

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 1, 2005**

CENTENNIAL QUILT DEDICATION

Mayor Bernard dedicated the Centennial Quilt that was recently installed in City Hall. He especially thanked Eileen Fitzsimmons for playing a huge role in making the quilt a reality and Nancy Dietrich for donating the materials. Council further thanked all who contributed to the creation of this wonderful gift.

JoAnn Herrigel, Community Services Director, expressed her appreciation to **Morgan St. Jean** who did all of the planning to get the Centennial Quilt hung.

CALL TO ORDER

Mayor Bernard called the 1951st meeting of the Milwaukie City Council to order at 7:10 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Deborah Barnes	Joe Loomis
Susan Stone	Carlotta Collette

Staff present:

Mike Swanson, City Manager	Stewart Taylor, Finance Director
Gary Firestone, City Attorney	Paul Shirey, Engineering Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Stone to approve the Consent Agenda that included:

- A. Resolution 6-2005: A Resolution of the City Council of the City of Milwaukie, Oregon Appropriating a 2004 Homeland Security Grant;
- B. Resolution 7-2005: A Resolution of the City Council of the City of Milwaukie, Oregon Authorizing Execution of Deeds in Favor of the Oregon Department of Transportation;
- C. Memorandum of Understanding with Oregon Department of Transportation and Special Transportation Area (STA) Management Plan for McLoughlin Boulevard; and
- D. City Council Minutes of January 4, 8, and 18, 2005.

The motion to adopt the Consent Agenda passed unanimously. [5:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING – NONE SCHEDULED**OTHER BUSINESS**

Mr. Swanson reported on several items.

He announced that Art Ball resigned from the Budget Committee. He was a good person to work with and a valuable member of the Committee.

Metropolitan Transportation Improvement Projects (MTIP)

Mr. Swanson discussed the project selection and funding process and provided handouts on the topic. Milwaukie had several proposals that were submitted for funding one of which was actually put forward by Metro and TriMet for South Corridor planning. The original request was for \$3.7 million, and it was recommended at the level of \$2 million. Milwaukie also submitted the town center street and sidewalk improvement project for Main and Harrison Streets and 21st Avenue. That project was recommended for \$.45 million. The third project was Lake Road Multimodal, which was not put forward for further consideration in the MTIP process. Congressman Blumenhauer authorized the project in the amount of \$3 million with a total project cost of \$6 million. President Bush never signed the bill authorizing the \$3 million. Milwaukie requested MTIP funding in order to make up that \$3 million, but it was not recommended for further consideration. Milwaukie would resubmit a \$6 million request to the current Congress. Congressman Blumenauer and staff have been very helpful, and Mr. Swanson believed there would be a substantial authorization for Lake Road. Whether that would be signed into law was another question.

Mr. Swanson reviewed the 12 MTIP funding categories – planning, bike trail, pedestrian, regional travel options, transportation-oriented development, transit, road capacity, road reconstruction, boulevard, freight, large bridge, and green streets. Lake Road was in the road reconstruction category. Within each of those categories there were a number of projects that went through several cut processes. Lake Road and three other road reconstruction projects made the first cut, but none were recommended for funding. Of the four projects, Lake Road was ranked fourth. Milwaukie would have to leap over three other projects in order to get funding. The anticipated funding was \$62 million, and the recommended programs totaled \$57 million. That left \$5 million to be allocated in all the categories “recommended for further consideration in final cut” and below. The cost of those recommended for further consideration totaled \$23 million. It was a very difficult process, and there was a rationale for trying to fund certain categories. Road reconstruction seldom did well because it was not really future-oriented. It was not as if Lake Road was one of the few projects not to be funded. The City would now turn its attention to Congress.

Mayor Bernard thought there should be a life-safety category. There was already one fatality on Lake Road, and it was getting busier. At some point, it needed to be said that nothing more could be added. He was a member of the Joint Policy Advisory Committee on Transportation (JPACT), and some very talented people threw projects

on at the last minute. For example, 172nd Avenue was not on the original list. It moved up the list because evidently someone offered to do some job-based development. The Oregon City Amtrak station was not on the list either. Last year Washington County added some projects that bumped Lake Road off the list. This meant putting the Lake Road project on year after year and trying to make it happen. Clackamas County as a group was still supporting a package that included Lake Road. He discussed the number of jobs that would be created by a \$6 million project on Lake Road.

Councilor Barnes asked the original question. After reviewing and getting some good information from Metro Councilor Brian Newman, her question remained. The last e-mail from the Lake Oswego representative to JPACT had two misconceptions. This woman said Milwaukie was being taken care of because the request for light rail was accepted at \$2 million. Neither she nor Councilor Loomis remembered that request, so she asked Councilor Newman about it. Her concern was this Lake Oswego representative took that as gospel and sent the e-mail out with the misconception that Milwaukie requested \$2 million for light rail. Her concern was that there was a breakdown in communication with the Lake Oswego representative who seemed to believe Milwaukie requested money for a \$2 million engineering study that was actually a TriMet request. That had nothing to do with Milwaukie. Why was TriMet getting \$2 million to fund a study that they should take care of themselves?

Mayor Bernard explained it was a regional project. She defined the \$2 million as Milwaukie's project, but light rail was not Milwaukie's project.

Councilor Barnes wanted that information passed along to this representative. Her second issue had to do with preparing a formal letter to the League of Oregon Cities (LOC) regarding school speed zones. She wanted to convey the message that if the legislature required one more change in signage that it should also provide the funding. She understood from Mr. Shirey that Milwaukie spent about \$10,000 to change the signs the first time. She proposed that the City Council send a letter to the LOC asking it to lobby the legislature to say that if the legislature changed its mind again on the speed zone signs, then the legislature should provide funding to cover the cities' costs for enforcing this change.

Councilor Stone would change the letter to say not "if" but "when." The legislature definitely needed to change things because it was too confusing. She supported the proposed letter because cities have spent hundreds of thousands of dollars implementing this new law, and it did nothing but confuse motorists. In her opinion it made certain streets even less safe. On 32nd Avenue, the flashing yellow beacons were gone, and the signs read, "when children are present" and not "when lights are flashing." In her opinion that street was very dangerous to cross, and there were lots of children on it all the time. 32nd Avenue was an example of a street that was not fully protected by this new law. She supported sending LOC a letter asking it to lobby the legislature to get funding to change the signage if new regulations were passed.

Councilor Collette supported the proposed letter. This was an example of another unfunded mandate, and cities no longer had the discretionary funds to change out the signage each time the legislature made a decision.

Councilor Loomis suggested that letters going to Milwaukie's legislators as well.

Mr. Shirey would provide the costs of the signage change.

Councilor Barnes said when listening to a local talk show, a state representative said it was the League of Oregon Cities and all the local cities that came up with the plan to generate additional revenues.

Mr. Swanson distributed a letter from Portland State University regarding the North Clackamas Annexation Study Group.

Executive Session

Mayor Bernard announced the City Council would meet in executive session pursuant to ORS 192.660 (h) – consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Adjournment

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

Mayor Bernard adjourned the meeting at 7:25 p.m.

Pat DuVal
Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL FEBRUARY 1, 2005

MILWAUKIE CITY HALL
10722 SE Main Street

1951ST MEETING

QUILT DEDICATON CEREMONY – 6:45 p.m.

REGULAR SESSION – 7:00 p.m.

I. CALL TO ORDER
Pledge of Allegiance

2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

3. CONSENT AGENDA *(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.)*

A. Resolution Appropriating 2004 Local Law Enforcement Block Grant (Larry Kanzler)

B. McLoughlin Boulevard Improvements Project – Transfer of Property to Oregon Department of Transportation (Brion Barnett)

C. Memorandum of Understanding with Oregon Department of Transportation and Special Transportation Area (STA) Management Plan for McLoughlin Boulevard

D. City Council Minutes of January 4, 8, and 18, 2004

4. AUDIENCE PARTICIPATION *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*

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.)*

None

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.)*

None

7. INFORMATION

Citizens Utility Advisory Board Minutes of September 8 and October 6, 2004

8. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session immediately following adjournment at 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.



To: Mayor and City Council
Through: Mike Swanson, City Manager
From: Larry Kanzler, Police Chief

Subject: Resolution Appropriating 2004 Local Law Enforcement Block Grant
Date: January 13, 2005 for February 1, 2005 City Council Agenda

Action Requested

Approve the resolution appropriating the 2004 Local Law Enforcement Block Grant.

Background

The Police Department received a Local Law Enforcement Block Grant award in the amount of \$4446.00 to purchase police equipment specific to the grant.

Oregon Local Budget Law allows a City Council to approve expenditures of specific purpose grants through adoption of a resolution or ordinance.

Concurrence

The City Manager, Police Chief and Finance Director concur with the proposed resolution.

Fiscal Impact

The resolution appropriates \$ 4446.00 for the purchase of individual police weapons.

Work Load Impacts

The training and maintenance of the requested equipment will be accomplished through existing in-house trainers and resources.

Alternatives

None -- This Grant is equipment and use specific for police response equipment.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON APPROPRIATING A 2004 HOMELAND SECURITY GRANT.

WHEREAS, the Police Department has received a 2004 Homeland Security Grant in the amount of \$4446.00 for the purpose of providing police equipment, and enhancing our public safety response; and

WHEREAS, The Police Department has identified eligible uses of the grant to provide the equipment, training, to maximize response efforts for the Milwaukie Police Department; and

WHEREAS, Oregon Local Budget Law allows a City Council to approve expenditures of specific purpose grants through adoption of a resolution or ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON:

The appropriation of the 2004 Local Law Enforcement Grant is approved as follows:

<u>Resources:</u>	<u>Requirements:</u>
Local Law Enforcement Grant	Materials and Supplies
\$ 4446.00	\$ 4446.00

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon its passage.

Introduced and adopted by the City Council on _____ 2005.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis Crew Corrigan & Bachrach, LLP

Pat Duval, City Recorder

City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Paul Shirey, Director of Engineering
Brion Barnett, Civil Engineer

Subject: McLoughlin Boulevard Improvements Project, Transfer of Property to Oregon Department of Transportation (ODOT) -- Resolution

Date: January 18, 2005 for the February 1 meeting

Action Requested

Approve a resolution authorizing the Mayor to execute a deed transferring property to Oregon Department of Transportation (ODOT) to allow widening of McLoughlin Boulevard.

Background

During the September 24, 2003 Council meeting, Council authorized the City to enter into an agreement with the Oregon Department of Transportation (ODOT) to act as the City's right-of-way (ROW) agent for the McLoughlin Boulevard Improvements Project. During the April 20, 2004 Council meeting, Council endorsed widening the existing roadway to the west/river side and implementing boulevard improvements consistent with the adopted Downtown and Riverfront Plan.

A portion of seven City-owned properties must be deeded to ODOT to implement improvements and widen the boulevard. Attachment A shows a map of the parcels needed for the project, and Attachment B lists the tax lots and sizes of the parcels. The six parcels needed along the west side of the roadway are narrow strips (generally 9 feet deep). The single east side parcel is a small triangular area needed to install a new sidewalk and wheelchair ramp.

Under ORS 271.400, the City Council may deed City property to the state for carrying out public purposes.

Concurrence

Staff in Community Development, Engineering, the City Attorney's Office, and the City Manager's office support declaring the transfer of the portions of the properties to ODOT.

Fiscal Impact

If Council authorizes the transfer, there will be no fiscal impact. If not, the City would not be able to implement the boulevard improvements. Under the terms of the existing intergovernmental agreement with ODOT, the City would be required to pay back a portion of the federal grant monies already received for the project (minimum impact of \$50,000).

Work Load Impacts

A staff team from the Engineering and Community Development Departments will assist and/or coordinate with ODOT and local Milwaukie residents and representatives as necessary. The project is part of the work program for both departments.

Alternatives

The Council has the following alternatives to the recommended action:

- Do not authorize the sale to ODOT.

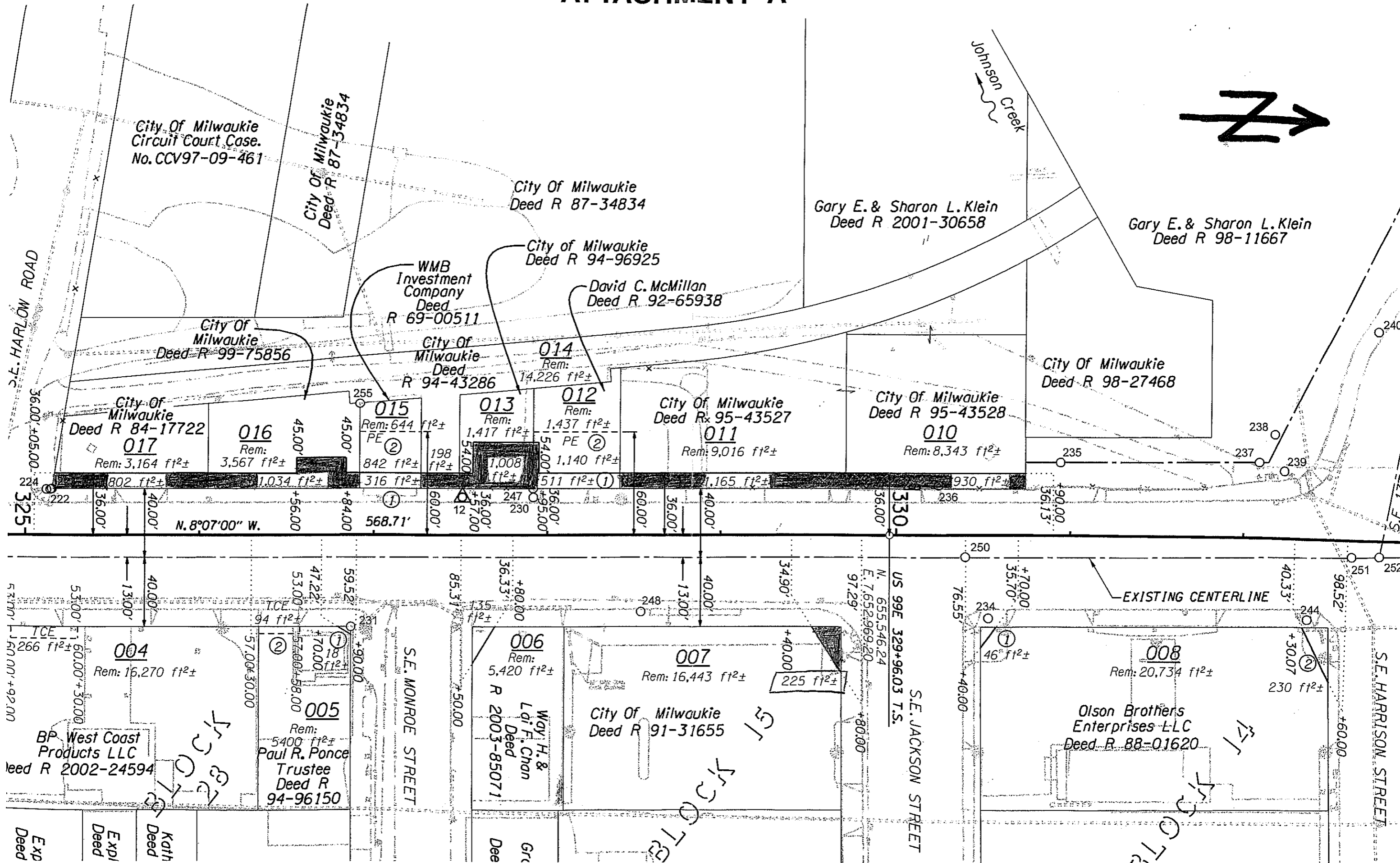
Attachments

Attachment A – Map of City Parcels Needed for McLoughlin Project

Attachment B - List of City-owned Properties

Attachment C - Resolution

ATTACHMENT A



ATTACHMENT B

Property Owner	Tax Lot Number	ODOT ROW File Number	Area of Parcel To Be Transferred to ODOT
City of Milwaukie	11E35AA01100	007	225 sq. feet
City of Milwaukie	11E35AA02200	017	802 sq. feet
City of Milwaukie	11E35AA02300	016	1,034 sq. feet
City of Milwaukie	11E35AA02500	013	1,008 sq. feet
City of Milwaukie	11E35AA02700	011	1,165 sq. feet
City of Milwaukie	11E35AA02800	010	930 sq. feet
City of Milwaukie	11E35AA03901	014	198 sq. feet

ATTACHMENT C

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING EXECUTION OF DEEDS IN FAVOR OF THE OREGON DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of Milwaukie currently owns real property adjacent to McLoughlin Boulevard, which is a state highway; and

WHEREAS, the City and the Oregon Department of Transportation have plans to improve McLoughlin Boulevard, which requires additional width of right-of-way; and

WHEREAS, the transfer of a portion of the City property adjacent to McLoughlin Boulevard is needed to allow the plans for improvement to proceed; and

WHEREAS, the City Council determines that it is in the public interest to transfer to ODOT property as needed to allow the improvements to McLoughlin Boulevard;

NOW, THEREFORE, BE IT RESOLVED by the City of _____, Oregon:

Section 1: The Mayor is authorized to execute deeds on behalf of the Council transferring the property referred to in the attached Exhibit A to the State of Oregon by and through the Oregon Department of Transportation for highway purposes. Highway purposes include highway travel lanes, utilities, planter strips, sidewalks, and other amenities appropriate for urban highways and city streets. The deeds shall provide for reversion to the City in the event that the area is no longer used or needed for highway purposes.

Section 2: This resolution takes effect immediately upon adoption.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on _____, 2005.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:

Pat DuVal, City Recorder

Ramis, Crew, Corrigan & Bachrach, LLP



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Paul Shirey, Engineering Director

Subject: Approval of Memorandum of Understanding with Oregon Department of Transportation and adopt the Special Transportation Area (STA) Management Plan for McLoughlin Blvd.

Date: January 18, 2005 for February 1, 2005 City Council

Action Requested

Approve a Memorandum of Understanding (MOU) with Oregon Department of Transportation (ODOT) and related Special Transportation Area (STA) management plan for McLoughlin Blvd (Hwy 99E).

Background

ODOT is requiring that the City of Milwaukie adopt a management plan (see Attachment A) for Highway 99-E (McLoughlin Blvd) based on the state's designation of a portion of McLoughlin as a Special Transportation Area (STA). The STA designation is required by state policy since proposed improvement plans on McLoughlin deviate from normal state design standards. The design exceptions allowed through their STA designation give the city (and the state) the latitude to achieve it's the goal to create a more pedestrian-friendly downtown. The STA management plan is required by state policy because this segment of McLoughlin is a regionally designated freight route.

The Oregon Highway Plan (OHP) defines an STA as a "...district of compact development located on a state highway within an urban growth boundary in which the need for appropriate local access outweighs the considerations of highway mobility....."

The STA designation has allowed the city to incorporate design elements into the proposed improvements between Harrison and Kellogg Creek that would otherwise not be permitted. These enhance the pedestrian and bicycle facilities and allow for modified lane widths, shy-distances, enhanced landscaping and median treatments. The OHP states that “STA’s look like traditional main streets”, and “....provide access to and circulation amongst community activities, businesses and residences to accommodate pedestrian, bicycle and transit movement along and across the highway....”.

For the most part, the STA management plan is a compilation of existing provisions in adopted city plans and codes, which are gathered in a one-source document for easy reference by the city and ODOT. However, subsequent code amendments in support of the STA Management Plan are required. ODOT wants the city to be able to consider elements of the management plan whenever it makes land use decisions affecting downtown Milwaukie. This will require a code amendment and adoption process that will take four to six months. ODOT is in concurrence with this timeframe.

The proposed MOU, attached to Exhibit A, is the means through which the city and state agree to the STA designation and commit to work together to apply the provisions of the management plan over time. The city agrees to apply the plan when implementing land use policy, constructing new facilities, operating and maintaining its connecting streets, while the state agrees to consider the plan when addressing design, operations and maintenance on Hwy 99E.

The management plan:

- 1) Recites the local, regional and state land use goals and objectives for the area within the STA.
- 2) Addresses transition zones on either end of the STA that helps motorists understand they are traveling into another highway function to help reduce speeds.
- 3) Discusses design standards to improve local access and community functions including mobility, street and signal spacing standards and street treatments.
- 4) Defines strategies for addressing through traffic needs (mobility).
- 5) Describes parking strategies and describes how parking is accommodated and managed elsewhere and in the downtown.
- 6) Describes the provisions for local traffic, transit, pedestrian and bicycle circulation.
- 7) Describes the boulevard treatment proposed for Harrison to Kellogg Creek segment of Hwy 99E
- 8) Identifies maintenance and operational strategies.

Concurrence

The Engineering and Planning departments have worked as a team in preparing the management plan. Engineering has worked closely with ODOT Region 1 to finalize the management plan and MOU. The Management Plan has been forwarded to Metro and Clackamas County for their review and concurrence.

Fiscal Impact

No impacts

Work Load Impacts

The STA designations and attendant requirements spelled out in the MOU have a limited workload impact. The Plan calls for taking into consideration most of the same factors the city considers when making land use decisions today.

Alternatives

- 1) Adopt the STA Management Plan and authorize that the City Manager to sign the MOU with ODOT.
- 2) Modify provisions of the STA Management Plan but do not authorize signature of the MOU. Modifications must be approved by ODOT and in place by the construction bid opening date for the bid to proceed.
- 3) Do not adopt the STA Management or authorize signature of the MOU. This alternative will prevent the project from going to bid.

Attachments

- 1) Special Transportation Area Management Plan dated February 1, 2005
- 2) Draft Memorandum of Understanding for McLoughlin Blvd. STA between City of Milwaukie and ODOT

ATTACHMENT 1

Milwaukie McLoughlin Boulevard STA Management Plan February 1, 2005

**This plan has been prepared in accordance with direction provided
by Oregon Department of Transportation Region 1.**

I. Existing Plan Goals and Objectives for Land Use and Transportation¹

This section identifies goals and policies related to the downtown, riverfront, environmental and historic resources, and the transportation system within the downtown and proximate to the STA.

A. Milwaukie Comprehensive Plan

The Milwaukie Comprehensive Plan was adopted on November 5, 1979 and has been amended at various times since.² Significant amendments include incorporation of the City's Transportation System Plan, Town Center Plan, and Downtown Land Use and Riverfront Framework Plan, which are discussed below. Important Comprehensive Plan policies that apply within the Special Transportation Area not covered by the plans referenced above include the following:

1. Residential Land Use
 - a. Locate higher density residential uses to support transit and implementation of the Town Center Master Plan.
 - b. The Town Center Area shall be served by multimodal transportation options. Off-street parking shall be discouraged.
2. Economic Base and Industrial/Commercial Land Use Element³
 - a. The Town Center Master Plan and the Downtown and Riverfront Land Use Framework Plan provide the most current Council direction for the future of downtown and riverfront.
 - b. The City will increase overall economic activity.

¹ No new plan goals and objectives are needed or proposed for implementation of the STA or the STA Management Plan.

² Ordinance 1437

³ Objective 11- Commercial Land Use: Highway Oriented Center includes discussion about arranging land use and access along McLoughlin Boulevard and Expressway 224. This planning objective is superseded in the downtown by the Downtown and Riverfront Land Use Framework Plan.

- c. The City will lobby strongly for roadway and other improvements outside the City that bears heavily on the community's industrial complex, such as efforts to reduce traffic on McLoughlin Boulevard and Expressway 224 and to improve connections between Milwaukie and downtown Portland.
- d. The City will implement the Town Center Master Plan to promote economic development based on compatible mixed uses within the Town Center.

3. Historic Resources

Two resources included in the City's historic resource inventory are located along McLoughlin Boulevard. These are 10914 SE Main Street, and the Portland Traction Line. Historic resource protection is implemented through city zoning.

4. Open Space and Recreation

A significant portion of lands within the Special Transportation Area lying westerly of McLoughlin Boulevard south of 17th Avenue are in public ownership, and are designated for open space purposes. Relevant policies include the following:

- a. Open space will be provided through park and recreation and natural area policies and the Willamette Greenway Program.
- b. Passive recreation will be encouraged at the Willamette River and Kellog and Johnson Creeks including trails and nature parks.
- c. The City will work with Clackamas County to establish a continuous pedestrian connection linking the Willamette River and North Clackamas Park.
- d. Development within designated natural resource areas will be subject to review to reduce environmental impacts.
- e. Riparian buffers shall be used to protect important water resources.
- f. The City's most important scenic views are oriented towards the Willamette River. The City will work with Oregon Department of Transportation to ensure future improvements do not obstruct the visual relationship between downtown and the riverfront area and encourage

that the large trees [along McLoughlin Boulevard] be retained where possible.

- g. The recreational use of the Willamette River shoreland and waterways will be maximized.
- h. Public and private uses shall be combined in any future mixed-use development along the Willamette River. Development shall include public access and public open space.

5. Willamette River Greenway Element

This element calls for creation of Greenway Design Plan for the purpose of protecting, enhancing, and maintaining the natural, scenic, historical, economic, and recreational qualities of lands along the river. While this plan has not been adopted, regulations that govern riverside development are implemented through the City's zoning regulations.

6. Air & Noise Quality

The plan is concerned with poor air quality along major transportation routes including McLoughlin Boulevard, Harrison Street, and Expressway 224 due to vehicle emissions. In addition, the greatest potential for noise problems is along these same transportation routes. Related policies include the following:

- a. Milwaukie will support regional transportation planning efforts aimed at controlling air pollution in downtown Portland and throughout the region.
- b. Milwaukie will encourage reduction of vehicle emissions by improving local [traffic] flow and seek ways to increase transit ridership.
- c. Local employment opportunities will be encouraged to reduce regional and inter-city work trips.
- d. The City will work with Oregon Department of Transportation to implement traffic management measures designed to improve traffic flow and thereby reduce roadway noise.

B. Milwaukie Transportation System Plan

The City's Transportation System plan was adopted into the Comprehensive Plan July 15, 1997.⁴ The plan includes elements as

⁴ Ordinance 1820.

required by the state Transportation Planning Rule. The Milwaukie TSP was adopted in 1997 prior, to adoption of the Town Center Plan and Downtown and Riverfront Land Use Framework Plan and accompanying Public Area Requirements. The TSP Walkway Network Plan, Bikeway Network Plan, and Transit Plan include all streets located within and providing access to the downtown including McLoughlin Boulevard. There are no TSP policies specific to the downtown. See Section 6 of this plan for additional information.

C. Milwaukie Town Center Master Plan

The Milwaukie City Council adopted the Town Center Mater Plan into Comprehensive Plan on December 2, 1997, as part of the Metro 2040 Urban Growth Management Functional Plan compliance process.⁵ Key elements of the plan include Housing, Transportation, and Commerce. The overall vision of the plan is to focus future mixed use, employment and housing development in the downtown with an emphasis on compact environment with pedestrian amenities and high quality transit service and multimodal street networks. Key objectives of the plan include the following:

1. Promote commercial activity by improving pedestrian access in the downtown.
2. Improve the City's image by fostering good streetscape along McLoughlin Boulevard.
3. Integrate riverfront planning into downtown planning.
4. Provide safe pedestrian, bicycle, and vehicle routes.
5. Ensure adequate transit service.
6. Promote economic revitalization.
7. Establish minimum residential densities.
8. Establish urban design standards.
9. Implement Milwaukie Transportation System Plan recommendations.

D. Downtown and Riverfront Land Use Framework Plan

⁵ Ordinance 1826. The Plan was originally adopted to meet planning requirements for a regional center. Subsequently, the center-design type was changed to Town Center at the request of the Milwaukie City Council.

1. The Milwaukie Downtown and Riverfront Framework Plan builds on the planning work completed for the Town Center Plan, and was adopted into the Milwaukie Comprehensive Plan on September 19, 2000.⁶ The plan lays out key policies for the mix and location of land uses in relation to the existing street network. The downtown core is to be strengthened by alignment of new land uses along Main Street. The plan calls for strong economic anchors at the north and south limits of the downtown to support first floor retail and upper floor office and housing. Building placement and access are oriented towards Main Street with curb cuts eventually being phased out along the east side of McLoughlin Boulevard.
2. A fundamental purpose of the plan is to improve pedestrian and visual connections between the downtown core and the riverfront. To implement this vision, the Plan calls for riverfront park and marina improvements, and economic redevelopment of the sewage treatment plant site. Access to these new features will be provided by a pedestrian under crossing of McLoughlin Boulevard between Monroe and Jefferson Streets, McLoughlin crossings and improved pedestrian facilities along the boulevard.
3. The Plan:
 - a. Ensures that McLoughlin Boulevard serves as a regional boulevard, yet does not separate the community from its greatest asset, the Willamette River.
 - b. Reestablishes Main Street as the retail heart of the Community.
 - c. Reestablishes the street grid north of Harrison Street to provide better transit, commercial, and housing access.
 - d. Provides a network of separate pedestrian and bicycle walkways and trails that links parks and open spaces with downtown and adjacent neighborhoods.

II. Provisions for Transition Areas bordering highway segments to introduce the motorist to different highway functions and speeds.

- A. For the northern transition area, which starts at the ramp to eastbound Highway 224 (MP 5.47), the right shoulder begins to narrow from 10 feet, down to five feet at MP 5.62, which is 0.05 miles north of the northern limit of the STA (MP 5.67 at Scott Street). The narrowing of the roadway provides motorists with an adequate transition as they enter the STA

⁶ Ordinance 1880.

from the north. There is also a transition from a median barrier to a mountable curb separating the developing left turn lane from the opposing traffic.

- B. As of the date this STA management plan was written, construction of improvements to the southern segment of the STA is not planned, designed or programmed. Transitional area location and transitional design elements will be addressed for the southern STA approach at the time of conceptual design or preliminary engineering for the southernmost STA segment. Also, two other potential projects near the southern STA boundary – a Tri-Met transit center and a reconfiguration of the River Road/99E intersection – may provide opportunities to create transitional design elements to ensure traffic is entering the STA at an appropriate speed. This potential will be addressed when and if these projects are designed.

III. Design standards to improve local access and community functions, as applicable. These may include highway mobility standards, street spacing standards, signal spacing standards and street treatments.

- A. Milwaukie Zoning Ordinance Section 1400 Section establishes intersection performance standards in accordance with the Regional Transportation System Plan and roadway design standards for all areas outside of the area covered by Downtown Public Area Requirements, which subject to separate design standards. The code also requires traffic impact analyses for development proposals that exceed certain trip generation thresholds.

- B. Milwaukie Downtown and Riverfront Plan Public Area Requirements

The Downtown Plan is implemented in part by the Milwaukie Downtown and Riverfront Plan Public Area Requirements, which provides important details for the following:

1. Circulation Framework including:⁷
 - a. McLoughlin “boulevard design type” improvements. These have been refined in current engineered drawings dated 11/23/2004 and entitled OR 99E: Kellogg Creek- S.E. Harrison Street (Milwaukie) Sec. Pacific Highway East (McLoughlin Blvd.) Clackamas County, Oregon March 2005 as well as Intergovernmental Agreement #19032 between ODOT and City of Milwaukie

⁷These changes facilitate a land consolidation needed for development of a grocery store between McLoughlin Boulevard and Main Street and to accommodate future high density housing on the east side of Main Street, north of Harrison Street. Other transportation improvements that support the downtown include a Main Street Pedestrian Walk, Main Street Streetscape Improvements and a Rail Trail along the Tillamook Branch.

- b. Scott Street relocation.
 - c. Adams street vacation.
 - d. 21st Avenue extension.
 - e. Planned Bikeways for McLoughlin, Main, Harrison, 21st, Monroe, Lake, and Washington.
 - f. Transit Routes along McLoughlin, 17th, Main, Harrison, 21st & Lake, and Washington.
 - g. On Street Parking location and design for all streets other than McLoughlin Boulevard, on which parking is prohibited.
2. Street Standards including
- a. Street Classifications including the following
 - 1) Regional Boulevard: McLoughlin
 - 2) Arterials: Main Street; Jackson and Jefferson between McLoughlin and 21st; Monroe and Jackson McLoughlin to east of 21st.
 - 3) Collectors: Harrison, 17th, 21st and Lake.
 - 4) Local Streets: The relocated Scott Street and 21st Avenue extension.
 - b. Street right-of-way width for downtown streets.
 - c. Cross section designs including sidewalks, planter strips, parking, bike lane, and travel lanes.
 - d. Per Section 1.14, prohibition on McLoughlin Blvd. of curb cuts, driveways, garage entries and access ways to avoid dangerous and congesting-inducing auto turning conflicts. The section recognizes existing auto-oriented uses with curb cuts on McLoughlin, and states that these are non-conforming access points under the city's existing zoning ordinance, and that these non-conforming access points may remain until alteration of the existing use.

IV. Strategies for addressing freight and through traffic including traffic speed, possible signalization, parallel or other routes, and actions in other parts of the corridor, which address through traffic needs.

- A. Design Features within the STA

1. The McLoughlin Boulevard reconstruction project includes the following design features that facilitate truck freight mobility.
 - a. It provides for a median, pedestrian refuge and/or turn lane on the roadway. Low to moderate vehicle speeds are to be expected.
 - b. Parallel freight routes include Highway 224 and Interstate 205. The RTP also identifies McLoughlin Blvd. as a freight road connector.

- B. Plans Addressing the McLoughlin Corridor
 1. Oregon Highway Plan (OHP)
 - a. The OHP identifies McLoughlin Boulevard north of the Clackamas Highway 171 (MP 5.46) as a state freight route.
 - b. South of milepost 5.46 McLoughlin is not designated as a state freight route.
 2. Milwaukie Transportation System Plan
 - a. McLoughlin Boulevard and Expressway 224 are designated TSP major freight routes for all segments of these roadways within the City.
 - b. The following routes, which connect to both McLoughlin Boulevard and Expressway 224 and provide access to areas outside the City of Milwaukie, are designated "minor preferred truck routes":
 - 1) 17th Avenue
 - 2) Harrison Street
 - 3) King Road
 - 4) Johnson Creek Boulevard east of Johnson Creek Boulevard
 - 5) Linwood Avenue
 - 6) Lake Avenue between Expressway 224 and Harmony Road
 - c. The Milwaukie Transportation System Plan specifies the following truck and rail freight goals; specific objectives that carry out these goals are specified in the plan.

- 1) Ensure a safe, accessible and efficient rail freight system that facilitates the movements of goods to Milwaukie and through the region and State while minimizing conflicts with other travel modes.
- 2) Provide a safe, cost effective and efficient truck route system that facilitates the movement of goods and services to Milwaukie and the through the region.

3. Regional Transportation Plan

McLoughlin Boulevard is designated a freight road connector in accordance with Figure 1.17 of the RTP.⁸ The RTP Regional Freight System Plan include the following summarized objectives:⁹

- a. Provide high quality access between freight transportation corridors and the region's freight intermodal facilities and industrial sanctuaries.
- b. Maintain a reasonable and reliable travel time for freight moving through the region in freight corridors.
- c. Coordinate public process to reduce or eliminate conflicts between current and future land uses, transportation uses, and freight mobility needs.
- d. The RTP street design classification for McLoughlin is "regional street" north of Highway 224 and south of River Road. The regional street classification is intended to accommodate significant vehicle traffic at moderate speeds, while also providing for transit, bicycle and pedestrian modes

4. Clackamas County Comprehensive Plan

- a. The County Comprehensive Plan induces the following transportation goals related to freight:
 - 1) Provide efficient, cost-effective and safe movement of freight in and through the County.
 - 2) Maintain and enhance the County's competitive advantage in freight distribution through the efficient use of a flexible, continuous, multi-modal

⁸ This designation was changed from a "Main Roadway Route" to the "Connector " designation per Metro Ordinance 04-1045A.

⁹ RTP Policy 15.0

transportation network that offers competitive choices for freight movement.

- 3) Maintain a truck circulation plan for movement of freight on arterial roads where minimum impact will occur to neighborhoods, and industrial areas will have the service they need.
- b. County designated freight routes include McLoughlin Boulevard and Expressway 224.
 - c. The Clackamas Comprehensive Plan, Chapter 10: McLoughlin Corridor Design Plan addresses part of the southern transition area, specifically SE Lakewood Drive (MP 6.57) to Oak Grove (MP 7.88). It states the goals for the corridor, which include:
 - 1) Design and improve McLoughlin to serve the needs of all travelers by all modes of transportation along and across the roadway;
 - 2) Design McLoughlin to serve a balance between regional and through traffic, including public transportation, bicycle and pedestrian travel;
 - 3) Enhance safety for all modes and improve the aesthetic appeal of McLoughlin;
 - 4) Create a high quality pedestrian environment, convenient access to transit, and a mix of land uses that implement the RTP's "corridor" design type.
 - d. The plan includes cross-sections and access management recommendations, which are designed to promote through traffic and maintain freight mobility. The standard arterial cross-section calls for four 12-foot travel lanes and a 14-foot center turn lane, six-foot bike lanes, 10-foot landscaped buffers, eight-foot sidewalks and five-foot utility easements in a 120-foot right of way. The topographically constrained cross-section calls for the same roadway dimensions with the exception of the 10-foot landscaped buffers.
5. Portland Transportation System Plan

McLoughlin Boulevard is designated a regional traffic way/major city traffic street and regional truck street in the Portland TSP. Regional truck routes are intended to provide interstate and interregional truck movements. McLoughlin has a street design

classification of urban throughway (i.e. designed to provide high-speed travel for longer motor vehicle trips throughout the region, lane widths that accommodate freight and high-speed travel, completely divided with no left turns, grade-separated street access, four to six lanes).

V. Parking Strategies, which address the design characteristics of the STA.

- A. No on-street parking is proposed within the McLoughlin Boulevard STA. Existing on-street parking along the west side of McLoughlin Boulevard will be eliminated as part of the boulevard reconstruction project.
- B. On-street and a number of public and private surface lots provide parking within the downtown area of the Town Center. On-street parking supply is un-metered; allowed parking periods vary by location and block face. The City contracts with a private vendor for issuance of paid parking permits on cit-owner lots.
- C. In June 2003, the City developed the Downtown Milwaukie Parking and Traffic Management Plan, which is pending adoption by the City Council. Key features of the plan include the following:
 - 1. Recommendations for balancing shopper, resident, commuter, and employee parking.
 - 2. Near-, Mid-, and Long-Term recommendations for managing parking supply in response to changes in parking demand, and traffic management strategies that respond to changes increased traffic due to downtown redevelopment.
 - 3. Institute a special traffic calming district in the downtown and surrounding neighborhood.

VI. Provisions for a network of local traffic, transit, pedestrian, and bicycle circulation.

Provisions from the Milwaukie Transportation System Plan:

- A. The structure of the roadway network includes the following connectors:
 - 1. McLoughlin Boulevard; 32nd Avenue, 34th Avenue; Stanley Avenue, and Linwood Avenue as north –south connectors.
 - 2. Expressway 224, Harrison Street, Lake Road, Railroad Avenue, and King Road as east - west connectors.
- B. The TSP Walkway Network Plan includes all streets located within and providing access to the downtown including McLoughlin Boulevard.

- C. The TSP Bikeway Network plan in the area of the STA includes McLoughlin Boulevard, 17th Avenue, and River Road. An existing off-street bike path is located in two segments along the Willamette Riverfront. Planned bikeway routes in the area of the STA and downtown include Main Street, Harrison, 21st Avenue, Monroe, and Washington.
- D. The TSP Transit Plan (route and bus top locations) includes major streets in the downtown and the STA, including McLoughlin, Harrison, 17th Avenue, Jackson, Monroe, and Washington. Neither the TSP nor other adopted city plans identify new stops on McLoughlin Boulevard within the STA. Planning consideration has been given to on-street bus stops that will serve the combined bus and light rail transit center to be located on the east side of McLoughlin Boulevard opposite 22nd Avenue subject to project approval and funding. Preliminary design concepts contemplate pullouts on both sides of McLoughlin at the transit center site. A copy of the local street network is attached. (Could you please send us a copy of this?)

VII. Identification of needed improvements within the segment, or improvements that will support access to the segment, and designation of the party responsible for implementation, likely funding source and anticipated time frame

- A. The Milwaukie TSP includes the following project recommendations
 - 1. Study access control measures on McLoughlin Boulevard and Expressway 224.
 - a. Responsible jurisdiction: City of milwaukie (COM) and ODOT
 - b. Likely Funding Source: state
 - c. Time Frame: 2007
 - 2. Improve truck route roadways and intersections to adequately serve trucks.
 - a. Responsible jurisdiction: COM and ODOT
 - b. Likely Funding Source: State and federal
 - c. Time Frame: 2010
 - 3. Consider Transportation Demand Management strategies for implementation city-wide.
 - a. Responsible jurisdiction: COM
 - b. Likely Funding Source: state and local
 - c. Time Frame: 2007

4. McLoughlin Boulevard Access Control (unspecified improvements)
 - a. Responsible jurisdiction: COM and ODOT
 - b. Likely Funding Source: state and local
 - c. Time Frame: >2007
 5. Expressway 224 Access Control (unspecified improvements))
 - a. Responsible jurisdiction: COM and ODOT
 - b. Likely Funding Source: state and federal
 - c. Time Frame: >2008
 6. Improve River Road and McLoughlin Intersection (upgrade traffic signals, roadway geometry and pedestrian connections)
 - a. Responsible jurisdiction: ODOT
 - b. Likely Funding Source: state
 - c. Time Frame: >2008
 7. Improve McLoughlin/Harrison intersection (unspecified improvements)
 - a. Responsible jurisdiction: COM and ODOT
 - b. Likely Funding Source: state
 - c. Time Frame: >2010
 8. Improve Harrison Street from McLoughlin to King (unspecified improvements)
 - a. Responsible jurisdiction: COM
 - b. Likely Funding Source: local
 - c. Time Frame: >2010
 9. 17th Avenue Pedestrian Improvements (unspecified improvements)
 - a. Responsible jurisdiction: COM
 - b. Likely Funding Source: local
 - c. Time Frame: >2010
- B. Regional Transportation Plan Projects
1. #1001& #1103 Light Rail Expansion
 - a. Responsible jurisdiction: Tri-Met
 - b. Likely Funding Source: Federal
 - c. Time Frame: >2009-2013
 2. #5029 Highway 99E/224 Corridor Plan

- a. Responsible jurisdiction: ODOT
 - b. Likely Funding Source: state
 - c. Time Frame: 2007-09
3. #5035 McLoughlin Boulevard Rapid Bus
- a. Responsible jurisdiction: Tri-met
 - b. Likely Funding Source: federal
 - c. Time Frame: >2010
4. #5047 Mcloughlin boulevard reconstruction (Scott Street to Harrison Street)
- a. Responsible jurisdiction: ODOT and COM
 - b. Likely Funding Source: federal
 - c. Time Frame: 2008-10
5. #5049 McLoughlin boulevard reconstruction (Kellogg Creek to River Road)
- a. Responsible jurisdiction: ODOT and COM
 - b. Likely Funding Source: federal
 - c. Time Frame: 2012
6. #5062 Milwaukie Transportation Management Association Startup.
- a. Responsible jurisdiction: COM
 - b. Likely Funding Source: local
 - c. Time Frame: >2009

VIII. Identify maintenance and operational strategies to be employed

- A. Maintenance responsibilities for the STA segment between Harrison Street and Kellogg Creek are described in Intergovernmental Agreement #19032 between the City of Milwaukie and ODOT. ODOT is responsible for maintenance between Harrison Street and Scott Street, and between Kellogg Creek and River Road. Maintenance responsibilities for these segments will be negotiated and included in future agreements that implement boulevard improvements on these segments.

REFERENCES:

- Oregon Highway Plan, 1999 , ODOT

- McLoughlin Boulevard Retrofit Project-Technical Memo #3-Final Draft, March 11, 2003. DKS Associates.
- Milwaukie Transportation System Plan, 1997
- Regional Transportation Plan, 2000, METRO
- Clackamas County Comprehensive Plan, 2001, Clackamas County Department of Transportation and Development
- City of Portland Transportation System Plan, 2002, Office of Transportation-City of Portland

ATTACHMENT 2

MEMORANDUM OF UNDERSTANDING

BETWEEN

OREGON DEPARTMENT OF TRANSPORTATION AND THE CITY OF MILWAUKIE

1. The Oregon Transportation Commission on January 14, 2004 created a Special Transportation Area (STA) on Highway 99E (aka McLoughlin Boulevard) in the City of Milwaukie from Southeast Scott Street (mile point 5.67) to Southeast Blue Bird Street (mile point 6.30).
2. Because the STA is on a freight route as designated in the Metro Regional Transportation Plan, an STA management plan is required as a condition of designation in accordance with Policy 1B of the Oregon Highway Plan.
3. The City of Milwaukie (City) has prepared an STA management plan (attached as Exhibit A) for the above referenced segment of highway, which addresses the design of the transportation system in and adjacent to the STA, the maintenance and operation of the highway within the STA, and comprehensive plan goals and objectives in the vicinity of the STA. The management plan has been reviewed by affected parties at the City and the Oregon Department of Transportation (ODOT).
4. It is agreed, through this MOU, that the City and ODOT accept the management plan, and that the MOU will be in place as long as the STA designation is in place.
5. It is intended that the City will apply the management plan when addressing land use decisions and transportation issues including but not limited to planning, design, construction, operations and maintenance in the STA and the adjacent Milwaukie Town Center in good faith and partnership with ODOT. City agrees that City staff will prepare and process within six months of MOU signature amendments to the City's zoning ordinance to provide that the management plan is applied in land use decisions and development review, and to recommend to the Planning Commission and City Council that such amendments be adopted.
6. It is intended that ODOT will apply the management plan when addressing planning, design, construction, operation and maintenance of the highway within the STA in good faith and partnership with the City of Milwaukie.

ATTACHMENT 2

(Signature for City of Milwaukie)

(Print name and title)

(Date)

(Signature for Oregon Department of Transportation [ODOT])

(Print name and title)

(Date)

Attachments:

Exhibit A – Milwaukie McLoughlin Boulevard STA Management Plan

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JANUARY 4, 2005**

City Manager Swanson announced the City Attorney was excused from the meeting.

OATH OF OFFICE

Municipal Court Judge Ron Gray administered the oaths of office to Councilors Carlotta Collette and Joe Loomis.

CALL TO ORDER

The 1949th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 7:05 p.m. in the City Hall Council Chambers. The following Councilors were present:

Carlotta Collette
Susan Stone

Joe Loomis
Deborah Barnes

Staff present:

Mike Swanson,
City Manager

JoAnn Herrigel,
Community Services Director

Alice Rouyer,
Community Development/
Public Works Director

Paul Shirey,
Engineering Director

John Gessner,
Planning Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Ms. Rouyer recognized several members of staff for starting several innovative programs:

- First Annual Saturday Leaf Drop-Off Program
Storm/Wastewater Crew: Kenny Hill, Shane Hart, Ellie Grassl, Dave Butcher, Shawn Shultz, and Gary Hathaway
Community Services Department: JoAnn Herrigel, Jason Wachs, and Grady Wheeler
- John Gessner for Neighborhood District Association Leadership Land Use Training Series
- Lindsey Nesbitt who managed the development review for the North Main Project
- Bonnie Lanz for forming the Oregon Permit Technicians Organization.

The City Council recognized Ms. Rouyer for her innovative and dedicated service to the vision of the community since June 1999.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Stone to approve the Consent Agenda that included:

- A. Resolution 1-2005: A Resolution of the City Council of the City of Milwaukie, Oregon Designating the Clackamas Review, The Oregonian, and the Daily Journal of Commerce as the Papers of Record for the City of Milwaukie;
- B. North Main Public Infrastructure Engineering Design Services Contract Award;
- C. Declare Library Board Vacancy;
- D. Resolution 2-2005: A Resolution of the City Council of the City of Milwaukie, Oregon, Transferring Appropriation Authority; and
- E. City Council Minutes of December 21, 2004.

The motion to adopt the Consent Agenda passed unanimously.

AUDIENCE PARTICIPATION

Rosemary Crites, 4917 SE Aldercrest Road. Ms. Crites provided photos of parking available on Main Street at 12:30 this afternoon. There were two spaces open. It was an issue that would be more critical as time went by, and understood the Council's commitment to developing the town. She stated she was a real estate broker dealing in commercial real estate. She was involved with the leasing of the McLoughlin Building on the corner of McLoughlin Boulevard and Scott Street. Ms. Crites provided drawings of the proposed exterior renovations that would be stucco with larger windows and awnings.

Main Street has become an employee parking lot, and people simply move their cars every two hours. The building can be redeveloped but there was not enough parking. She was concerned about Kemper's project and discussed the type of retail she would like to see in Milwaukie. She discussed the feasibility of opening a Chico's in Milwaukie. The clientele would be from Eastmoreland to Oregon City, and she felt Chico's could do a great business in Milwaukie. However, a customer from Eastmoreland was not going to come to Milwaukie and drive around and around the block to find a place to park. The parking supply was not great enough to take care of retail because on-street parking was being used by employees. She suggested looking at the Odd Fellows site near Hwy 224. It would be a perfect place for a 3- or 4-story parking structure to take the pressure off of downtown. A structure like that would cost about \$ 3 million. She believed the Kemper and Parecki projects would be success bringing in more developers. They will take down a block at a time. She recommended going to the developer to get money to put aside for building a parking garage. She did not know what to do with the customers.

Mayor Bernard completed agreed with her comments about employee parking on the streets. They hoped there would be a parking plan before the City Council in May to

help deal with that issue. The downtown plan did offer a lot of parking potential, and moving the transit center from downtown streets would certainly improve parking. He hoped the Main Street lot would be used for customer parking rather than transit parking. The City could lease some of the Odd Fellows parking lot for transit riders.

Ms. Crites said the pressure needed to be removed and discussed a permit lot at Odd Fellows. She was not sure what to do about transit parkers. It will be difficult to bring retail into downtown without parking.

Mayor Bernard discussed customer parking and encouraging downtown businesses to look at things differently. Some people refused to walk 50 yards from their cars their place of employment. Customers need to have parking.

Ms. Crites suggested talking to the major Main Street employers about providing parking that was not on Main Street.

Ray Bryan, 11416 SE 27th Avenue, Milwaukie. He welcomed Councilor Collette to the City Council and expressed his admiration for her commitment to her neighborhood and its livability. He appreciated and envied her ability to speak and communicate. He thanked Ms. Rouyer for her poise and preparedness, which were unsurpassed. He thanked her for the good things she accomplished, and she would be missed. As a member of the Historic Milwaukie Neighborhood District Association (NDA) he felt it was necessary to respond to comments that were made two meetings ago. The unanimous opposition to the Kellogg Lake transit center by the Historic Milwaukie NDA may have been misinterpreted as opposition to change. He did not know anyone in the NDA that was opposed to change. However, change did not have to happen at the expense of the quality of life and the value of homes. The NDA continued to oppose the Kellogg Lake transit center location because it was bad for the neighborhood, bad for the environment, bad for the downtown, and violated the 14 Points that re-opened Milwaukie's door to light rail. He supported change that was good for Milwaukie and recently went door-to-door on 27th Avenue asking his neighbors to lobby Metro in support of the applications for transportation grants. He looked forward to working with this City Council in any way he could to help improvement the City. He was proud to be a friend and neighbor of Ed Zumwalt. His dedication and love for the neighborhood, library, riverfront, and City was second to none. He believed Ed was doing what any other neighborhood leader would do under the circumstances. Finally, he hoped none of this would become such a personal issue that people overlooked what they had in common and lose the ability to make wise decisions for the long-term interests of Milwaukie.

Dion Shepard, 2136 SE Lake Road, Milwaukie. In recent City Council meetings and articles in *The Pilot*, some members of the community claimed they were opposed to change and afraid of change. Simply because they sometimes had the courage to disagree. It took a lot more courage to disagree to members of the community than to just go along with whatever came along. She did not feel that was true. As a resident of Historic Milwaukie, she was looking forward to some of the changes that were

planned for the coming year. The widening of McLoughlin Boulevard. The North Main project. Even possibly the Oak Street project, although they did not know much about it and how it would change Milwaukie. These were some of the changes she envisioned when she moved to Milwaukie five years ago. It fit into the Downtown Riverfront Framework Plan, and she thought it was actually part of what would make Milwaukie a nicer community to live in. There were some projects such as the proposal to move the transit center to Kellogg Lake they could not in good conscience support. For all of the numerous reasons that were brought up in testimony from citizens both in the community and neighboring communities that were opposed to the proposal, the loss of significant waterfront property, environmental issues, the violation of the Downtown Riverfront Framework Plan, the loss of neighborhood livability, and increased traffic not just in her neighborhood but in other neighborhoods. All of those were issues that were critical. These were the most significant investments people were going to make – our families and our homes. Most of us would agree the transit center should move. In their opinion, the South Corridor Study evaluated a half dozen sites using documented criteria for site selection. The Southgate site was already paved and would have facilitated relocation without a lot of costs and environmental study costs. We have learned to cost to study Kellogg Lake was going to be close to \$3 million and further delay the transit center relocation. One of the things she found concerning was the fact it was going to cost close to \$3 million. She read that Bybee overpass cost \$4 million. We could have two pedestrian overpasses across McLoughlin Boulevard for what it would cost to study Kellogg Lake. Even then, we many not be able to move it there. There were other alternatives that should have been considered but were not. She thought Milwaukie had a lot to offer, and sometimes she thought many people in the community who have lived here a long time have not lived anywhere else. Sometimes one loses focus of what one had and takes it for granted. She thought Milwaukie had a lot to offer. It has a small town environment. Seven minutes from downtown Portland. It has lower taxes. Natural resources that many communities cannot have and could never have. We should be marketing that – not destroying that. The neighborhood was not opposed to change that was fair, well thought out, planned, and that did not compromise its values and livability.

Terrie Darling, 10987 SE 28th Avenue, Milwaukie. She welcomed Carlotta. She hated to ruin her first night by being a complainer. But, she was not really complaining. She was really happy about living in Milwaukie, and she loved all the people. She hated that people could not get along. It really bugged her. Her remarks were inspired by the last few Council meetings. She was very concerned about the relationships between the Council and the citizens and the staff and the citizens. First, at the November 16 work session Councilor Barnes brought news from the Economic Development Committee that some businesses were unhappy that Council and staff valued citizens more than businesses, and that Milwaukie would never prosper unless businesses' needs were given priority over citizens. Higher priority. To top that off, the city manager defended that statement by saying – this was paraphrased because she did not know exactly what he said – my staff advocated for moving the proposed transit center site catering to the needs of the North Industrial folks. She thought the Working Group process was democratic, but by his admission, our city manager invalidated the Working Group as a

democratic process. These comments infuriated her when she heard them. Citizen involvement was so precious, why did the leaders put citizens down? How can we assure future participation when situations like this occur on camera for the entire world to see? On December 7, Councilor Loomis – on camera again – put down a long time neighborhood leader for standing in the way of progress and growth. Then other Councilmembers got on the bandwagon commenting about that person. What was going on? Was she so naïve to believe in the democratic process? What was different in Milwaukie's government than from the rest of America? Public servants, elected or not, should never express their personal opinions about individuals in controversial issues closing the lines of communications with their constituency. People elect leaders to provide guidance and direction for the common good. When decisions have a negative effect on the community or benefit a small portion of that community, they invalidate the common good. They look for leaders who were strong, have backbone, and tenacious in fighting for what believe in. This was the situation in Historic Milwaukie Neighborhood. Contrary to what Council might think, our NDA leadership was representing the needs and providing directions to help them achieve their neighborhood goals. It was not the other way around. Their leader's reputation and integrity were impeccable.

Les Poole, 15115 SE Lee, Milwaukie. He was at the meeting to make a couple of comments, not to rehash the transit center. He wanted to comment on Measure 37 not so much for the Council as the public. There was a lot of confusion. As a land use aficionado, he wanted to go on record with an example. 2004 was a trying year for everyone, and Milwaukie made some great progress on some issues. Kudos to everyone on the North Main Project – job well done. Kudos for a lot of things that were happening, and hopefully the City would see the project to improve Lake Road to take place. The speed limit was 20 mph 24-hours a day, so why would someone pass on the right side. Hopefully, the City will see the money for that project. He had real concerns about the intersection of Aldercrest and Oatfield. He requested that someone on the Council or someone at the Milwaukie facility come up with an answer to the questions he presented.

Mayor Bernard explained that intersection was not in the City.

Mr. Poole asked how many times that guardrail had been replaced. The expenditures going on there were incredible. It was not so much the guardrail as the accidents and the safety. They were looking at some development at North Clackamas Park. If the transit center ultimately ended up at Kellogg Lake, there would be some diversionary traffic that would traverse Lake Road and further burden that intersection. He had some real concerns, and Milwaukie would certainly be influencing that intersection. We will all be victims of that no matter where the intersection was. He had some concerns about the transit center, but he would save those for Metro. As everyone knew, there would be a process with public input and hearings in front of TriMet on that issue. The last thing he wanted to talk about was Measure 37. He discussed Kellogg Lake. If he wanted to build a house there and it was reasonable and doable, and the City or County or streamside protection ordinance from any government entity that was passed that

denied him the ability to build that home, he would qualify for a Measure 37 claim. But what if he decided to rezone the property to commercial for a coffee shop or a park-and-ride. Now he had to apply to rezone the property. He came to the City Council, and they asked him what he was doing. This won't work, and the application was denied for good reason. Did he have a Measure 37 claim? The answer was no. He did not lose any value. He may have been denied the opportunity to rezone his property or change the use or value. If he were stopped from putting a transit center on his property at Kellogg Lake, the Council had not stopped him from building a home there. What about the citizens living in the neighborhood? What if the City approved his transit center at Kellogg Lake, and across the lake there were several property owners who were looking at a possible loss in value. Would those property owners qualify for Measure 37 claims? Not in a million years because it was not their property. He knew the City Council probably recognized this, but he wanted to go on record and help clear the air. He was doing a lot of work in that area, and people were really confused. No one was going to put a Plaid Pantry next to a gravel pit overlooking a berry farm in spite of Measure 37. He appreciated the opportunity to speak. He looked forward to the next year. There were some comments about communication between the citizens, particularly Ed Zumwalt. He did one thing all of us would do if they were in his shoes. He stood up, he has been a man, and against all odds he tried to do the right thing. He understood the City Council was caught in the middle of all the politics. He understood the City Council would also try to stand up and do the right thing. Sometimes it is impossible to make people happy, and he understood that. He guaranteed if the transit center went in at Kellogg Lake there was nothing the City Council could do or talk about that would make anyone happy down there. Kellogg Lake aside, let's move forward on everything else.

PUBLIC HEARING

None.

OTHER BUSINESS

Advisory Board Appointments

Mayor Bernard, with the consent of Council, appointed **Dick Newman** to the Planning Commission, **Cheryl Ausmann-Moreno** to the Public Safety Advisory Committee as the Ardenwald representative, and **Randall Welch** to the Design and Landmarks Committee.

Councilor Loomis felt inspired to make a short comment in reference to the City Council meeting a couple of weeks ago. He apologized if he personally offended anyone, as that was not his intent. Sometimes as a Councilor, one was better off not saying anything. That particular evening, he should have followed that rule. Considering the comment about Mr. Swanson, that was off base. It's a new year, let's move on.

Mayor Bernard commented having disagreements on a decision was fine, but personal attacks were not. He thought it was the City Council's responsibility to protect itself and

staff. He felt it was his responsibility to address those concerns. No one knew if the transit center would end up there. There was a long way to go. It may be 2010 before the funding was even considered. People needed to calm down. He was involved with the I-205 light rail alignment, and it did not even look like it used to. One needed to start with a base somewhere. He and Mr. Zumwalt sat down a couple of days later and had a discussion. They felt good about one another and willing to work together to make something great for the community. This was not a personal thing. It should never be a personal thing. He argued with people all the time about parking on downtown streets in front of business. They still did it, but he did not hate them for it. He did not call them liars, cheaters, or crooks. Those were some of the words used. He was offended by that, and he was offended that night by some of those words. The City Council never attacked anyone personally during the process. He refused to be personally attacked. He was not being paid for this job; he was a volunteer. His goal was the same as Mr. Zumwalt's. He wanted what was best for the community and make the decisions he felt he could be comfortable with for the rest of his life. He has lived in Milwaukie his entire life, but he also traveled a lot. He had seen what other communities had done. One of the reasons he ran for Council was to make something happen. North Main was happening, and McLoughlin Boulevard was happening. He was excited about the McLoughlin Building project. We have to be open to the future and change and projects being different than they started out.

Adjournment

It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously.

Mayor Bernard adjourned the meeting at 7:55 p.m.

Pat DuVal, Recorder

CITY COUNCIL SATURDAY COFFEE HOUR

January 8, 2005

8:00 a.m.

Public Safety Building Community Meeting Room

Attendees: David Aschenbrenner, Deborah Barnes, Jim Bernard, Greg Chaimov, Carlotta Collette, Roger Cornell, Rosemary Crites, Debbie Cronk, Terrie Darling, Jeff Klein, Joe Loomis, Kathleen McIntire, Eric Shawn, Dion Shepard, Howard Steward, Susan Stone, Ed Zumwalt.

Joe Loomis reviewed the agenda.

Neighborhood District Association (NDA) Updates

Hector Campbell -- Dave Aschenbrenner

- Planting party at Homewood Park today 9 – noon. He felt this was a great success story for his neighborhood. He discussed the playground equipment and seeking grants outside the City neighborhood program to help pay for the structure. He planned to purchase equipment similar to the Parks District in the event it maintained the park in the future.
- There about three homes under construction in the neighborhood.
- Gramor will update the NDA on its project. His neighborhood was concerned about the 224/Oak Street intersection and the railroad crossing at 37th/Railroad. He recommended turn lanes or alternating directional signals east and west at Oak Street. That intersection was a mess. He thought ODOT needed to be seriously lobbied to get them to come around. He knew Harrison was tricky because of the railroad crossing. If and when the Gramor went in, he knew there was some street widening on Oak. That might be an opportunity to get ODOT going.
- The King Road Center was moving along. He was still talking to staff about issues related to the 42/Harrison intersection.
- He discussed budget issues related to library, police, and street system development (SDC) funds.
- His main concerns were with ODOT and the railroad crossings that did not have good pedestrian access. That would be a good place to use SDC funds.

Bernard noted the Joint Policy Advisory Committee on Transportation (JPACT) was seeking funds for railroad crossings.

Loomis asked Aschenbrenner to discuss his concerns about 42/Harrison.

Aschenbrenner said people were never notified about what was going on. The signage was not really done well. There will be more traffic issues as the site is developed. At one time there was a discussion of a 4-way stop at 43/King, but that did not make it into the Planning Commission document, but it was agreed to by staff. Signage needed to stand out that there was a traffic change.

Loomis had an issue with traffic backing up at that intersection and at 32/Harrison. He thought there should be left-turn only lanes.

Aschenbrenner agreed and that was where there was a backup. He would continue to work with staff to make it work better. The signage needed to stand out. It would have been nice if there had been some landscaping on the pedestrian island because it was pretty ugly. 42/King was also a bottleneck.

Historic Milwaukie NDA – Ed Zumwalt

- The Gramor project abutted his neighborhood. Now that it would be developed the traffic plan is so important. Sometimes only one car at a time gets across Hwy 224 on Monroe. They claimed it was not a magnet -- just sort of a pass by, but he did not think that was true. Something needed to be done with Monroe. Here we go with ODOT again. One of the worst intersections in this whole City has always been Washington, Oak and 224. That was one of ODOT's lesser efforts; it was a disaster. It will be a real chore. Who's going to pay for it? What's the formula for who paid for what?
- **Cornell** said it all had to do with the findings when they did their traffic reports. If one looked historically, every development we agreed to in the past couple of years was minimal – no traffic mitigation required. No one ever challenges, and if they did they would be told there was no impacts. Someone needed to do his or her homework. Who do you believe?
- **Zumwalt** said it grew incrementally. People thought they were always screaming and hollering, and they were. They were surrounded by different projects. One project may not make any difference, but when you start putting those increments on each other, you have North Main, transit center, Safeway – that Safeway store will cause problems for his neighborhood. Then there is the Murphy property and the McFarland property. In ten years something will be there because it's valuable property. A lot of that depended on what was done with Oak Street in the Gramor development. It all fell in line. The Traffic Management Plan was okayed about a year ago. Johnson Creek said that would go before the City Council in May, and then it would be another year before it could be implemented. There were triggers in the plan, and if there was money, something would be done. That plan was important and should have been before the City Council long before this. The North Main project is 97 units and how many cars? Kemper said he would have 97 parking spaces, but Zumwalt thought there would be 30 – 40 more cars than that. Plus retail.
- **Shawn** asked if he had heard correctly that the studies tended to show there were no impacts.
- **Cornell** spoke to the development on the old Safeway site. They projected an additional 3,000 cars per day. It was all under the auspices of project. That was how studies were done. They would say 40% of those cars would go eastbound on Harrison Street, which represented 1,200 cars per day. Then they say X will come from McLoughlin Boulevard and X would come from somewhere else. Then they say they thought there would be an impact to the neighborhood. That was what they say in their traffic study. That was as

scientific as it got. They did not project any impact less than 25 cars per day, which was the trigger that said some investment needed to be made. Nobody challenges it. It goes before the Planning Commission. It was a ludicrous statement. There would be 3,000 cars going up and down Harrison from a residential area, and they would find out quickly that there were better ways to go that were faster and had fewer restrictions. How did one state their case? They testify in front of the Planning Commission. They testify in front of the City Council. The development got a free walk. The neighborhood absorbed all the traffic.

- **Zumwalt** said that was like the transit center that said no more traffic would be going through the Historic Milwaukie NDA. Our own consultant said 720 a day minimum split between Washington, Harrison, and Monroe. That would be 720 cars going by schools and through a residential neighborhood. Someone needed to pay attention to those numbers. These cars will cut through on 27th, 28th, and 29th. How do we blindly say that 720 cars was nothing?
- **Shawn** asked what kind of impact that conversation had on Council members.
- **Bernard** said those decisions would have to be appealed to Council.
- **Collette** asked if the City was in the process of looking at a new Transportation System Plan (TSP). She agreed the City needed to take a comprehensive look at all the development going on.
- **Cornell** said with the downtown development plan in 2000, Council directed staff to set up a traffic management plan which they did. \$45,000 was allocated for a transportation parking plan for the downtown and adjacent neighborhood. It went through the budget process, and the money was spent. He and Zumwalt were part of the team. Consultants were hired, and the result was a very comprehensive traffic management plan. It was written and has been sitting on a desk for 1-1/2 years because it was not forwarded to the City Council for consideration. The Planning Commission budgeted \$40,000 for traffic a year ago specifically for the downtown traffic mitigation area. Not one dime was spent. Not one proposal was recommended to the City Council. He was being told it was two to three years out. That was not good planning for traffic when there were so many developments going on. It was his opinion that the City Council listened to testimony from the experts and did the bobble head and accepted it. That was an indictment, and he knew no one liked to hear that, but that was what happened. Over the course of six years he had not heard one requirement for any kind of mitigation. It is always minimal, and it was not going to impact. He heard it come out of Council's mouth. Bernard said he did not think it would have any impact. It did. That was why the money was spent, and that was why there was a plan with triggers.

Stone said when Milwaukie Market Place was built it was opposed by the neighborhood to build on the wetlands, and there was a huge concern about what it would do to the neighborhood. It said in writing it would not impact it much. Issues would be mitigated. It doubled the traffic volume and ruined the neighborhood livability. Years later, after a citizen stepped forward and went on

the Traffic Safety Commission and got people to look at a Neighborhood Traffic Management Program to do traffic calming implementation. Did anything ever get done? She heard them loud and clear that the City should be proactive with this. It was her understanding that the \$40,000 that was earmarked for traffic calming – she thought that was going to be spent in the next budget cycle.

Zumwalt said that did not happen.

Collette was concerned the group was going to spend its entire time looking at the transportation issue. She wanted to know who was present and hear some of the neighborhood reports before returning to the big issue of traffic.

Stone said it was the number one complaint, and **Collette** agreed that was what she heard when campaigning.

The group returned to introductions.

- Councilor Susan Stone
- Councilor Joe Loomis
- Judy Cronk, 28th Avenue resident, owner of several rental properties. She was concerned about traffic and livability
- Dion Shepard, Historic Milwaukie resident
- Councilor Barnes
- Kathleen McIntire, Historic Milwaukie resident
- Eric Shawn
- Howard Steward, Planning Commission member
- Mayor Jim Bernard
- Jeff Klein, Lewelling NDA Chair and Planning Commission member
- Councilor Carlotta Collette, Ardenwald NDA Chair
- Rosemary Crites, Aldercrest Road
- Roger Cornell, Historic Milwaukie resident
- Ed Zumwalt, Historic Milwaukie resident
- Terrie Darling, Historic Milwaukie resident
- Dave Aschenbrenner, Hector Campbell NDA Chair, Budget Committee member
- Greg Chaimov, Island Station resident
- Pat DuVal, City Recorder
- Brad, member of St. John's Catholic Church

Bernard said the City Council could not discuss anything that might go before the Planning Commission. The Parks District was a good example of what would be going to the Commission. They would have to be careful not to go into specifics on any particular item. The public could discuss it, but the City Council and Planning Commission could not respond.

Klein would declare an ex parte contact.

Loomis discussed Oregon Public Meetings Laws. The City Council seldom had a chance to talk together like this, and the members went into big issues just studying things on their own. In a discussion like this the City Council could hear about people's concerns although the members could not really engage in discussion on some issues. He thought that was the purpose of these meetings.

Crites commented that was the problem she felt with the Planning Commission. It was in front of your face but one could not talk to fellow Commissioners and had to vote on it. The Planning Commission could not talk to citizens. It was a real handicap.

Aschenbrenner added from the citizen's perspective, they only had three minutes to make their case.

Zumwalt said there were Planning Commission members who were frustrated and resigned because they felt their hands were tied.

Steward discussed the Gramor application that came out of the blue, and members could not talk about the impact of one application on another.

Collette said decisions cannot be made in a back room, but there did need to be a process for getting information and having a dialogue. She did not understand why things could not be discussed that were going before the Planning Commission.

Bernard said the project could be discussed in concept.

Crites went back to the Planning Commission. Some things were very technical, and each person had certain degrees of knowledge. She thought a lot of the voting was done by guess, but the point was these were very serious issues.

Klein said that was part of the reasoning for doing that. Each Commissioner had to research the information, and questions were asked during the proceedings. When the Planning Commission made its decision, no one was lobbying the members. No one was trying to influence the members. If there were questions, then they were asked.

Collette said there was a huge amount of discussion on the Design and Landmarks Committee (DLC) regarding design details and traffic. It was not as if the paper became before the Committee, and people had to vote. There were opportunities for dialogue. She wondered if public comment should come later in the hearing.

Cornell recommended that someone should look at the rules of engagement. If the Council or Planning Commission needed more time and expertise, then it should call a meeting.

Stone thought that was a great suggestion. There were times on Council when she became frustrated over big issues because there was no real time for deliberation to really discuss the pros and cons of an issue. As much as one might try to research on one's own, there might still be something based on background, knowledge, or expertise that one may not have thought of. Knowledge was power, and that was how the best decisions were made.

Loomis recently received e-mail from Joe Krumm who was the information officer for the School District and was dealing with a contentious issue about a book. He summed up the e-mail, and said he hoped this was what this meeting would accomplish. "The result was a quiet discussion that pointed at times did not create an overly emotional atmosphere. Afterwards, most everyone was still on speaking terms with those they disagreed with." Loomis hoped that would come out of this meeting and that people were still on speaking terms even though they disagreed. That was his goal for these meetings.

Barnes thought it was good to be outside a forum where there were cameras rolling. She thought people would be more real. Someone said the City Council had the podium, and there was a disconnect. The City Council members were not judges. The Councilors grew up in Milwaukie and were just like everyone else with bills to pay and kids to transport. She felt this forum was much better to make an actual connection without the camera and microphones. This setting was less formal and less tense.

Stone said this was just the thing and hoped the turn out would continue to be good, so the City Council can deliberate issues with people and get more input. She recommended the Planning Commission do a similar thing. The more information the City Council heard about the issues from the community, the better its decisions would be. It had been frustrating to her that everyone had not had the opportunity to get together. In the long run the City Council would make better decisions.

Collette agreed with Barnes' comments. She was amazed how nervous she was to be on the other side of the podium with the microphones on. It was very daunting and really set up a barrier between the City Council and the citizens. She discussed the League of Oregon Cities workshop on how Council conducted business. With barriers, City Councils did not get the kind of give-and-take they needed. For her that rang true, and she really liked this kind of format where people could just talk. She was very impressed with the number of people in attendance particularly those from the Historic Milwaukie NDA. That neighborhood was the axle on the wheel, and the traffic problems would be much more concentrated. The City would have to look at the cumulative impacts of each of the projects.

Bernard wanted a chance to talk in more depth about philosophies. There was a City Council at one time that decided it could not compete with the Clackamas

Town Center and Milwaukie MarketPlace, so they decided to take a new direction. Because of that direction, the downtown was destroyed. In that position, he would have been competing rather than giving up. The City Council does care about how development impacts all Milwaukie neighborhoods.

Crites added the Planning Commission has good people.

Bernard said people needed to get together and talk about the community. Everyone lived here. The Planning Commissioners cared about traffic impacts. He thought about what the Gramor site could do, and something would need to be done about transportation and parking. The Council needed to get a planner in there to get ahead of the curve. He thought people needed to talk about philosophies. His was that thing were given up, and the City needed to go after things.

Zumwalt said the City was way behind the annexation curve.

Bernard said that was something he had been going after for four years. Rob Kappa called and told him he had to annex. It was hard and it took time.

Zumwalt referred to the Portland State Study.

Aschenbrenner said sometime he would like to bring in some staff people to find out where they were coming from. Sometimes he did not think the City Council knew where staff was going with some of the issues like transportation. He suggested setting aside 15 minutes for a briefing because he felt there was some disconnect. That might be another purpose.

Darling said when she went to City Council meetings, the staff presentations were long and drawn out and boring. They get plenty of time to talk about stuff. She likes citizens being able to talk to Council members. She was not in favor of staff coming and making presentations.

Loomis scratched the discussion of the Fire District Annexation from the agenda.

Stone thought it was a good idea for City Council to sit down with staff to discuss its philosophy and what it wanted staff to implement. She thought it would be a good idea to sit down and discuss philosophy about what we want for our City. The tree issue was an example. That should be a no-brainer. We do not want trees cut down. When the staff did design projects around old growth trees, they know that right away. Those were the kinds of things that were meaningful to the community that needed to be communicated to staff. The development that Walgreen's was interested in – was that the kind of a business that the City wanted in there? What did the City want? Did it want more green space? Did it

want a plaza idea? Milwaukie needed to look at the surrounding communities to see how those cities developed.

Zumwalt said the City had a vision and goals and asked Stone how that tied in.

Stone said that should tie in with what the City was doing. A lot of times things just come up, and they are implemented. It was like – wait a minute. I don't think we really wanted that. The City Council needed to be looking at the Downtown Riverfront Framework Plans before making decisions about how development occurred. The City Council needed to look at all of those things in place that formed the foundation for the philosophy. She thought it would be a good dialogue between staff and City Council as to whether everyone was on the same page.

Collette said the trees were a good example. When the City started doing its street work, its priority was moving cars. If they heard over and over and finally got it that the priority was not to move cars faster through the neighborhood but it was to save and preserve trees. Introduce curves to slow traffic rather than straightening out streets to slow traffic. If staff heard in a session like this that the community very strongly wanted them to look at every single street differently than they do right now – they were starting to get it – but it was not all the way through. She thought that would be very helpful because the neighborhood streets were what brought traffic in. Moving a street slightly around a tree was what slowed drivers down and reduced traffic. Portland is doing that in its green streets program. Milwaukie could do a lot more. The priorities right now are not quite what the people in the community want them to be.

Darling would like to actually ask a Councilor a question and get a response. Being new to City government, she did not know all the ground rules. For her, this was a way for her to get to know her Councilors and to find out what they can and cannot comment on. It was important to know who stood where. She understood the City Council directed staff to do the things that needed to be done. The City Council and staff should have its own little meetings. The citizens can talk to Council, and then Council directs staff. That kind of infrastructure needed to be set up.

Barnes clarified that it was Mike Swanson's responsibility as City Manager to direct staff. It was the Council's responsibility to set an agenda, priorities, and a vision. It was the City Manager's job to ensure staff was on board with that.

Cornell said that was done by resolution. The staff created the resolution that the Council modified and approved.

Zumwalt observed sometimes you find out someone might be leading that should not. He thought this meeting was okay, but eventually the agenda would

have to be tightened up because of people like him. He recommended keeping the meetings to 1-1/2 hours.

Darling suggested that people send topics in via e-mail.

The group discussed a report on the Downtown Traffic and Parking Study and implementation plans.

Steward would like the discussion of how wide legally the communication process could be. If people felt it was too constraining, he recommended communicating that feeling to the State of Oregon.

Cornell thought this was a good forum and was a lot more friendly than some that he had been to in public with the cameras. Over the last couple of months he used a lot of personal restraint and had not been before the City Council. What troubled him and needed to be fixed immediately was the rhetoric and the personal comments from the City Council. It had to stop. It happened over and over again. It happened in print. If there was going to be any kind of trust and rules of the road in a forum like this. It had to stop.

Bernard said it had to happen on the other side, too.

Cornell recalled that when Bernard took office one of the first rules was no names and no personalizing. That did not happen. It used to be a self-controlling body. The citizens elected for leadership, and he wanted to see the Council lead and show restraint even if they felt personal about it. Take people to the woodshed privately, but not on camera and not in print. He thought that would be a good ground rule, even for these sessions. These sessions could get a little more lively, and people could lay out how they felt. That was a dangerous thing to do in open session when the cameras were rolling

Bernard it had to be two way.

Darling thought it was bad for the City's reputation.

Crites observed that the City had been at war, and things had gotten ugly over certain issues. One side called the other side names, and there was a lot of bitterness. Let's start over. Nothing gets done if people go to war. The idea was to sit down and look at the pro's and con's and talk about them intelligently without hurting either party. Kind of grow up.

Shawn would like a way to have conversations about issues and share information. He thought there was a way public meetings could be organized such that the process seemed to control the dialogue and content of the dialogue. It can be set in such a way that it blocked certain information from coming into public conversation. He saw this as an opportunity to find a way to

let some of that information and conversation occur so all the pieces were out on the table so that decisions could be made and all the extraneous pieces could be there. He was not sure of all the public meeting law constraints, but it seemed like one of the limitations of the process rules was that they could be used to prevent information from coming forward. Allow it to come out somehow.

Loomis thought that tied with Steward's comment. Milwaukie could be a model of how to do it.

Stone would follow up with the attorney and city manager. Maybe the Planning Commission could have these kinds of session also.

Darling liked the time because people who worked could participate.

Open Discussion

Loomis said the City Council was really new, and it was a learning process for the group. Speaking for himself, Loomis commented it was different being up there. One represented the entire community. For years he had not worn a tie, but he did it now because it presented an image. He felt he owed that to the City. Even if a Councilor felt attacked it was unprofessional to respond in a personal or negative way. When people cross the line with personal attacks on staff or others, it should be brought to their attention. If there was an accusation, it should be factual, not paraphrased. Come in with the facts in line. All those kinds of hits were better from the public and City Council standpoints if they were done in a less public forum. It did not do any good image-wise or relationship-wise.

Cornell said the Council did not need to make personal comments or defend people.

Darling said her point was that as a citizen, she looked toward the City Council as the leadership. When she saw something amiss in staff, she would look to the City Council to do something about that. She would rather mention something to the City Council in private. If it was done in public, it might get addressed. If one said something to a Councilor in private, they would pooh-pooh it. She thought that was where she got confused about what was appropriate and what was not. To her that was a very important issue that needed to be addressed. She would probably push that further. She looked to the City Council to do that. If there was a different way citizens could bring up issues they felt were not being dealt with, she would be happy to hear that. She would be happy not to do that on camera.

Crites discussed putting together an e-mail information center to give people a chance to come together with some thoughts for discussion.

The group discussed e-mail as a public record.

Bernard discussed public attacks. He felt the people testifying were responsible for not attacking staff or Council. He was okay if people wanted to say someone was wrong. But not to say things like this was conspiracy or you're a crook or a liar.

Zumwalt responded he did not say that.

Bernard would ask people at the next meeting to restrict their comments and no attacks. If people disagreed, that was fine, but to say things that attacked individuals was just plain wrong.

Cornell thought there should be rules for the road. Citizens had the right to bring issues before the City Council. Unfortunately, and it was human nature, Council had to show restraint because it was a neutral body representing the City. It cannot digress into using its position to make attacks. That was not appropriate. He did not want to go into the minutes, but if he read them back, the City Council would probably agree that the comments were not appropriate from a Council position. He suggested that Council take that up and discuss it and have some kind of baseline where the Council would self-regulate. Make that a priority. The City Council cannot control everything that came at them. There would be crazy people like him who came up and said things. Unfortunately, the Council could not get angry and punish him publicly or make inappropriate comments back to him.

Darling said when not on camera we were all just people here, she thought it was appropriate. The time at the Council session was used inappropriately. A lot of time was wasted on personal arguing and not getting the work done. For her it was frustrating to go to a Council meeting. She wanted to see something get done. Divert some of the things that happen in Council to sessions like this and resolve issues on a one-on-one basis with citizens. She thought it was much more beneficial in that respect. Establish some ground rules. It had to get out in the open some time.

Zumwalt said if he wanted to come to the City Council and point something he saw on the tape, statements made by Councilors, and statements made by a high member of staff and he wanted to present it. He did that, and he thought the Mayor should look at those tapes himself. The statements made on that tape confirmed what he had been saying for months. The minutes confirmed what he said. He was told something for 14 months – my goodness the story changed didn't it. He was trying to point that out. He begged the Mayor to look at those tapes.

Bernard intended to look at the tapes, but the library was not open. He promised to look at the tapes. He did talk to people about specific comments.

Comments can be interpreted in certain ways. He discussed Barnes' comments about what Bob's Red Mill said – how nothing would get done if only citizens were listened to. He did not think that was her intention to say that the City would stop listening to citizens. He thought she was attacked on the basis of the comments she was simply repeating. If Bob thought like that as a business man that was fine.

Zumwalt said it sounded to him on the tape – the minutes were not exact – the tape was different. He was talking about Councilor Barnes when she said she was talking to a businessman – this was almost word for word.

Barnes wanted word for word because there were problems about paraphrasing.

Zumwalt looked at the tape over and over again because he could not believe what was coming at him. She talked to a businessman who said the City could not listen to the citizens because if it did there wouldn't be any businesses in town.

Barnes said that was not what she said exactly. She was paraphrasing what Bob from Bob's Red Mill said at the Economic Development meeting, but it was not those words. If Zumwalt wanted to know specific....

Loomis asked what the intent of her comment was.

Barnes said what she brought to the table during work session was regarding the Economic Development Committee meeting. Bob had some concerns. She did not have her notes. She was paraphrasing what Bob brought to the table that day. He never said businesses were the only important thing. He was more concerned businesses were left out of any discussions up to this point. It was not that residents were band and businesses were great. He was just glad the businesses and residents were working more closely on an economic development team and work as a team. Zumwalt could have called her, Bob, or anyone that had been at that meeting. It was not as big as it was made out to be.

Loomis understood if there was a question or if someone did hear something... He has misspoken and people were misinterpreted or what one said was not what she meant. That is what happens in the newspaper all the time. People make mistakes, and he thought that was what people were saying here. It was no ones fault. It was just misinterpretation. Those were the things that festered and grew to the point where people could not work together. It was obvious to him, any one in the community and member of any working body, if you were not together, nothing got accomplished.

Stone added it was about how something was perceived when said. Even at the work session, Mike Swanson perceived it the way Zumwalt did. Things can be

looked at – there were two sides to the coin. How one said something and how one phrased it, people based their interpretations on that.

Loomis said no matter how careful people were, it would happen again. That was not Barnes' intent, but it came out that way.

Zumwalt said right after that Swanson took issue. He said our staff performed 100% to make those North Industrial people happy to move that transit center from North Industrial to Kellogg Lake.

Loomis thought that argument was moot because his first Council meeting dealt with identifying Southgate as the locally preferred option. There was a man from Iridio that said he was not notified about the transit issue. Barnes said that was not the first time she heard that. Loomis said it was not the intention of the staff because it tried to notify everyone and that everyone wanted to work together. They then suggested re-doing. John Gessner said the staff did notify them. Swanson and staff were upset with Council for opening it up again because the businesses had their chances. The Council opened it up, and that was where the whole process started with TriMet. It was because of Council, not staff. If there was a master plan or a conspiracy, why would staff have been upset. The Council went through this whole process. He thought the whole process was good. He made a decision and some people were upset. He did not want the City just to do what it had to do and not bother to listen to the citizens. Let's not bother listening to the citizens and just rubber stamp it out the door. The City Council bends over backwards to try to involve the citizens and neighborhoods for their input, put it all together, agree that out of this would come a decision. In the end people were still angry, and the whole thing still falls apart. What's the point of spending all that time and all that effort and ending up with the same result? That was his defense of the process.

Crites said the different neighborhood associations were valuable for Milwaukie. She understood after the business people said they were not notified, that they were developing their own organization. From an outsider's perspective, everyone had a self-serving agenda to some extent. Their self-serving agenda were their businesses. They did not live in Milwaukie. She did not see any of those people in downtown Milwaukie. They were trying to save their turf. That committee was made up about 12 of those people. In her opinion, only 2 should have been on that committee representing the whole group. She felt a lot of citizen input was lost because of the daytime meeting.

Loomis discussed staff's comments. Swanson and staff were to be the neutral parties, and did not favor one thing. They had the best interest of Milwaukie in mind.

Zumwalt discussed the process. When he got out of the hospital in May 2003, Rouyer asked him to look at the 2.4 layout. He told her it was right up against his

neighborhood, and he did not like it. He did not want any more dog and pony shows. The meetings started in the first week of August. Michael Fischer of TriMet and Michelle Gregory invited him to lunch, and they showed him a plan and asked his opinion. He told them he did not like it any better now than he did in May. They said, "What – you've seen this before?" It was right next to the neighborhood and would create all kinds of traffic problems. The consultant later said 720 cars per day. As things went on, 2.5 evolved from that. Aschenbrenner had seen the same plan, so it was no surprise to him. The thing just kept floating, and Zumwalt got a little uneasy. He called Mr. Swanson and told him he thought it was being orchestrated and he did not like the smell. He thought was a done deal. Swanson told him to have faith in the process. He asked Rouyer for her expertise about where the transit center should go. She told him the solution had to come from the bottom up. He told her he was frustrated. He wanted help from someone who got paid \$80,000 - \$90,000 a year. She said figure it out yourself because Swanson said it had to come from the bottom up. The Working Group had to make its own decision. He wanted to revisit the Downtown Plan. No one would do it until Cornell did it. He went down the list of how the transit center placement worked in with the Plan. She asked to please revisit the downtown in an open meeting. No one would do that until Mr. Cornell brought it up. They listened quietly for about 30 minutes, and that was the end of that ballgame. Cornell spent a lot of hours doing this. He called Gregory and asked what could be done because he did not like the way it was going. How did it fit with the very expensive Downtown Plan? Gregory suggested he ask staff to revisit it. Nothing came of it when Cornell did. He told Cornell he had seen 2.4, and something was funny. Swanson told Cornell and him in a meeting that he had asked Rouyer to show him the Plan. Swanson volunteered to go to a neighborhood meeting, and he skated around the issue. He said it had to come from the people. Where was the help there? A week later, he said it was up to the group to make the decision. About a week or two later, he went before the Planning Commission and pushed and pounded home why the transit center had to go there. Why it had to go there. Why the process was so religious, so sanctified.

Loomis thought that was his job at that point.

Zumwalt thought a little candor would have been in order.

Loomis said the Working Group came up with a recommendation that he delivered to the Planning Commission.

Zumwalt and everyone in his neighborhood felt really blindsided. He was saying you gotta do this. He thought Swanson had 2.4 and 2.5 in his hip pocket when he went in.

Loomis said at that April meeting, they never wanted it to go past Southgate. He and Barnes brought it up. If there had been a big conspiracy or master plan,

Gessner, Rouyer and Swanson would not have been concerned about spending more staff time on it.

Bernard said light rail always ended at Washington Street.

Loomis said the issue was put to the Working Group. City Council pushed it because it did not feel the North Industrial businesses had been involved.

Cornell said read the resolution about what the City Council directed the Working Group to do. Minimize the impacts to the industrial area to Southgate – minimize. Not pick a new location. Read the resolution. The City Council let it go.

Loomis said if it was a fault it was one of Council not of staff. The process went on and on and no one came to the City Council to say it was off track.

Cornell said the City Council wrote the resolution. Swanson orchestrated it.

Shepard asked what the point would have been to go to the City Council. She thought the whole process was that the public could testify to bring up those concerns and issues at the Planning Commission. That did not even happen. She thought the truth was the perception – a year ago when she first met Zumwalt and the Working Group made its recommendation. She did not believe him when he said it was a done deal. She truly believed that citizen involvement, testimony at the Planning Commission – she did not know how they could have made the decision they did. Now she understood because there was obviously no communication amongst the group as a whole. How could a decision of this magnitude be made based on the information available and not have some kind of dialogue? How did the City Council know the information was totally factual or accurate? People make mistakes. Something could be written in such a way to sway everyone in one direction when it should be somewhere in the middle or in the opposite direction. She did not have the full history of how Milwaukie had done things in the past. She did not believe she was biased on that way whatsoever. She did not think that the process that was formed to look at this was – maybe initially it started on the right foot – but what they ended up with was totally wrong. Having done that, there were a number of situations where the City Council could have said, “wait a minute – that is not right – maybe we got off track.” Was there ever any acknowledgement that might have happened?

Zumwalt replied “no.”

Shepard thought the citizen involvement was a joke, and that was how she felt.

Zumwalt agreed.

Darling asked if there was any kind of directive from Council that asked for updates from staff.

Shepard replied City Council did get updates. The one time she saw an update it really concerned her, and she started going door-to-door after the City Council meeting on December 16, 2003. She saw at the Working Group meeting during the first week of December that they were outnumbered. There was no way that Working Group was going to make any decision other than the one it did. The main agenda was to get out of the north industrial site. They were outnumbered. If she had gone door-to-door, she could not have gotten enough citizen involvement to make those numbers any different.

Loomis said from all the testimony he read, everyone agreed it needed to be moved.

Klein believed there was community involvement. He was a newcomer, but he believed from the things he heard and saw that there was a lot of public input. A lot of thought went into the decision. The Working Group worked on this, and the recommendation went before the Planning Commission before he was appointed. The Planning Commission deliberated and made its decision which it passed along to the City Council. Subsequently, the City Council made its decision. Not everyone was upset. Some people in the community actually liked the decision. This was in his town and affected his neighborhood. The Safeway, that abutted Lewelling, did affect Historic Milwaukie. The fact that the transit center was chosen on Kellogg Lake did affect his neighborhood. He thought this was a great thing and something for the City to move forward on. To hear it pounded again and again that this was something awful and would destroy the City, he thought was flat out wrong. Loomis said during the City Council meeting that the City had been talking about this for 20 years. It was time to move forward. The decision was made. Let's see what happens with the next step.

Cornell said that was an ostrich with its head in the ground.

Steward said at an early point he talked to Rouyer. She had an opinion she would not share and told him to keep his mind open and listen carefully. He spent 18 hours between the Planning Commission and City Council meetings listening with his third ear for any discrepancies, and he voted on that site given the information he had at that time. He would do it again with that information and the information available to him today. To sit here and hear it was rigged, he saw Swanson writing his speech on a yellow pad in the meeting. He did not bring it in his hip pocket. Swanson read it from the yellow pad, which Steward saw with his own eyes. He was not upset with Loomis.

Collette said when she was going door-to-door canvassing, she brought up the transit center issue at hundreds of houses. In all the other neighborhoods she never once left a house with people thinking it was a bad decision. Some people

asked what went on, and when she sat down with them and talked about the pros and cons of all the decisions. Never did she leave a house where they disagreed with the decision. Historic Milwaukie had a legitimate concern and gripe. It was in the middle, and she felt the same about Johnson Creek Boulevard where she lived. The thing to do now was to make it as good as it can possibly be. Deal with the traffic – where it was coming from and where it would go. Move on and get it done right. Historic Milwaukie NDA had a concern that was not shared Citywide. She needed to look at decisions on a Citywide basis. There were issue related to every project, and particular neighborhoods would be impacted more than others. All the City could do every single time was to make the product as good as possible.

Bernard knocked on 23,000 doors and people asked why the City Council was not making the decision. People told him Milwaukie never got anything done. He thought the Historic Milwaukie NDA had an issue that needed to be dealt with by working together. The general community and the region did feel the City was going in the right direction. Now it needed to be done and done right.

Shepard thought the reason they felt that way was because it was not their problem. One could say it would not hurt the City, but without the Historic Milwaukie Neighborhood's being a livable place, the City would be hurt. As a neighborhood resident, she would not even argue if one thought there was something the City was doing in his neighborhood that would hurt them. Those who lived there needed a greater voice. She disagreed with Klein completely.

Klein wanted sidewalks in his neighborhood. He thought that was an important issue. For the last 45 years, there were schools located on it and multiple studies were done. He asked Shepard if she would help him discuss that the next time.

Shepard said she would.

Klein believed sidewalks in his neighborhood would be a good thing. He also believed a transit center in Milwaukie was a good thing. He believed the site made sense. It helped with the downtown growth and design. He and Shepard would disagree on that. What they would agree on was that a transit center would help out Milwaukie.

Shepard did not agree with that.

Cornell said Klein was right in that he was new to the process in Milwaukie. For over 10 years there have been studies, corridor meetings, and meetings with neighborhoods and TriMet and Metro regarding transit. The community studied and met in public forums substantially longer than this transit center on the Kellogg Lake site. They came to an agreement and came up with the 14 an agreement with the entire City united in agreement with the Southgate location.

The Planning Commission adopted it. It was adopted by the City Council. It was put in a resolution. Everybody said let's do it. Barnes wanted to see dirt moved in November. That was two years ago. Now we were talking about let's get it done. He thought it was done then. That was what was so troubling. The resolution was to go mitigate. It was because City Council said let's get some of the industrial people together and mitigate the problems that could occur in that area. They identified that. Minimize the impacts – that was the resolution – that was the directive. That was the stated goal from the very first meeting. Now it was now at the other end. Now he heard it was several years out. One of Swanson's points in his staff report was we could get it done faster at Kellogg Lake. That was in 2009. There was history. It was a good decision then. There was community support. There were thousands of hours of input. It was changed, and now we have some confusion. You tell me, if it was good then and City Council adopted it in a resolution, why was it better now and there is division?

Loomis wanted to get back to the point he made earlier that everyone in the Working Group agreed that Southgate did not work.

Cornell said that was not true. They said the alignment was not proper for Main Street.

Collette said several times the 1-point series at Southgate was rejected out of hand at several Working Group sessions. All said none of those options would work. That was why the Working Group looked at the 2-point options.

Loomis did not attend the meetings because Swanson and Zumwalt told him it would be better to stay away. In reading the minutes, Howard Dietrich said let's not even look, and Metro told him it needed to be studied and discussed.

Cornell said the matrix indicated Southgate was a high probability for Metro and TriMet. There was a lot more history than let's just move on. There was a lot of community investment in those decisions. There were perceptions and statements from City Council that people did not want change. He was the first one to say he did not oppose the transit center. He did not oppose change. He testified before the Planning Commission regarding the Safeway. He also testified about traffic, and he said he supported it.

Loomis talked with Cornell and said he misspoke. His emotions came in, and he knew Cornell was not against change. They did disagree on this issue. He got back to Joe Krumm's comment that when we leave here, we are all on speaking terms to work through this.

Crites asked how many buses would be there but she did not know. There seemed to be about 2-acres, and she thought the site was very small for a 4-

story parking structure and all of those buses. That size parking lot would have a pretty big footprint.

Bernard said the garage was for cars she was correct. It was determined that Southgate was not the right place because of the severe impacts on businesses and access to McLoughlin Boulevard. He did not know what would happen with the Kellogg Lake site.

Loomis added he was told the parking structure would fit. He had no reason to distrust that.

Zumwalt added for years people were told the Safeway site was big enough for a transit center too. All of a sudden they decided it would have to be redone in 8 years.

Shepard said if this was such a fantastic location, then why was it not one of the original sites that was part of the South Corridor Study. She did not believe all of the options were considered.

Loomis believed it was the best of the options, and the benefits outweighed the negatives on this site.

Cornell asked if there was enough evidence to have a discussion of the evidence presented. It did not occur.

Loomis was only discussing his thought process.

Shepard was told by the Planning Commission that it had not seen enough opposition because apparently there was not enough testimony. She was pleased that people did not just say they did not want it. There was testimony from the Cornell's that proved that some of the information considered by the Working Group was not factual. Not that anyone did it intentionally, but there were errors. How could there be a decision that this was the best place of the options considered when there were problems with the information presented. She thought that was the basis for the whole issue in that not everything was correct. There was other information that should have been considered.

Klein asked if any of the information presented by the opposition was incorrect.

Cornell asked how one would know without a discussion. TriMet, Metro, and staff always said it was coming from the citizens. As soon as someone entered some information that might be credible analytical work, it was dismissed and marginalized and ignored in favor of anything that TriMet, Metro, and staff put out. That was a crime.

Barnes took the Cornell's information and TriMet's study and had someone from PSU compare the data. She did not just take what was presented orally from either side. She spent more time being a reporter because everyone had some bias. She saw it as her job to be analytical and go to someone who had no stake in it. PSU said there were errors in each report. She made Swanson go back and sent everyone on City Council that identified errors in the TriMet/Metro study. It was not that she came in, listened, and it went in one ear out the other. She brought all the figures from both sides to someone who had no stake in the decision. The City Council spent countless hours reviewing, debating, and investigating. It was not a done deal from day one from anyone on the City Council.

Cornell said it would have been nice if TriMet, Metro, City staff or the City Council had even engaged in a conversation. Having heard what a large body of people, it would have been nice if there had been a discussion.

Barnes met with Zumwalt 6 times.

Colette added it also happened at a City Council meeting.

Barnes spoke with Zumwalt as the NDA chair.

Cornell said she did not talk with him. She did not return phone calls.

Barnes reviewed a list of 4 items with Zumwalt. She confirmed 4 of the 6 questions. Zumwalt had told her if she could confirm 6 items, then he would support the transit center where it stood. In the 3-day time frame to confirm 6 things, she confirmed 4 in writing for Zumwalt.

Zumwalt said she told him that she would get ODOT, TriMet and Metro to sign off on all of them. How could he get that cleared by all his neighbors. He wanted it in writing.

Barnes got 4 of the 6 answers, and then Zumwalt backed out and said it was not good enough.

Zumwalt said he was being asked to buy a pig in a poke for his neighborhood, and he said no way. He was asked to take the word of TriMet, Metro, and ODOT without a legal leg to stand on. He talked to other Council people, and they told him it was ridiculous.

Darling made a positive comment. The past was the past. This venue brought back a little confidence to her as a citizen. She did not particularly like people getting hot and bothered, but it was a good thing. She wanted to see the City move forward. She lived in Historic Milwaukie NDA and was against Kellogg Lake. She did not see it going there in the future. She wanted to make sure that

what happened in the past that led up to all these hurt feelings needed to be addressed. How the Working Group was conducted was a big issue for her because she wanted to make sure that everything was democratic and fair. It did not sound like it was fair to her, but that was in the past. She wanted to work on other things. She wanted to make sure the City Council heard her issue and addressed it. There should be some ground rules laid by the City Council before citizens were asked to spend time and that there was fair representation for all involved. Maybe that was true, but she was not there. In the future she did not think things would be that bad if she engaged in preventing it in the future. She wanted to be part of that discussion if it ever got to that point.

The group agreed that was a very good point.

Shawn said in terms of public meeting laws and conversations, how did he find out when it was possible for him to have a conversation with an elected representative about a particular topic. How did he get his information out in the open so there was a dialogue?

Loomis said there could be one-on-one conversations.

Collette suggested one or two Council members could attend a neighborhood meeting.

Stone said in land use decisions, the City Council could not speak on anything conducted in an executive session.

Bernard said issues could be addressed, but the City Council may not be able to comment. That was part of the record.

Loomis it was a fact this was a pretty young Council, and there was a lot of turnover. He knew that he learned through this decision that there were things he would question in the future. It was a learning process. He thought the issue of continuity resulted in things not getting done.

Zumwalt added there was no institutional memory and never had been. He believed it was a good forum regardless of all the venom.

The group discussed open forum and the disconnect between City Council, staff, and citizens. Some neighborhoods had more of the Council ear than others. The group agreed it did not want Swanson present for the meantime.

Zumwalt wanted to make it clear this was not a NIMBY situation. Even some of the City Council told him they did not really believe it would be good for the City.

Darling was in favor of the transit center and light rail but did not like the Kellogg Lake site. She always thought Southgate was the best location.

Cornell hoped people here would walk away talking to each other.

Zumwalt asked why there was no longer an open public forum at the work sessions. The group discussed reinstating that practice. Collette added this was a time for Council briefing and had concerns about opening them up to public questions. She hoped this forum would be that opportunity for discussion. If staff input were needed, perhaps one could be invited for that session. Stone was not opposed to doing that because sometimes there was extra time at the end of the work session. This could be the one-time per month because the work sessions were often full. Zumwalt said it was important for the neighborhood and people off the street to be able to speak to Council. Stone suggested interested persons e-mail DuVal. Bernard would take those e-mails as the chair.

Zumwalt offered to bring the refreshments to the February coffee.

The meeting ended at 10:25 p.m.

Pat DuVal, Recorder

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION JANUARY 18, 2005

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

Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Manager Mike Swanson, Finance Director Stewart Taylor, and Community Services Director JoAnn Herrigel.

Advisory Board Interviews

The City Council interviewed Barb Cartmill for the Design and Landmarks Committee and Greg Chaimov for the Library Board and Citizens Utility Advisory Board.

Oregon Solutions Riverfront Project

Ms. Herrigel introduced Steve Greenwood from Oregon Solutions. Oregon Solutions was a non-profit organization currently housed at PSU that facilitated public-private collaboration on projects around the state. The Governor who served as the Oregon Solutions Advisory Board Chair designated all of the projects. The group brought together public and private sector partners to help address community problems or opportunities. The Governor selected the Milwaukie Riverfront Project because it highlighted a strategy to connect public and private sector resources to improve the Willamette and to benefit both the environment and the economy.

She and Mr. Greenwood were currently putting together a group of partners interested in the project. Partners were being invited who could provide money, expertise, political support, volunteer efforts, and any other resources that would make this riverfront park something of which entire community could be proud. This was not a planning or design group. The outcome was hoped to be commitments from groups and individuals to help move the project forward. Ms. Herrigel said one of her frustrations in working with this project for 3 to 5 years was that she could not do all that she knew she could on any one project. Mr. Greenwood with Oregon Solutions behind him could bring the needed focus. Oregon Solutions identified \$5,000 from the Oregon Department of Transportation (ODOT) with a \$4,000 match from the City. There would be about 3 public meetings to begin in mid-February 2005 with the last one in June or July. The Governor appointed Metro Councilor Brian Newman and Riverfront Board Chair Dave Green as co-convenors. She asked that the City Council also appoint a representative from its membership.

Mr. Greenwood was excited about this project and had talked to people in the community during the past two weeks about this project. He had not talked to a single person who was not excited by the possibilities this riverfront plan represented. He believed the Oregon Solutions process could bring something to the table and help participants realize this vision. He worked with City staff, Brian Newman, Dave Green, and Ed Zumwalt of Celebrate Milwaukie, Inc. to identify potential partners. Mr. Greenwood provided a partial list: North Clackamas Parks and Recreation District, Riverfront Board, Friends of Kellogg and Mt. Scott Creeks, Oregon Marine Board, Oregon State Parks, ODOT, Milwaukie Rotary, ODS, Tom Kemper with the North Main Project, North Clackamas Chamber, and Celebrate Milwaukie, Inc. This was a smattering of public, private, and non-profit organizations. He emphasized this was not intended to be a complete list of all the stakeholders for the project; it included those whom he had already contacted. He wanted to make it clear that this was not the planning process. It was a group of people who could help make the project happen and more specifically to help the City make it happen. Oregon Solutions had the ability to solicit private donations because it had no regulatory relationships with the private sector. He found in the past that simply made the process easier and could focus on the project.

Mr. Greenwood reviewed the process. It was a structure that had been used successfully many times before. Oregon Solutions had worked on about 25-30 project, and he suggested that interested persons visit the organization's website to look at its other projects. This was the City's project to which Oregon Solutions would bring a structure to invite other people to help make it happen, and the City Council was one of the players. The process would not be that time consuming, and he anticipated about 3 meetings. The first meeting in mid-February would identify the vision and bring out those who were interested in being part of the effort. There might be a follow-up meeting to deal with issues and questions from the initial meeting. The final meeting would be in June or July. The timing was perfect in that a number of things were happening that fit into the plan. There was something to be said about momentum and activity. When people saw changes taking place, it helped them in looking at what was possible. The Trolley Trail, McLoughlin Boulevard improvements, and the North Main groundbreaking would all be starting this summer.

Councilor Loomis asked if all of the Oregon Solutions projects were successful.

Mr. Greenwood was not familiar with all of the projects but understood they resulted in varying degrees of success. The Delta Ponds Project in Eugene, which he staffed, was one of the most successful. The City put up \$5,000, and everyone was amazed at how quickly other resources came to the table. Almost immediately after that process was completed, there was a \$250,000 grant from Oregon State Parks and a \$400,000 grant from the Bureau of Land Management on the public sector side. Six Rotary Clubs in the Eugene area dedicated all of their volunteer time for the next two years to building a one-mile trail complete with a boardwalk. There were a number of other civic and environmental organizations committing volunteer time to maintain the park. Everyone felt a

sense of ownership in what was happening. Another highly successful project was part Fort Clatsop to the Sea Trail that was part of the Lewis and Clark Bicentennial.

Mayor Bernard said the City's goal was to create a multi-use facility. He would not want the committee to say high rises should be built because the land was so valuable.

Mr. Greenwood reiterated this was not a group that would come together to tell the City what it had to do. Oregon Solutions would help make happen what Milwaukie wanted.

Ms. Herrigel discussed the concept of a parallel process to engage the public in a discussion of the final design for the Riverfront Park. There was the adopted Downtown and Riverfront Plan as well as a concept plan. Staff wanted to work with the various stakeholders including the boaters and riparian and open space advocates. Staff wanted the project to be something everyone could participate in and feel good about. One idea was a design workshop open to the public and all of the stakeholders. There would be some restrictions as there was already an adopted Plan. To ever realize the project there would need to be some negotiating and compromise. Staff would prepare a proposal for Council for direction.

Councilor Collette asked Ms. Herrigel why the design would be done parallel to the solutions process.

Ms. Herrigel believed it would be offset somewhat. She did not want the momentum from the solutions group to be put on hold while the design part of the process was done. Even within the Riverfront Board members, there was some confusion about what Oregon Solutions was and what it could accomplish. She wanted to make it clear how these were separated.

Councilor Barnes asked Mr. Greenwood if he would help find applicable grants.

Mr. Greenwood replied there would probably be additional partners with grant knowledge. He did know from past projects what some of the funding sources might be. There were some other prospective participants who could bring financial resources to the table in the form of grants.

Mayor Bernard suggested involving the Port of Portland since it was a taxing entity.

Ms. Herrigel added some people have offered to help write grant applications.

Councilor Collette recommended involving the Johnson Creek Watershed Council.

Councilor Loomis referred to the Park and Recreation Board minutes and understood the challenge would be to make the project a reality.

Ms. Herrigel said Brian Newman the local convener was who since moved out of the community but still worked very diligently on the City's behalf.

Mr. Greenwood added that the community was somewhat broadly defined. In this case, Oregon Solutions was looking for the best of both worlds – the regional and the local perspectives.

Councilor Loomis commented if the Riverfront Park was done right, the whole community would be behind it. If it was done wrong, it would be a mess.

Council Loomis and **Councilor Stone** would attend the Oregon Solutions meetings on behalf of the City Council.

Oregon Marine Board Grant Program

Wayne Shuyler, Facilities Program Manager, Deputy Director, and Ray Lanham, Senior Facilities Engineer, and Janine Belleque, Grants and Contracts Coordinator from the Oregon Marine Board.

Mr. Shuyler provided background on the grant program. The State agency had a 5-member policy board appointed by the Governor and confirmed by the Senate. The Board met quarterly and made decisions about where the money went. The Director served at the pleasure of the Board and had a 39-member staff. Activities included registering boats and guides, contracting for law enforcement, and providing funds for facility development. All of the funding came from fees paid by voters, and the agency did not receive any general funds. It did receive some federal funds. The money was appropriated by the state legislature every two years, and funds were allocated by category for certain things. Statutorily, the categories were for quality improvements, law enforcement, administration of the agency, and grants for facilities.

He discussed amounts spent on boating facilities. In the current biennium and the previous three, the range was from \$1 million to almost \$5 million in state funds in addition to federal funds. In a good year, up to \$9 million was spent. There were a lot of factors involved with how much money was available. Over \$50 million was spent on 1,000 projects. It was a fair-sized program, and engineers were always looking at improving sites and adding new ones. Almost all of the projects were multi-use sites. In addition to state funds, the agency administered two federal programs. One disposed of boat wastes, and the other was for boats 27 feet or larger that were not trailerable. One of the most recent grants went to Oregon City's Jon Storm Park to serve transient boaters.

The grant cycle was on a biennium basis. The funding was in three sections. The next cycle of funding would occur in July when 70% of the anticipated revenue was allocated. Round 2 in April of the even years was a 20% allocation. The final round in the second odd year was a 10% allocation. Public entities could apply for such uses as master planning, feasibility studies, design and engineering, land acquisition, development of new facilities, and expansion and rehabilitation of existing facilities. The agency focused its funding on public boating access. The agency funded such things as ramps, transient docks, access roads, parking areas, and vessel waste systems. It also funded incidentals such as lights, landscaping, entry signs, walkways, and information kiosks.

Grants were based on a reimbursement process, and project could be phased. The agency did not pay for staff overhead, payroll, legal fees, lease costs, system development charges (SDC), equipment purchases, and other things that were a normal part of the City's doing business. The agency looked for a 25% match from local sponsors, which could be a combination of cash, materials, labor, equipment use, permit fees, administrative costs, and things of that nature. The agency did ask that those awarded a grant sign an agreement that included a promise to operate and maintain the facility for 20 years.

Mr. Shuyler discussed the maintenance assistance program. Currently, for the Jefferson Street ramp, the agency was paying the City's subcontractor, the North Clackamas Parks and Recreation District, \$4,400 annually. Finally, there was an emergency maintenance grant for up to \$10,000 for emergency repairs. That funding resource was discussed with Ms. Herrigel to make the current ramp more usable. There was a history with the Jefferson ramp dating back to the 1975 - 1997 biennium when the asphalt ramp and parking lot were installed. In 1981 - 1983 the agency helped fund the access road to the parking lot in conjunction with the Oregon Department of Fish and Wildlife. In 1983 - 1985 the flush restrooms were installed. That terms of the grant agreements for those projects have about expired.

According to agency records, there were about 3,260 boats registered in Milwaukie and about 20,000 in Clackamas County. In Milwaukie, the average boat length was about 16-feet. Based on a triennial survey, Jefferson Street went from the second most popular ramp in Clackamas County in 1999 to way down on the list. There was about an 85% drop off in use. On average, there were about 11,000 boat use days from that site.

Mayor Bernard said when he was the Riverfront Board chair, one of the issues that came up had to do with the number of parking spot. The space was very limited, and turning it all into parking was not an option. He asked what the current parking requirements were.

Mr. Shuyler said those were more guidelines than requirements to help the agency size facilities correctly. An analysis of the amount of time it took to launch a boat from a one-lane facility, parking, and restroom needs helped the agency determine what size facility was needed. They were no requirements. For the current ramp, the parking was not adequate. For a single-lane ramp, the current amount of parking might be sufficient. He understood the City had its own vision and constraints on the property. By the same token, the site probably did not need a two-lane ramp.

Mayor Bernard thought the Oregon Solutions process followed by the design discussion was a good start. He asked if points would be taken away if the City did not wish to expand the parking area. Would the City have to fight to get the dollars to do what it thought was important? There was definitely an emergency situation at the ramp, but he was concerned about what might happen in the future. Parking was the major issue, and the City did not really want to give away another inch.

Mr. Shuyler agreed it was a competitive process. Jefferson Street was an important ramp locally and regionally because there were not that many places to launch a boat on the lower Willamette. He thought the agency would recognize the importance of this ramp to the people in the area and would not quibble over the number of parking spaces. The size of the parcel spoke for itself. He did not think the City would be penalized for what it was dealt.

Councilor Loomis understood in some of the plans the asphalt footprint did not increase. The parking spaces were redesigned to utilize the space better. He asked if there were creative ways to make the City's match such as using staff time?

Mr. Shuyler replied staff time would be a soft match. It sounded as if Mr. Greenwood might find some resources.

Councilor Loomis asked if the City would still be able to close the ramp for certain events.

Ms. Belleque replied it was permissible on a periodic basis as long as sufficient notice was published. Closures were allowed as long as the local agency met boaters' needs.

Councilor Loomis discussed the steep bank and the feasibility of making it into a festival seating feature. He asked if that would fall within the funding guidelines.

Mr. Shuyler responded the agency would look at what could be done creatively and noted the area was already somewhat terraced.

Councilor Collette asked why there was an 85% drop in usage.

Mr. Shuyler thought it was probably because of the condition of the ramp.

Councilor Stone understood it was the second most popular ramp in the County in 1999. She asked if the agency staff had any comments at this time about the repair and replacement.

Mr. Shuyler said some work was done, but he preferred starting with a clean slate.

Councilor Stone discussed funding. If the City did decide to replace the ramp, then it would be obligated to leave it as it was for 20 years while knowing it would be actively pursuing development of the riverfront. It did not really seem like a feasible option. Could it be changed legislatively?

Mr. Shuyler explained it was an administrative rule.

Councilor Loomis understood the City also had the option of reimbursing the State.

Councilor Barnes remarked that the agency paid \$4,400 annually to NCPRD to maintain ramp and restrooms. She wondered what the District did with that money to have the ramp in this state of disrepair. She asked if the agency followed up on the use of that money.

Ms. Belleque responded that \$4,400 was just a drop in maintenance costs that included removing debris from the ramp and keeping the parking lot free of litter. The ramp had been deteriorated over several years. She noted until about 2 years ago, the maintenance amount was only about \$2,500. That was actually a very small amount toward the maintenance of the entire facility.

Councilor Loomis asked if it would be possible to attach a private dock for dragon boats.

Mr. Shuyler replied there was a standard floating dock for canoes, kayaks and smaller boats. There were no prohibitions about who used the facility; however, there was a clause about commercialization.

Councilor Loomis commented the dragon boats were looking for a new home. If that group had enough money to add on to that, then they could move here.

Mr. Shuyler believed there was a small boat facility at Oswego Point with a docking facility.

Mayor Bernard asked if the City could charge fees.

Mr. Shuyler replied the City was allowed charge a reasonable fee. If it were beyond reasonable, then there would be a diminution in the amount of the maintenance. fee. Double-dipping was discouraged.

Ms. Belleque said the grant agreement required that the City advise the agency of any fees it intended impose. The average launch fee was about \$4.

Mr. Shuyler said the grant application process was not really that lengthy. What did take time was the permitting process and coordination with the in-water work windows. He thought a replacement process would move more quickly. The Oregon Marine Board was contacted by Oregon Solutions and agreed to work in the process.

Goal Setting

The City Council agreed to set its goal setting work session for February 26 at 8:30 a.m. at City Hall.

Mayor Bernard adjourned the work session to go into executive session pursuant to ORS 192.660(2)(e) to discuss real property.

Mayor Bernard adjourned the work session at 6:35 p.m.

Pat DuVal, City Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JANUARY 18, 2005**

CALL TO ORDER

Mayor Bernard called the 1950th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Carlotta Collette
Susan Stone

Joe Loomis
Deborah Barnes

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
John Gessner,
Planning Director

JoAnn Herrigel,
Community Services Director
Paul Shirey,
Engineering Director
Mary Rowe,
Human Resource Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard and Councilor wished Monroe Sweetland a happy 95th birthday.

Milwaukie High School Student of the Month

Councilor Barnes recognized **Safa Ghnaim** a Milwaukie High School Senior who intended to continue at the University of British Columbia or University of Michigan as a pre-med student with the goal of becoming a pediatric oncologist. Over the years Ms. Ghnaim volunteered tirelessly to the community. Her involvement included the National Honor Society, Habitat for Humanity, French Club, Community 101, Tech Cadre, Respect and Tolerance Committee, and the Milwaukie Ledding Library. Her senior seminar project was designing and implementing a website for Women City Builders through Portland State University.

Principal Aeylin Summers announced that Milwaukie High School was the only Metro area high school to increase in the rankings from satisfactory to being a strong academic school. Everyone worked very hard to do this, and students like Ms. Ghnaim were only one example.

Councilor Barnes said one thing that made Milwaukie High School so special was that Principal Summers knew the names of each student.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the Consent Agenda that included:

- A. City Council minutes of January 4, 2005; and
- B. Resolution 3-2005: A Resolution of the City Council of the City of Milwaukie, Oregon Appropriating a 2004 Homeland Grant.

The motion to adopt the Consent Agenda passed unanimously. [5:0]

AUDIENCE PARTICIPATION

Jeff Klein, Lewelling Neighborhood District Association (NDA) Chair, 4479 SE Logus Road,. He announced that at the January 6, 2005, NDA meeting, the members voted unanimously in support of the job the staff, Council, and Mayor were doing done, and the members were optimistic of the leadership in the future. Since becoming chair of the NDA, he met and worked with many members of the City staff. Although all staff may not live in Milwaukie, they do take ownership. From the recommendations staff made to the City Council and Commissions to helping local students on their school projects, all was done with one common goal – to make Milwaukie a better place. Staff was accessible and accommodating of his endless questions. He had several meetings with staff about issues facing Lewelling. Everyone he met was helpful and insightful and offered assistance in accomplishing the neighborhood goals. Not once did anyone try to moderate his unrealistic enthusiasm but rather pointed him in the right direction to succeed. He believed staff did this because if they could help him make his neighborhood a better place to live, then they accomplished a greater goal of their own – to make Milwaukie a better place to live for all. The Lewelling NDA unanimously supported City staff. For the Mayor and Council, the last few months were trying. The Lewelling NDA members appreciated the group’s decisions. More importantly, they appreciated the decisions of the individuals. He believed each decision was based on what he/she thought was best for Milwaukie. Each made his home here, celebrated the history, and looked for a bright future in the City. Every decision was made with one thing in mind – to make Milwaukie a better place to live. Every decision made as a group was made with one voice – to make Milwaukie a better place to live for all of the neighbors. The Lewelling Neighborhood recognized the difficulties facing the staff, Council, and the Mayor and felt it was important to let them know the NDA appreciated them and their efforts.

PUBLIC HEARING

Proposed Resolution Requesting Annexation to Clackamas County Fire District #1 -- Resolution

Mayor Bernard called the public hearing to order at 7:12 p.m.

The purpose of the hearing was to consider public comment on the proposed annexation.

Staff Report: **Mr. Swanson** noted the proposed resolution in the packet contained an error and should have read that the City paid \$2,891,000 in fiscal year 2004 – 2005. By this resolution, the City Council was asked that the Clackamas County Fire District 1 (CCFD1) Board grant the City the opportunity to submit the question before the voters of the City. The District Board must consider the request and respond no later than 90 days before the election. The City was assuming at this time that the election date would be May 17, 2005, but that was the Board’s decision. If approved at this meeting,

the resolution would be certified to the Board for its consideration at an upcoming meeting.

In September 47% of the voters said “yes” to the measure and 53% said “no.” For the May election, the City would have a companion measure that would be certified at the same time as the annexation question was certified. He would bring the subject of the companion measure to the next City Council work session. The question would be what the City Council wanted to propose in terms of the tax that could be captured. Did the Council want to submit a question to the voters that would utilize a portion of that for specific services? Did the City Council want the effect of the annexation to be a net zero? The intention of submitting the second question was to somewhat clarify the total effect of the annexation if it were to succeed. The issue before Council at this meeting was merely to ask the District Board permission to move to the next level which would be the certification of a measure to the May ballot.

Mr. Swanson noted **Chief Norm Whiteley** was present to answer questions. He was Chief for CCFD1 and also the City of Milwaukie’s chief by contract with the District.

Mayor Bernard said one question asked during the last election was why the City would want to give its fire department away to Clackamas County. That was an issue with people, and he asked Chief Whiteley to describe the District, the Board, and its relationship to the Clackamas County Commissioners.

Chief Whiteley replied CCFD1 was a separate taxing district and a standalone Fire District not connected to the County government. It had its own 5-member board elected by District residents. There was no tie to the County other than that the District was formed in Clackamas County. The District provided service to the City of Milwaukie for a number of years under a contract. Milwaukie was protected with four stations that were either right on the edges of the City or in the City. Milwaukie had some of the best response times for fire service in the state. The District enjoyed a good working relationship with staff and many of the neighborhood groups. The District planned to be the provider for the long-term, and the District believed this was more of a governance issue that would allow Milwaukie residents to vote on District-wide decisions and run for a seat on the elected board.

Mr. Swanson added CCFD1 was related to the County only because it used the words “Clackamas County.” CCFD1 was a standalone, separate unit of government that neither reported to nor in any way was controlled or governed by Clackamas County – the County government entity. It was a completely independent service provider with its own elected board.

Mayor Bernard understood that Chief Whiteley said it was a Clackamas County Fire Department because that was how they were all formed. He tried to explain to people that the relationship was in name only.

Mr. Swanson said at one time there was a multiplicity of departments in this area. There was a department that was called Clackamas County Fire District #54 that eventually merged. When they were created, they needed an identifying entity, so they used Clackamas County. At one time there was the Oak Lodge Fire District, and when that District formed they chose to take the name Oak Lodge instead of Clackamas

County. They also eventually merged with CCFD#1. A number of small fire districts bore that name only because they had to choose something that identified the geographical boundary.

Chief Whiteley added there were 24 agencies at one time, and now there were 9. Seven merged into CCFD1. The Board members were elected volunteers like the City Council.

Councilor Collette agreed with Mayor Bernard that voters were confused and concerned about losing the Milwaukie Fire Department. Milwaukie contracted with CCFD1, and there was no longer a Milwaukie Fire Department.

Chief Whiteley added that Milwaukie employees were absorbed into the CCFD#1, and many of them have continued to serve and were in top leadership positions in the District.

Councilor Stone said another concern was how much it would cost. Right now part of the local government taxes were paid out for the contract amount. People were thinking if they were taxed separately that would just mean more money out of their pockets. She asked Mr. Swanson to clarify that because she thought that was the roadblock.

Mr. Swanson said the City currently paid CCFD1 on a contract to provide fire suppression, emergency medical services, and education. The amount the City was currently paying the District came out of the general fund and was approximately equal to the amount the District would realize if it levied its permanent rate within the City of Milwaukie. For fire service, emergency medical, and education, there would not be an increase unless the District took the request for additional taxes to the voters. There could not be an increase beyond what people were currently paying for fire services, which was through the City's general fund. When the City was relieved of its contractual obligation to the District, it was not relieved of the authority to levy that same amount of tax. The last time, the City Council committed to not doing that for a period of time. He would recommend a companion measure to deal with that issue – whether or not the City would capture the money that was freed up because it was not paying on a contract to CCFD1. The District would not be able to capture more money because it had a permanent rate roughly equivalent to what the City was paying on contract. The question would be what would the City do? That question would be on the same ballot.

Councilor Collette understood Oregon City was looking at annexing but was interested in recovering some of the money the City normally paid to the District. They hoped to keep some of that money in the budget for other purposes. This Council went on record to say the City of Milwaukie would not do that. When people used the term revenue neutral, it meant that people in Milwaukie would not be paying more because of this decision. However, they probably would not be paying less.

Mr. Swanson added that was not to say the City did not the money. It was saying that annexation to the District was a more important goal than immediately capturing additional funds. Why was that? Milwaukie residents would run for the District Board and have political influence. Even more important was the knowledge there would be uninterrupted fire and emergency services. Milwaukie has had a good relationship with the Board since the first agreement was negotiated. There was nothing that required

the District to enter into a contract with the City. It was conceivable that a future Board could decide at some point in the future to cease contracting. The City, then, would be in the position of either starting its own department, which was very expensive, or contracting with Portland. The City was saying the highest, most important goal to accomplish, if in fact that was what the City Council finally did, was annexation to the District. Residents knew fire or medical emergency services would be provided.

Councilor Stone referred to the sixth “whereas” that read, “by annexing the City, the District can directly levy property taxes for its services without passing through the City’s budget process.” The staff report discussed the Council’s committing to set the levy of the City’s permanent rate that would not result in a combined City-District permanent rate levy in excess of \$6.5379/\$1,000 of valuation. She asked if that needed to be included in the resolution?

Mr. Swanson replied that issue would be discussed at the next meeting where he would propose a ballot measure – a companion measure – that would direct the City on what it should do. There was probably some City Council discussion that needed to take place.

Councilor Stone understood in that event when citizens asked her if this would cost them more, then she could safely answer “no.”

Mr. Swanson responded that was the City Council’s decision. The first was the question of whether or not to annex. The companion measure would ask, if the annexation to the District did succeed, did voters wish to direct the City Council to reduce the levy of the permanent rate by \$2.4024?

Mr. Firestone explained this was not the resolution that would determine what people in the City were paying. This resolution was necessary for the annexation to happen. The next round would allow the City Council to determine the resolutions that would determine the effect. The resolution before the City Council at this meeting was just to get the request to the District Board, and the City Council would take further action before the measure was certified.

Councilor Loomis asked if he was safe in assuming the companion measure would have more than one option and was why it was not in this resolution.

Mr. Swanson replied it was safe in assuming the City Council would determine what the companion measure would be in two weeks. The City Council would have an infinite number of possibilities. It could say the City would continue to levy its entire permanent rate, which would probably be electoral suicide in terms of getting the measure passed. The City Council could offer an option to levy an amount for this service or that service. That was a decision on the next City Council work session.

Councilor Loomis asked why the City Council was moving forward on this one and not the other.

Mr. Swanson said it was a matter of timing. The City had to have permission from the District 90 days before the election. The ballot question needed to be certified no more than 60 days prior to the election date. The companion measure did not fall under the first restriction.

Mr. Firestone said part of the strangeness of an annexation of city territory to a district was that the process actually involved three separate actions: (1) action by the city; (2) action by the district; and finally (3) action by the city. The resolution before the City Council was the first step.

Chief Whiteley said the District got phone calls from people after the last election saying they simply did not understand, so the District will work closely with the City to clarify issues.

Correspondence: None.

Audience Testimony: None

Additional Staff Comments: None.

Questions of Clarification: None.

Close Hearing: **Mayor Bernard** closed the public hearing at 7:35 p.m.

Discussion: **Mayor Bernard** wanted to consider a second companion measure to take to the voters. He asked Mr. Swanson to look into how much it would cost to fix the library deficit, to add a planner, and to add a police officer. He asked if that would be considered a tax increase that would require a double majority.

Mr. Firestone said in all likelihood the second measure would just be a commitment to reduce taxes to a certain amount. It would not change the City's permanent rate. The City always had the ability to levy its permanent rate. It depended on what the voters would approve in the second measure, what form it was, and whether that provision required a vote of the people.

Mayor Bernard thought it should be done. The library had a funding problem. There was a lot going on in Milwaukie, and there were not enough planners. He always heard that Milwaukie did not have enough police officers. He thought the City should ask the voters. David Stroup challenged Milwaukie in his *Review* editorial, and Mayor Bernard thought the voters should be asked to step up. The cost could be as little as five or ten cents.

Councilor Loomis was open to that as he had similar thoughts.

Decision: It was moved by **Councilor Barnes** and seconded by **Councilor Collette** to adopt the resolution proposing annexation of the City of Milwaukie to Clackamas County Fire District No. 1. Motion passed unanimously. [5:0]

RESOLUTION NO. 4-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, PROPOSING ANNEXATION OF THE ENTIRE CITY TO CLACKAMAS COUNTY FIRE DISTRICT NO. 1 (DISTRICT), FOR THE PURPOSE OF RECEIVING SERVICES FROM THE DISTRICT

OTHER BUSINESS

Elect Council President

It was moved by Councilor Loomis and seconded by Councilor Collette to elect Councilor Barnes Council President.

It was moved by Councilor Stone to elected Councilor Loomis.

Mr. Firestone explained there were competing motions.

Councilor Stone said it was a companion motion.

Mr. Firestone said this action could be done by nomination rather than by motion, and he heard two nominations.

Councilor Loomis withdrew his name for nomination. Councilor Barnes had been on the Council a little longer and discussed seniority. He knew that Councilor Lancaster had said it rotated in the past, but code language indicated there was a Council President election every two years. He discussed seniority.

Motion passed unanimously. [5:0]

City Manager Performance Review

Ms. Rowe discussed the process. Input was solicited from all department heads regarding various aspects of performance and goals. That information was forwarded to the City Council members who also had an opportunity to complete an evaluation. Those comments were summarized and given to the City Council in executive session to review and discuss the message it wanted to deliver to Mr. Swanson. Based on comparable cities, Milwaukie was still lagging behind other communities even with the annual bonus that was authorized last year. The bonus recognized performance and brought the pay scale closer to the market average. Council discussion indicated that the group felt Mr. Swanson was doing an outstanding job and guided the City well during the past year. It recognized that over the next few months he would serve as Community Development/Public Works Director as well as City Manager.

Councilor Loomis appreciated Ms. Rowe's work in assisting City Council through the process.

Mayor Bernard summarized the comments from Mr. Swanson's evaluation. He consistently exceeded expectation on all issues. He worked hard to get the citizens and Council to take a long-term vision in the community. Milwaukie was lucky to have Mr. Swanson – we don't deserve him. He was well regarded by the residents, Council, staff, and regional partners. He was doing an excellent job. He was concerned and dedicated to the future well being of the City. Overall, Mr. Swanson exceeded expectations in a majority of categories.

It was moved by Councilor Collette and seconded by Councilor Loomis to approve the lump sum merit bonus of \$6,500 on February 1, 2005.

Councilor Barnes added Mr. Swanson literally worked countless hours on behalf of the City on many projects over the last year. To take on additional duties, he more than

deserved the bonus. Not only was he a great City Manager, but also a heck of a human being. She appreciated everything he did as the other Council members.

Councilor Loomis added Mr. Swanson went to great pains to learn about the community and respond to its needs. He reminded staff over and over that the goal was to serve the community.

Mr. Firestone asked for clarification if the motion included authorizing the Mayor to execute the extension agreement?

It was moved by Councilor Collette and seconded by Councilor Loomis that the motion included the authority for the Mayor to execute the extension agreement.

Mayor Bernard would discuss goals at an upcoming session. He was concerned that Ms. Rouyer left in the middle of the City's attempts to obtain transportation funding. Milwaukie needed to make sure it continued to be at the table to stay on the funding list.

Motion passed unanimously. [5:0]

Metro Title 7 Affordable Housing Report

Mr. Gessner discussed Title 7, which was the Functional Plan requirement to consider methods to preserve and promote affordable housing. The Planning Commission adopted a recommendation at its meeting last week. The housing target in Milwaukie was to provide 102 additional housing units over the next five years that would serve the needs of household making less than 30% of median income. That served some of the poorest of the poor. It was not something the market could provide on its own. The City's new market-rate housing was about 20 net units per year, so it did not seem to be reasonable for the City to adopt a target that it was unlikely to be able to meet both in terms of housing production rates and lack of access to resources that would be necessary to provide housing at that low level. The Planning Commission concurred that the City Council should not adopt that target.

Further, Metro code required that the City Council consider seven affordable housing tools and strategies. Some were traditional tools including density bonuses, transfer of development rights, and investigating whether or not there were regulatory obstacles to affordable housing. The City's Comprehensive Plan policies were very supportive of affordable housing, which was an important issue in the City of Milwaukie. The Planning Commission recommendation addressed the feasibility of the specific tools recommended by Metro for addressing those needs. Milwaukie had some measures that were not being taken advantage of by the private sector, the non-profit sector, or the governmental sector. The City had a density bonus provision, but he did not believe it had been used in the 20-years it had been on the books.

The over-riding summary for not adopting and enacting new regulations consistent with the seven tools was that they were based on particular circumstances that would not likely be very effective because either the timing was not right, the market was not there to support the critical mass of new housing necessary to bring affordable housing with it, or that there was reason to wait for the market to catch up with the Town Center Plan. The City Council adopted increased densities in the downtown area consistent with the Downtown Plan and downtown revitalization efforts, but the market was still slow to

react to those density provisions with the exception of the North Main Project that would result in 97 units. He felt enacting these regulations would not be effective at this time. He understood Metro was in the process of reconvening its housing technical advisory committee. He thought Milwaukie might have some good recommendations and observations to make to the regional technical committee to help communities like ours. Many of the tools being recommended were more effective in larger cities that had the tax base and institutions to support them or that had high growth. With high growth and demand for multi-family housing, there was a much greater opportunity to bring affordable housing into the mix. Milwaukie's housing market was not yet there. Staff and the Planning Commission requested that the City Council not adopt the 5-year target and land use tools. He noted there was a draft letter for the Mayor's signature that detailed the reasons for the Council's action should it accept the Planning Commission's recommendation.

Mayor Bernard said he was sometimes hassled about this at Metro. Milwaukie had no land to build on, and the housing was already cheaper than most of the region. He thought it was ridiculous for Metro to ask Milwaukie to adopt this low-income housing proposal. Neighborhoods would have to be rebuilt with low-income housing and densify in order to make this work at all. He thought staff and the Planning Commission did a great job.

Councilor Stone fully supported the Mayor's signing the letter. Maybe it was going to be an opportunity for Metro to make good on its word about extending itself to communities and working in partnership to find out what was needed and accordingly help communities.

Councilor Collette concurred and thought the staff report was excellent. It uncovered some important things that Metro needed to hear. There were communities for whom the rules and recommendations did not apply, and Milwaukie was one of them. The City may have a growth surge at which time these targets could be revisited.

Councilor Barnes agreed. The bigger issue was how to help folks get out of that situation to begin with. That was the long-term policy Metro should look at instead of just saying there needed to be low-income housing. The solution was to find ways to help people get real housing and get out to the situations they were in.

Councilor Loomis appreciated staff's putting this together and letting Metro know this just did not fit for Milwaukie.

Mayor Bernard wanted Metro to understand the City thought it was a great partner, but this was one area that needed work.

It was moved by Councilor Loomis and seconded by Councilor Stone to accept the staff recommendation that the City not adopt the 5-year target and land use tools and authorize the Mayor to sign a letter to Metro on behalf of the City of Milwaukie. Motion passed unanimously. [5:0]

Transportation SDC Fund Budget Transfer for Design and Engineering of 21st Street Extension

Mr. King reviewed the resolution that authorized the transfer of system development charges (SDC) from the transportation SDC contingency fund. The Disposition and Development Agreement (DDA) provided that the City would be responsible for the offsite public infrastructure including sidewalks, lighting, and undergrounding utilities around the North Main Project and extending to City Hall. It was determined that the 21st Avenue extension project was eligible for SDC funding, and it was on the SDC project list and Capital Improvement Plan (CIP) list. Staff put in an application for the Special Public Works Fund (SPWF) loan and received a \$25,000 grant from Mt. Hood Economic Alliance. The project would cost approximately \$1 million. This action was the next step. The City signed a contract with Harper Houf Peterson Righellis in the amount of \$90,000 to do the design and engineering of the offsite work. To pay for that, staff was requesting that the City Council approve moving monies from the SDC fund to the capital outlay fund. He anticipated the City would spend the transportation SDC funds, the Mt. Hood Economic Alliance grant, and SPWF loan to complete the \$90,000 design and engineering through June 30. There may also be some construction as well, but if that did not occur, then only about \$30,000 in SDC funds would be used. Staff recommended that the City Council approve the resolution so funds could begin to be drawn down.

It was moved by Mayor Bernard and seconded by Councilor Barnes to approve the resolution transferring \$90,000 from the transportation SDC fund for the purpose of budgeting for design and engineering for new street capacity. Motion passed unanimously. [5:0]

RESOLUTION NO. 5-2005:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, FOR THE PURPOSES OF BUDGETING FOR DESIGN AND ENGINEERING OF NEW STREET CAPACITY.

Measure 37 Language Regarding Actions by Neighboring Property Owners – Ordinance

Mr. Swanson said on November 16 the City Council adopted Ordinance 1940 that enacted the provisions of Measure 37. It was a quick turnaround after the November election, and it was understood there would be issues coming up that needed to be addressed through amending ordinances. The issue before the City Council made it permissible for adjoining property owners to file a civil suit against someone who successfully pursued a Measure 37 claim that resulted in a waiver of the land use regulation and thereby diminished the value of surrounding properties.

Councilor Barnes asked the legal meaning of “in the vicinity” or was it a blanket statement.

Mayor Bernard thought it was blanket statement because there could be varying impacts by certain types of developments.

Mr. Swanson replied one would have to establish through competent evidence that there was in fact a reduction in the value of one's property. If a waiver under a successful Measure 37 claim could be proven to have diminished the value of another's property, then that person could maintain the civil suit. It was like throwing a rock into a pond with the impact diminishing from the point of development. One would have to show a real loss to one's property.

Mr. Firestone said the intent was that it had to be a direct impact. For example, a commercial outlet with lots of business right in the middle of a purely residential block, would impact the area. It would be up to the court and jury to decide just how far that impact spread. He chose "vicinity" to allow for recognition of varying degrees of impact.

Councilor Loomis asked why the City Council would want to do this. Did people not do things on their properties now that diminished the value of others? Why was the City getting involved?

Mr. Firestone explained it was a policy choice for the City Council. Some jurisdictions have adopted this, and others have not. The feeling of those in favor of this policy was that Measure 37 allowed exceptions. It allowed people to do something that others could not. Even though people could not create nuisance, other property values could still be reduced. The thought was that if certain people were taking advantage of a law protecting their property, then they should not be allowed to adversely affect other people. It was purely a policy question. Some believed it protected the general good, while other criticized it as attacks upon those asserting their legal rights under Measure 37.

Mayor Bernard used the example of the Cereghino property on Lake Road. What if the family decided to sell to a car dealership? The family owned the property for 3-4 generations. The people across the street should have some rights because the value of that property would decline. If traffic on Lake Road increased, the value of his home five blocks away could also be decreased.

Councilor Collette said it did not seem to be a disincentive to filing claims. It seemed to say if the City granted a waiver, then the neighbors could come after the City.

Mr. Firestone explained the neighbors could go after the property owner who filed the claim. It could act as a disincentive to those filing a Measure 37 claim. It was important to recognize, that although Measure 37 talked about compensation, most people believed the reality would be waivers and development.

Councilor Stone liked the idea of having a policy in place that protected property values if someone decided to do something unusual. There were so many instances in the City where property values were diminished severely by nuisance properties and other things. She liked the idea an ordinance in place that protected property values. She liked having a policy decision that said something was not right and protected the values of people's homes and land.

Councilor Collette understood this only related to Measure 37 claims and not those who parked school buses in front of their houses.

Mr. Firestone said one could not go to court for anything short of a nuisance in other circumstances as long as it was a legal use of the property.

It was moved by Mayor Bernard and seconded by Councilor Barnes for the first and second reading by title only and the adoption of an ordinance amending Municipal Code Chapter 1.20 – Compensation for Reduction in Property Value.

Mr. Swanson read the ordinance twice by title only.

The City Recorder polled the Council: Mayor Bernard and Councilors Collette, Stone, Loomis, and Barnes voting “aye.” [5:0]

ORDINANCE NO. 1945:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE BY ADDING SECTION 1.20.095 AUTHORIZING A CAUSE OF ACTION IN CIRCUIT COURT BY A PROPERTY OWNER ADVERSELY AFFECTED BY A WAIVER GRANTED PURSUANT TO A BALLOT MEASURE 37 CLAIM.

Transit Center Update

Mr. Swanson reported that right now not a lot was going on because the current priorities had to do with land use submissions on the park-and-ride at the Southgate site. There were discussions at Metro on the process and how it would proceed. The locally preferred alternative (LPA) was originally proposed by the South Corridor Policy Committee and submitted back to the various jurisdictions. He understood they were discussing how they reconstituted the South Corridor Policy Committee because some action would need to be taken. There was no timeframe for that. The big issue was that more and more TriMet saw any transit center site in Milwaukie as something they had to coordinate with Phase 2 of the South Corridor process, or light rail. It was a question of money. They were trying to put together a package to update the Environmental Impact Statement (EIS) at the cost of about \$4 million. They had a \$2 million MTIP submission and a \$2 million gap. They were currently trying to find that \$2 million so they could follow up on the Draft Environmental Impact Statement (DEIS) for South Corridor. They saw that as an essential piece of the Kellogg Lake issues. If it moved to the next step, the preliminary engineer phase would cost from \$6 million - \$8 million. As far as the transit center was concerned, the first issue was going to be when Metro clarified its process. TriMet and Metro were both moving very slowly on the next steps of siting and closing on the Kellogg Lake site. He would make a written report on the next agenda.

Mr. Swanson excused himself from the meeting.

Advisory Board Appointments

Mayor Bernard, with the consent of Council re-appointed Barb Cartmill to the Design and Landmarks Committee and appointed Greg Chaimov to Library Board. Malinda Iakob would be rescheduled for an interview.

Councilor Loomis commented on the Interstate Max and thought it was a good project for Milwaukie to keep its eye on. He noted several buildings coming down along with new construction. There seemed to be little additional traffic.

Councilor Loomis said several houses in Ardenwald Neighborhood sold in the high \$200,000. People were fixing up their properties, and Milwaukie was becoming a more desirable place to live.

Councilor Stone added that private developers gutted one house and did a beautiful job. She believed that property was selling for \$235,000. She discussed the Centex developments on Borland Road with beautiful houses built right next to each other on very small lots. She and her husband were drawn to Milwaukie because they wanted some land and a nice yard. So many of the homes in Milwaukie had those features, while the newer developments did not.

Executive Session

Mayor Bernard announced the City Council would meet in executive session pursuant to ORS 192.660 (h) – consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Adjournment

It was moved by Councilor Loomis and seconded by Councilor Barnes to adjourn the meeting. Motion passed unanimously.

Mayor Bernard adjourned the meeting at 8:35 p.m.

Pat DuVal, Recorder

CUAB MEETING MINUTES
Wednesday, September 8, 2004
Johnson Creek Facility Conference Room
6101 SE Johnson Creek Blvd.

Members Present

Bob Hatz, Chair
Charles Bird, Vice Chair
Ed Miller

Members Absent

Betty Chandler

Staff Present

Paul Shirey, Engineering Director

Others

Randy Young, Henderson Young and Co.

I. CALL TO ORDER

Chair Hatz called the meeting to order at 6:04 p.m.

II. INTRODUCTIONS

Randy Young introduced himself, acting as consultant to the City of Milwaukie in preparing a revised SDC for transportation. Mr. Young's company has participated in over 200 SDC studies throughout the country. His company holds the distinction of being one of the preeminent consultants in this field.

III. CONSENT AGENDA

June 16, 2004, Minutes approved as presented.

IV. REPORTS

A. Transportation SDC

Consultant Randy Young walked the Board through the report and methodology of the revised System Development Charge (SDC) program. Many questions were raised, including the difference between the new rate and the existing rate, the process to challenge the application of a trip count to a particular use, and the right of an applicant to conduct their own trip generation study.

Following a long discussion about these and other issues, Charles Bird made a motion, seconded by Ed Miller, to recommend that City Council approve the SDC report and methodology as presented.

V. DISCUSSION

None.

VI. MATTERS FROM THE BOARD

The Board raised a concern regarding the shortfall in the Stormwater utility. They asked staff to look into the reasons for this and report back at the next meeting.

VII. OTHER

None.

VIII. INFORMATION SHARING

None.

IX. FUTURE MEETING DATE/AGENDA ITEMS

Wednesday, October 6, 2004

X. ADJOURN

The meeting adjourned at 8:05 p.m.



Bob Hatz, Chair



Paul Shirey, Scribe

CUAB MEETING MINUTES
Wednesday, October 6, 2004
Johnson Creek Facility Conference Room
6101 SE Johnson Creek Blvd.

Members Present

Bob Hatz, Chair
Charles Bird, Vice Chair
Ed Miller

Members Absent

Betty Chandler

Staff Present

Paul Shirey, Engineering Director

I. CALL TO ORDER

Chair Hatz called the meeting to order at 6:10 p.m.

II. INTRODUCTIONS

None.

III. CONSENT AGENDA

September 8, 2004, Minutes approved as presented.

IV. REPORTS

A. Direction from City Council on sewer rate issues

Shirey shared with the Board that the Council reacted very tentatively to the prospect of providing up to \$5 million to help finance the consolidation of wastewater treatment services at the Tri-County facility in Oregon City. Council expressed concern that the rates needed to support this one-time payment would be too much for most ratepayers to endure, especially when combined with regular rate increases. The Council was supportive of the need to adjust rates for inflation in the cost of providing service.

The Board discussed this issue and a couple of questions were asked regarding the consolidation plan:

1. What needs to happen at the Kellogg plant in the next ten years to meet growth requirements?

2. The cost implications of the three-plant, do-nothing alternative need to be clearly demonstrated. If there is an extra cost to consolidate, maybe the ratepayers should not be asked to bear that cost.
3. Does the County have annexation authority to expand the Kellogg facility into the Island Station neighborhood?
4. What exactly does Kellogg need in ten years, in terms of capital and operations and maintenance?

Other broad-based, utility-rate questions that were raised in the meeting included:

1. What steps are being taken to manage costs of providing wastewater treatment service in Milwaukie?
2. What thought is being given to running these plants more efficiently?
3. How is the City keeping costs down or reducing costs?

V. DISCUSSION

A. Annexation of unsewered areas

Annexations proposed for certain areas within Milwaukie's urban growth management area include an area of industrial and residential uses that has no wastewater service. This area is bounded generally by Bell Avenue, Johnson Creek Boulevard, 82nd Avenue, and King Road. The proposed sanitary sewer master plan update includes cost estimates for providing sewer service to these areas and suggests phasing for construction of the improvements.

One member of the Board questioned the logic of annexing the lower-value, unsewered areas before annexing the higher-value, commercial district along 82nd Avenue. The point is well taken when considering the need for a larger revenue base to help support the more costly, infrastructure-needy areas.

B. Wastewater consolidation study status

The County continues to work on the consolidation plan and it remains unclear when they will make a decision on this issue.

C. Transportation SDC status

The final proposal for the transportation SDC changes will go to Council for consideration on November 2.

D. Stormwater Master Plan and stormwater rates

The master plan is completed, and stormwater rates need to increase about 6% per year over the next six years to support the capital cost of the plan. The plan and the rate increase are scheduled for City Council consideration in December.

VI. MATTERS FROM THE BOARD

None.

VII. OTHER

None.

VIII. INFORMATION SHARING


None.

IX. FUTURE MEETING DATE/AGENDA ITEMS


Wednesday, December 8, 2004

X. ADJOURN

The meeting adjourned at 7:40 p.m.



Bob Hatz, Chair



Paul Shirey, Scribe