prior IGAs regarding the contractual provision of wastewater treatment and related services to Milwaukie by CCSD No. 1; and

WHEREAS, CCSD No. 1 anticipates constructing new treatment capacity and upgrading existing conveyance systems to the Tri-City Plant that requires a substantial expenditure of capital funds; and

WHEREAS, CCSD No. 1 and Milwaukie desire to terminate the Prior IGAs and enter into a new agreement to reflect a Wholesale treatment rate structure based on a per-equivalent dwelling unit basis instead of an assessment for operations and capital based on Flows and Load; and

WHEREAS, the Parties desire to provide for public health and safety, compliance with state and federal environmental laws, coordination of statutes, ordinances, and methods of implementation; and application of codes, implementation, and enforcement practices.

NOW THEREFORE, the Parties hereby agree as follows:

SECTION 1. DEFINITIONS

1.1 “BCC” means the Board of County Commissioners of Clackamas County, acting as the governing body of CCSD No. 1.

1.2 “BOD” means biochemical oxygen demand, a discharge category contained in the NPDES Permit with a restriction.

1.3 “CCSD No. 1” means the Clackamas County Service District No. 1 or its successor, as such entity’s boundaries may be adjusted by annexation or other boundary actions from time to time.

1.4 “DEQ” means the Oregon State Department of Environmental Quality, or its successor.

1.5 “Domestic Sewage” means sanitary wastes normally collected from residential establishments, and shall include commercial and industrial wastes of similar strength to residential wastes or quality, and other commercial and/or industrial wastes that are pre-treated in accordance with CCSD No. 1 and/or Milwaukie requirements meeting DEQ and EPA guidelines. Domestic Sewage shall exclude ground water, storm water, drain water and industrial wasted not pre-treated in accordance with CCSD No. 1 and/or Milwaukie requirements meeting DEQ and EPA guidelines.

1.6 “EPA” means the United States Environmental Protection Agency, or its successor.

1.7 “Equivalent Dwelling Unit” or “EDU” is a unit of measure applied to a user of the sewage system. The number of Equivalent Dwelling Units assigned to any such user (for example, an apartment house, motel, school, hospital, nursing home, and any other public, industrial, or commercial establishment) shall be the numerical ratio of the monthly volume of wastewater contributed by such user to the monthly volume of wastewater contributed by a typical single family residence. ~~+~~ ?

1.8 “Flow” means that certain volume of wastewater as measured by gallons per day that is delivered to a wastewater treatment system.

1.9 “Force Majeure Event” means each and any of war, insurrection, terrorism, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the Parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance which is not within reasonable control of the party to be excused.

- 1.10 "I/I" means infiltration and inflow into a sewer system.
- 1.11 "Influent Points" means the points at which Milwaukie's Internal System intersects CCSD No.1's Wholesale collection system at the Kellogg Creek Wastewater Treatment Plant.
- 1.12 "Internal System" means all non-Wholesale sewer lines and other sewer facilities upstream from the Influent Points owned and operated by Milwaukie.
- 1.13 "Load" means that certain strength and biological characteristics of wastewater that is delivered to a wastewater treatment system.
- 1.14 "Milwaukie" means the City of Milwaukie as such entity's boundaries may be adjusted by annexation or other boundary actions from time to time.
- 1.15 "NPDES Permit" means a National Pollutant Discharge Elimination System Permit granted to CCSD No.1, pursuant to the Federal Water Pollution Control Act, as amended.
- 1.16 "Parties" means CCSD No. 1 and Milwaukie.
- 1.17 "Pretreatment IGA" means that certain intergovernmental agreement dated July 25, 2002 by and between the Parties regarding the creation and implementation of an industrial pretreatment program.
- 1.18 "Prime Rate" means the interest rate banks charge to large corporations for short-term loans, as published in the Wall Street Journal or other similar publication.
- 1.19 "Prior IGAs" means each and all of those certain intergovernmental agreements dated November 3, 1969 as subsequently amended or supplemented from time to time and all subsequent IGAs regarding similar subject matter, most recently on December 17, 2002, except the Pretreatment IGA.
- 1.20 "Rules" means the Sanitary Sewer Rules and Regulations of CCSD No. 1 as such may be amended from time to time.
- 1.21 "SDCs" means system development charges as established in ORS 223.297 through ORS 223.314.
- 1.22 "TSS" means total suspended solids, a discharge category contained in the NPDES Permit with a restriction.
- 1.23 "Wholesale" means a systemic provision of wastewater treatment services via a wastewater treatment plant or other similar structure, and excluding therefrom the collection and conveyance system (e.g. piping and interceptors) necessary to deliver wastewater to the wastewater treatment plant.

For the purposes of this Agreement, terms used but not defined herein shall have the meaning ascribed to them in the Rules.

SECTION 2. SERVICES PROVIDED BY CCSD NO. 1

2.1 Wastewater Treatment Service. CCSD No. 1 shall receive, transport, and treat Domestic Sewage discharged by Milwaukie on a wholesale per-EDU basis. CCSD No. 1 shall accept such delivery and treat the wastewater in a manner consistent with the requirements of the Clean Water Act and all applicable state laws for the term of this Agreement subject to Section 2.2 hereof and barring foreseen or unforeseen events or circumstances which are beyond CCSD No. 1's control.

2.2 Capacity Limit. CCSD No. 1 may in its sole discretion either (i) limit the amount of Domestic Sewage delivered by Milwaukie, or (ii) levy an additional charge reflecting additional incurred costs, if receipt of such Domestic Sewage is contributing to violations of CCSD No. 1's NPDES Permit or is otherwise required to comply with applicable law, including but not limited to the Clean Water Act or development restriction laws.

2.3 Operation, Replacement, and Maintenance of Facilities. CCSD No. 1 shall be responsible for the operation, replacement and maintenance of all applicable wastewater treatment facilities. Such facilities shall be operated, replaced and maintained in accordance with generally accepted standards, and the standards established by the EPA, DEQ, the Oregon Health Department and other federal, state and local agencies.

2.4 Designation of Service Provider. The Parties agree that Milwaukie shall provide and be responsible for all aspects of its Internal System, the collection (retail) sanitary sewer service and surface water management service and all other acts necessary, customary, and incidental to providing retail sewer service and to deliver all appropriate wastewater to the conveyance and treatment system of CCSD No. 1.

SECTION 3. RATES

3.1 Wholesale Rate. CCSD No. 1 shall assess a per-EDU wholesale rate to Milwaukie that shall be updated from time to time (the "Rate"). Based on current calculations for cost recovery¹, the Rate for wholesale wastewater treatment service for Milwaukie in Fiscal Year 2008/2009 is estimated to be \$22.05 per EDU, as modified by Section 3.3. CCSD No. 1 shall bill Milwaukie monthly for the service based on a formula of the Rate multiplied by the number of EDUs served in Milwaukie, and Milwaukie shall remit payment within thirty (30) days. Late payments by Milwaukie shall accrue an interest penalty of the Prime Rate plus three percent (3%) annual rate, compounding monthly.

¹ Calculations assume approximately 9,815 EDU connections in the City of Milwaukie. Total amount to be charged to Milwaukie per FY08/09 budget is \$2,082,946. To the extent the number of EDU connections differs, the rate to be charged will differ.

Nothing contained herein shall be deemed a restriction or a limitation on Milwaukie's ability to add such other charges to its customers as it deems appropriate.

3.2 Modification of Rate. The BCC shall annually have the opportunity to adjust the Rate based on all factors the BCC considers material for making such a decision, including requirements for the maintenance, operation, anticipated capital expenditures, administration, overhead, and expansion of CCSD No. 1's sewer system, and principal and interest, reserve requirements or other financial covenants on any outstanding debt instruments. Milwaukie shall have the opportunity to review any proposed Rate changes and offer comments to the BCC prior to any adjustment.

3.3 Initial Phase-In of Rate. The Rate methodology adopted by the BCC would have produced a Rate for Milwaukie for 2008/09 of approximately \$22.00 per EDU. Recognizing that this Rate would have represented a substantial increase over what Milwaukie is currently charged, the BCC has directed that the full Rate for Milwaukie be phased-in over three fiscal years. The initial Rate for Milwaukie shall be \$18.00 per EDU beginning July 1, 2008 and continuing for the 2008/09 fiscal year. Based on current calculations, the Rate for fiscal year 2009/10 shall be approximately \$20.00 per EDU and the Rate for fiscal year 2010/11 shall be approximately \$22.00 per EDU. This calculation is based on the methodology adopted by the BCC to appropriately insure that Milwaukie is contributing it proportionate amount to the capital program of CCSD No. 1. The calculation for FY2009/10 and FY2010/11 may be adjusted at the sole discretion of the BCC to incorporate actual borrowing amounts and interest rates experienced by CCSD No. 1. Nothing contained herein shall limit or otherwise impair the ability of the BCC to increase the Rate during any period upon a change of circumstances or a revision of calculation, or based on any factors deemed relevant by the BCC, including but not limited to a change of estimated capital expenditures or the estimated number of EDUs in Milwaukie.

3.4 Reporting Requirements. At the time of execution of this Agreement, Milwaukie shall deliver to CCSD No. 1 a written report stating the current number of connections to the Milwaukie system, including an estimate of the number of EDUs of Domestic Sewage being delivered to CCSD No. 1 systems. Milwaukie shall thereafter provide CCSD No. 1 with bimonthly reports on the number of new sewer connections into the City system, and their relative EDU contribution to the wastewater system.

3.5 Connection Audit. CCSD No. 1 shall have the right but not the duty to inspect the records of Milwaukie to confirm the reports provided pursuant to Section 3.4 above. CCSD No. 1 may also inspect all such records to ascertain all pertinent information if Milwaukie fails to make the reports required in Section 3.4 above, and in such instance may hire an outside party to conduct such a review at Milwaukie's expense.

3.6 System Development Charges. The Parties will work cooperatively in sharing information for each to develop revised SDCs in developing a uniform methodology. Each Party shall collect SDCs within its boundaries for its wastewater system. Milwaukie acknowledges and accepts that a component of the Rate structure

included in this Agreement is designed to substitute for SDC funds that would otherwise be available to CCSD No. 1 if Milwaukie was annexed into the district.

3.7 Books and Accounts. Milwaukie shall keep full and complete books of accounts showing the number of connections to its sewerage system, the maintenance and operation costs incurred in connection with the collection and conveyance system, its efforts to reduce "IT" and otherwise comply with Sections 4.2 and 4.3, and its response to emergency and non-emergency spills or additions to the sewerage system. The costs of keeping those books shall be considered an operational cost to Milwaukie. In addition to the right set forth in Section 3.5, ~~CCSD No. 1 shall have the right to audits such books, records and accounts annually.~~ More frequent audits, if requested by CCSD No. 1, shall be at the expense of CCSD No. 1.

3.8 Obligation to Collect. Milwaukie shall collect sufficient funds to pay CCSD No. 1 the amounts required to fulfill Milwaukie's obligations under Section 3.1 hereof. Milwaukie's payments to CCSD No. 1 shall be prior and superior to any charge or lien of any revenue bonds issued by Milwaukie that are payable from the revenues of its sewerage utility rates. Milwaukie shall also establish rates and collect fees sufficient to pay for the (i) maintenance, replacement and operation of Milwaukie's Internal System and surface water system, including Milwaukie's payments to CCSD No. 1 for management of its pretreatment program, and (ii) principal and interest on any city debt instruments financed by revenue and/or that constitute a charge on the revenue of Milwaukie's Internal System.

SECTION 4. SYSTEM MANAGEMENT AND COORDINATION

4.1 Coordination of Systems. CCSD No. 1 and Milwaukie shall coordinate the operations of the wastewater collection, conveyance and treatment systems to optimize treatment and environmental benefits. In the event of plant distress, flash floods, excess infiltration and inflow, illegal materials delivered to the treatment system, or other similar event, CCSD No. 1 shall coordinate with Milwaukie regarding the possible diversion, backup, transfer or other management option for the handling of wastewater flow. To the extent necessary, in CCSD No. 1's judgment, to insure compliance with the NPDES Permit, CCSD No. 1 staff may direct Milwaukie staff to take such actions as are appropriate to avoid violation of the NPDES Permit, including but not limited to diversions, restrictions, cleanup or blocking efforts, or any other action reasonably necessary to avoid damage to the wastewater treatment facility's ability to treat wastewater, any environmental damage, or risks to human health or safety.

4.2 Sewage Quality. The Parties agree to work together to develop ordinances and programs, as needed, to mitigate BOD and TSS levels which are higher than acceptable norms, as determined by either regulatory requirements or by generally accepted environmental practices as such may change over time. The parties shall also coordinate to insure that CCSD No. 1 treatment facilities do not experience NPDES Permit violations with respect to any imposed regulatory guideline, including but not limited to BOD or TSS levels. This includes pretreatment of industrial wastes, management of emergency or non-

emergency spills into the sewer and/or stormwater system, and proper maintenance of collection and conveyance infrastructure.

4.3 Treatment of Domestic Sewage Only. Milwaukie acknowledges and agrees that CCSD No. 1 shall only be required to treat Domestic Sewage. CCSD No. 1 may reject all non-conforming forms of wastewater, and may refuse to transport and/or treat Domestic Sewage from those portions of Milwaukie's sewage collection system which do not conform to DEQ, EPA, or CCSD No. 1 standards for Domestic Sewage.

4.4 Pretreatment Ordinances. Milwaukie has previously implemented a pretreatment program consistent with the Rules, called the "Milwaukie Pretreatment Program" (the "Program"). ~~CCSD No. 1 may require changes to the Program~~ to remain consistent with requirements imposed by state or federal law, the Rules, or current practices of CCSD No. 1, and may include, but is not limited to: developing procedures, forms and instructions; categorizing dischargers; records keeping; compliance tracking; establishment of annual limits; sampling, testing and monitoring; preparation of control documents; enforcement, including collection of fees, penalties, and other extraordinary charges; and preparation of permits.

4.5 Rules and Regulations. ~~Milwaukie shall assure that its sewerage ordinances are at least as effective as CCSD No. 1's Rules.~~

4.6 Milwaukie Internal System. Milwaukie shall operate and maintain its Internal System at its sole expense, including all of its facilities as required to deliver the wastewater to CCSD No. 1's system or facility. Milwaukie shall observe generally accepted standards and practices in the construction, operation, replacement and maintenance of its Internal System with particular attention to the following: (i) minimizing entry in the sewerage system of groundwater and/or I/I; (ii) maintaining a favorable character and quality of Domestic Sewage in accordance with the standards set forth in Section 4.2 hereof; (iii) eliminating septicity and objectionable odors, entry of petroleum waste or other chemicals and/or wastes detrimental to sewer lines, pumping stations, wastewater treatment plants, and the waters of the State of Oregon; (iv) eliminating hazardous and toxic wastes; and (v) ~~maintaining an efficient and economical utility operation while achieving optimum pollution and environmental control~~

4.7 Mutual Notification. The Parties agree to provide each other with written notice of any condition that may violate this Agreement or applicable laws, regulations, or permits. The discharge Party agrees to give verbal notice to the other Party immediately upon becoming aware of the violating discharge. A written report on the nature and amount of the violating discharge will be prepared and provided to the other Party within 24 hours of the time the violating discharge is identified. If the Party does not correct such a condition within a reasonable time of written notice thereof, the offending party shall pay any reasonable and necessary costs and expenses incurred by the other party in connection with such condition. If either Party discharged in to the wastewater system any solids, liquids, gases, toxic substances, or other substance which is reasonably believed to cause or will cause damage to the system, or is creating a public

nuisance or a hazard to life or property, that Party shall discontinue the discharge of such substances. Because substandard condition of Domestic Sewage may cause serious damage to the wastewater treatment facilities, both Parties shall comply with generally accepted standards regarding the composition of Domestic Sewage, and after compliance, may thereafter caused to be arbitrated the allocation of cost associated with necessary corrective actions in accordance with Section 5 of this Agreement.

4.8 Allocation of Penalty. The Parties shall cooperate with each other to determine the source of possible violations of applicable law, regulations and permits (including applicable NPDES Permits). In the event CCSD No. 1 is fined or otherwise penalized by local, state, or federal agencies for failure to operate or maintain the wastewater treatment system in accordance with the requirements of the agencies, and it is demonstrated to CCSD No. 1's satisfaction that such violation or failure is due, in whole or in part, to Milwaukie's discharge of Domestic Sewage in violation of this Agreement, then Milwaukie shall pay its allocated share (as determined by CCSD No. 1 or the dispute resolution mechanism pursuant to Section 5, as applicable) of the costs of such fines or penalties, including its share of the associated administrative, legal, and engineering costs incurred by CCSD No. 1 in connection with these fines or penalties.

4.9 Services Provided by Milwaukie.

4.9.1 **Sanitary Sewer.** In any area now or hereafter becoming part of Milwaukie, Milwaukie shall provide all collection sewer services, billing and collection, inspection, and the like with respect to the sewer collection system. Milwaukie shall have sole ownership and responsibility to operate, maintain, repair and replace facilities or to permit, design and construct collection sewer facilities, subject to Section 4.6. Milwaukie shall have sole discretion as to the methods of financing such facilities, provided Milwaukie insures compliance with Section 3.8 hereof.

4.9.2 **Surface Water Management.** Milwaukie shall be solely responsible for all aspect of surface water management within its boundaries and to comply with the obligation imposed on it pursuant to the NPDES Permit, its MS4 Permit, and other applicable laws and regulations.

4.10 Services Provided by CCSD No. 1.

4.10.1 **Sanitary Sewer.** In any area now or hereafter becoming part of CCSD No. 1, CCSD No. 1 shall have sole ownership and responsibility to operate, maintain, repair and replace facilities or to permit, design and construct collection, conveyance, or treatment sewer facilities. CCSD No. 1 shall have sole discretion as to the methods of financing such facilities.

4.10.2 **Surface Water Management.** Unless otherwise agreed with an appropriate governmental entity, CCSD No. 1 shall be solely responsible for surface water management within its boundaries.

SECTION 5. DEFAULTS AND DISPUTE RESOLUTION

5.1 Defaults. Subject to a Force Majeure Event, extensions of time by mutual consent in writing, or the special circumstances described in Section 5.2, failure or unreasonable delay by any Party to substantially perform any provision of this Agreement, or breach of any term of this Agreement, shall constitute a default (a "General Default"). In the event of an alleged General Default, the party alleging such a violation shall give the other party not less than 30 days notice in writing specifying the nature of the alleged General Default and the manner in which the General Default may be cured satisfactorily. During this 30-day period, the party in charge shall not be considered in default for the purposes of termination or instituting legal proceedings. The defaulting party must cure such General Default within such 30 day period unless it submits a written notice to the other party alleging (i) an inability to cure within 30 days and setting forth a plan to expeditiously cure the General Default, or (ii) disputing the General Default notice and requesting dispute resolution as set forth in Section 5.3.

5.2 Special Defaults. Except in the case of a Force Majeure Event, failure by Milwaukie to comply with the terms set forth in Section 3, including but not limited to failure to (i) pay amounts due within the proscribed time period, (ii) maintain appropriate records, (iii) disclose new connections or EDU levels, or (iv) prevent inappropriate liens, charges, or superiority claims (each, a "Special Default") shall constitute an immediate and material breach of this Agreement. The occurrence of a Special Default shall immediately vest CCSD No. 1 with the right to terminate this Agreement with 60 days prior written notice to Milwaukie without need of any opportunity to cure or other action, step or process, including any set forth in Sections 5.1 and 5.3.

5.3 Dispute Resolution Steps. Except as otherwise provided in Section 5.2, the Parties agree to attempt to settle any disputes or General Defaults pursuant to the following process:

5.3.1 Negotiation. The City Manager of Milwaukie and the Director of CCSD No. 1 or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. If the dispute is resolved at this step, there shall be a written determination of such resolution, signed by each the City Manager and the Director, and as appropriate may be ratified by the governing bodies of the Parties.

5.3.2 Mediation. If the dispute cannot be resolved within 30 days of the beginning of negotiation as set forth in Section 5.3.1, the Parties shall submit the matter to non-binding mediation. The Parties shall attempt to agree on a mediator. If the Parties cannot agree, the parties shall request a list of five (5) mediators from an entity or firm providing mediation services. The Parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each Party shall select one (1) name. The two selected shall select a third person. The dispute shall be heard by a panel of three (3) mediators if the Parties did not reach agreement on one mediator, and any common cost of mediation shall be borne equally by the Parties who shall each bear their own costs and fees therefore. If the dispute is resolved at this step, there shall be a written determination of

such resolution, signed by each the City Manager and the Director, and ratified by the governing bodies of the Parties which shall be binding upon the Parties.

5.3.3 Binding Arbitration. After exhaustion of the preceding processes, any remaining dispute shall be submitted to binding arbitration under the jurisdiction of the Circuit Court of the State of Oregon for Clackamas County pursuant to ORS Chapter 36.

SECTION 6. TERM AND TERMINATION

- 6.1 **Term.** This Agreement shall be effective as of July 1, 2008 and terminate on June 30, 2015 unless terminated earlier pursuant to Section 6.2 hereof or extended pursuant to Section 6.4 hereof.
- 6.2 **Early Termination.** This Agreement may be terminated prior to the Termination Date upon (i) the mutual written consent of the Parties, or (ii) upon 180 days prior written notice by one Party to the other.
- 6.3 **Termination of Prior IGAs.** Each and all of the Prior IGAs are hereby terminated and shall have no further force or effect, excepting therefrom the Pretreatment IGA, which shall continue with full force and effect.
- 6.4 **Extensions.** CCSD No. 1 and Milwaukie may by written letter mutually agree to extend the terms of this Agreement in 5 year increments for an additional 20 years.

SECTION 7. ADDITIONAL PROVISIONS

7.1 **Other Necessary Acts.** Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other parties the full and complete enjoyment of rights and privileges hereunder.

7.2 **Severability and Waiver.** In case any one or more of the provisions contained in this Agreement shall be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not be affected or impaired in any way. One or more waivers by either Party of any provision, term, condition or covenant shall not be construed by the other Party as a waiver of subsequent breach of the same by the other Party.

7.3 **Amendment.** The Agreement may be amended at any time by mutual written agreement. The Parties specifically acknowledge and agree that this Agreement may require substantive revision if the community partnership for wastewater treatment services under discussion as of the date of this Agreement is formed.

7.4 Force Majeure. In addition to the specific provisions of this Agreement, performance by any party shall not be in default where delays or default is due to a Force Majeure Event.

7.5 No Third-Party Beneficiaries. The parties to this Agreement are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons.

7.6 Nonwaiver. Failure by any party at any time to require performance by any other party or parties of any of the provisions hereof shall in no way affect such party's rights hereunder to enforce the same, nor shall any waiver by any party or parties of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

7.7 Governing Laws. This Agreement shall be governed and construed in accordance with the laws of the State of Oregon without giving effect to the conflict of law provisions thereof. Venue in connection with any legal proceeding affecting this Agreement shall be in the Circuit Court of the State of Oregon for Clackamas County.

7.8 Number and Gender. Whenever applicable, the use of the singular number shall include the plural, the use of the plural number shall include the singular, and the use of any gender shall be applicable to all genders.

7.9 Successors and Assigns. This Agreement is to be binding on the successors and assigns of the Parties hereto. No assignment of this Agreement shall be effective until the assignee assumes in writing the obligations of the assigning Party, and delivers such written assumption to the original Party to this Agreement.

7.10 Notice. Any notice herein required or permitted to be given, shall be given in writing and shall be effective upon receipt for hand delivery or facsimile or upon actual receipt or 3 days after mailing, whichever is earlier, for notices delivered by U.S. mail, first class postage prepaid, addressed to the Parties as follows:

CCSD No. 1
c/o Water Environment Services
Attn: Director
9101 S.E. Sunnybrook Blvd., 4th Floor
Clackamas, Oregon 97015

City of Milwaukie
Attn: City Manager
10722 SE Main Street
Milwaukie, Oregon 97222

Changes to the above shall be by notice to the other in the manner provided in this Section 7.10.

7.11 No Waiver. No failure by Milwaukie or CCSD No. 1 to insist on the strict performance of any agreement, term, covenant, or condition of this Agreement or to exercise any right or remedy consequent on a breach, and no acceptance of full or partial Rent during the continuance of any such breach, constitutes a waiver of any such breach or of such agreement, term, covenant, or condition. No agreement, term, covenant, or condition to be performed or complied with by either Party, and no breach by either Party, shall be waived, altered, or modified except by a written instrument executed by the non-breaching Party. No waiver of any breach shall affect or alter this Agreement, but each and every agreement, term, covenant, and condition of this Agreement shall continue in full force and effect with respect to any other then-existing or subsequent breach.

7.12 Cumulative Remedies. Each right and remedy provided for in this Agreement shall be cumulative and shall be in addition to every other right or remedy provided for in this Agreement or now or hereafter existing at law or in equity or by statute or otherwise, and the exercise or beginning of the exercise by Milwaukie or CCSD No. 1 of any one or more of the rights or remedies provided for in this Agreement or now or hereafter existing at law or in equity or by statute or otherwise shall not preclude the simultaneous or later exercise by the party in question of any or all other rights or remedies provided for in this Agreement or now or hereafter existing at law or in equity or by statute or otherwise.

[signature page follows]

ATTACHEMENT 2

From: Swanson, Mike
Sent: Monday, June 30, 2008 2:06 PM
To: 'MikeKue@co.clackamas.or.us'
Subject: Draft Wastewater Wholesale Agreement

Mike:

Thanks for stopping by last week to spend a few minutes on the above.

I had a further chance to review it, and I am listing my comments below. I guess that I missed Chris' point that the draft agreement merely covers that which is already covered in past agreements. Perhaps we could have more discussion on that point when we next meet. In any event, here are comments I have come up with thus far:

- Milwaukie would be paying for a portion of the construction of new capital facilities at Tri-Cities and a regional conveyance system without any acknowledgement (or financial recognition) of any equity interest in the current plant or in these future assets. That mistake may have been made before, but I do not want to make it in the future.
- The proposed finance charge (1 percent above borrowing costs) is questionable. What is the argument for the City paying this premium?
- The agreement itself improves the District's borrowing position, and yet the City is simultaneously asked to pay a premium to subsidize the finance costs.
- In order to have a conversation about whether or not this proposal is in the interest of the City, I would like to see a reasonable projection of the City's share of likely capital costs under the existing arrangement.
 - A minimum starting point for this agreement should be a clear statement regarding the commitment not to expand the capacity or footprint at Kellogg. City of Milwaukie ratepayers are being asked to pay into the system at (or above!) the level of members of the district. I believe this provides them grounds to have a voice in the decisions of the district.
 - Given that there are no other negotiations in which the City might reasonably be able to force recognition of its interests, this agreement is the appropriate vehicle.
 - With the exception of the arbitration proceedings, the IGA as proposed is not a reasonable place from which to commence line-by-line negotiations. It is a one-sided document that would leave the City in a much weaker position vis-à-vis CCSD 1 than under the existing outdated agreement.

ATTACHEMENT 2

- **2.2** CCSD 1 is granted virtually unchecked power to limit Milwaukie's Domestic Sewage and levy additional charges.
- **3.2** The letter of the agreement explicitly allows the BCC to charge Milwaukie ratepayers for virtually any activity of CCSD 1 anywhere in the district. In return Milwaukie ratepayers are provided only the opportunity to comment.
- **3.3** In addition to the enormous rate hike authorized by the BCC (and not yet accepted by the City), rate changes are allowed "during any period" and at BCC's sole discretion for any reason.
- **3.4** Reporting requirements are more onerous for the City.
- **3.5** Penalties for failing to report are more onerous for the City.
- **3.6** The SDC language reinforces the impression provided in 3.2 that Milwaukie rate payers ought to pay for expansion of capacity to serve new growth areas. This is a significant policy shift from the existing arrangement.
- **3.7** Milwaukie's operating practices and procedures are subject to CCSD 1 inspections and audits.
- **3.8** Payment to CCSD 1 is proposed as prior and superior to that of any other Milwaukie debt obligation. I see no compelling reason the City would limit its own ability to borrow in this manner.
- **4.1** CCSD 1 may direct Milwaukie staff to insure compliance with the NPDES permit. This may be a best practice; it isn't currently a CCSD 1 "right."
- **4.4** CCSD 1 is given authority to re-structure or change Milwaukie's pretreatment program at will.
- **4.5** Appears deliberately over-reaching but also vague. CCSD 1 will judge Milwaukie's sewerage ordinances to be effective in what sense?
- **4.6** Milwaukie is being held to a very high standard: achieving "*optimum* pollution and environmental control."
- **4.8** Triggering clause here leaves it entirely to the "satisfaction" of CCSD 1 that the alleged discharge is "in violation of this Agreement." A more specific enumeration of what is intended here would be helpful.
- **5.2** Special Defaults are defined overly broadly (any lack of compliance with any aspect of Section 3) to be considered "special." Given the no fault ability to terminate at 180 days, why is this so strict?

ATTACHEMENT 2

I think it is time to schedule another meeting so we can wrestle with these issues. I am gone this Thursday as well as July 7. Would you e-mail me some dates at which you, Chris, and Doug might be available, and I will check those with Gary and the City Attorney.

Thanks,
Mike

ATTACHMENT 3

Community Partners Task Force – Summary Report and Recommendations

On January 2, 2008 the Clackamas County Board of Commissioners (the “Board”) created a Community Partners Task Force to facilitate discussions between all wastewater service providers in urbanized Clackamas County. The purpose of the Task Force was to explore the formation a collaborative partnership to capture the financial benefits of the economies of scale inherent in large capital investments.

The Task Force was made up of one elected representative from Damascus, Gladstone, Happy Valley, Lake Oswego, Milwaukie, Oak Lodge Sanitary District, Oregon City, West Linn, a County Commissioner, two business leaders, two citizens at large and a CAC member from CCSD#1. The Task Force was asked to assess the benefits of regional collaboration and to make recommendations to the Board regarding equity, fairness, and governance of a potential partnership by June 2008.

The Board asked the Task Force to answer three key questions:

Q1. Cost Benefits: Are there compelling financial benefits to ratepayers of each jurisdiction to make collective investment and management across current service district boundaries attractive? If so, what are the financial benefits for the region?

YES.

It makes good financial sense to work together. The analysis indicates that together the community can realize up to a \$300 million savings over the next twenty years by working and investing together. There is broad public support and understanding of the advantages (as demonstrated by survey data) of working together.

Q2. What is an equitable fiscal and operational model for future collective investments in wastewater treatment systems to recognize past and present investments made by participating jurisdictions and ratepayers? How do we ensure that those who benefit the most from development pay their fair share of new investments in public infrastructures? Can equity and fairness for each partner be achieved?

YES.

Regional equity and fairness can be gained if based on clearly defined assumptions. These assumptions are:

- a. The recommendation is to adopt a common regional treatment rate after capacity parity is reached by the participating service providers.

Treatment capacity parity is defined as the point at which all partners have addressed historical deficiencies and face similar capacity needs in the future.

- b. Service partners will make collective decisions regarding all future investments in treatment facilities after capacity parity is achieved.
- c. Decisions about common ownership of assets and district(s) consolidation will be delayed until treatment capacity parity is achieved and a permanent partnership agreement is in place.
- d. Conveyance and collection will remain the responsibility of individual entities. Each entity will be responsible for financing their own conveyance and local collection system to assure equity and fairness while securing the benefits of a regional treatment rate. Local entities may enter into contract relationship with Clackamas County to assist in design, construction, and management of local collection and conveyance systems.
- f. There will be no capacity expansion investments in Kellogg Treatment Plant with a goal of reducing the plant footprint over time and as economically feasible.
- g. Treatment capacity for future community growth will likely be constructed at Tri-City or utilizing another cost effective option after a regional strategy is adopted.
- h. Equity payments, subsidies and/or host fees may not be necessary to achieve equity and fairness.
- i. The partners will make collective decisions about desirable environmental improvements and livability amenities as future investment in regional wastewater treatment facilities are planned.
- j. The Board will facilitate regional equity by implementing a wastewater service policy after capacity parity has been reached. The foundation of this policy will be that no new service will be provided to customers in unincorporated areas outside existing districts. Service districts will only extend new service to areas already within a city boundary.
- k. Unincorporated areas being served before capacity parity is achieved will not be compelled to annex to a city to continue to receive service.
- l. Growth pays for growth through system development charge and related processes and other financial tools.

Q3. How can the financial and governance interests of all participants and their ratepayers be guaranteed into the future? What are the specific terms of these community covenants? Can the region agree to a governance model to guide a regional wastewater capacity management partnership?

YES.

- a. The Task Force recommends the creation of a wastewater partnership to serve as the foundation of regional wholesale wastewater treatment collaboration.
- b. The Task Force recommends adoption of the Washington County Clean Water Services “advise and consent” governance model as the operational model of the proposed wastewater partnership.
- c. The partnership recommends forming an advisory body composed of representatives appointed by each partner entity.
- d. The wastewater partnership will make recommendations about capital improvements, planning, policy, and financial decisions regarding rates, financing, and annual budgets.
- e. The Board is recognized as the legally accountable governing board of the regional partnership. The Board will act on the recommendations of the wastewater partnership, which will serve in an advisory capacity to the Board.
- f. Day-to-day system management, operations, programs, and permitting of partner assets will be or remain the responsibility of the County through its designated agency.
- g. Partners will be bound by all collective recommendations and resulting decisions by the Board.

Additional Task Force recommendations

The Task Force asks the Board of County Commissioners commit to the above recommendations as the foundational assumptions of a regional wastewater management partnership.

The Task Force asks that its recommendations be made explicit County policy through a formal Board action. Once this action is taken, the Task Force recommends the following:

- a. The Board should ask each partner entity to formally ratify the Board policy action.
- b. All those who ratify the Board's policy will be invited by the Board to form a provisional partnership. The purpose of the provisional partnership is to develop the by-laws, agreements and protocols for a permanent regional wastewater management partnership for consideration by the BCC and each of the partners.
- c. Each partner jurisdiction will nominate one representative to serve on the provisional partnership committee including Damascus, Gladstone, Happy Valley, Milwaukie, Oregon City, West Linn, and Oak Lodge Sanitary District. In addition, the Board will appoint one representative from the CCSD#1 unincorporated area and one representative from the Board.
- d. The provisional partnership will complete its work and submit its recommendations to the Board no later than 10/1/08.
- e. All partners will be asked to ratify and bind themselves to the agreements adopted by the Board.
- f. All parties choosing to ratify the agreements will enter into a permanent regional wholesale wastewater management partnership.

Additional items to be considered by the provisional committee:

- g. The Tri-City equity issues around Kellogg's final disposition need to be addressed by the interim committee.
- h. No regional rate setting will take place until the parties achieve capacity parity. Until then, partners will use their existing rate schedules.