

MINUTES

MILWAUKIE CITY COUNCIL MAY 4, 2004

CALL TO ORDER

Mayor Bernard called the 1933rd meeting of the Milwaukie City Council to order at 6:35 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Deborah Barnes
Councilor Joe Loomis

Councilor Susan Stone

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
Alice Rouyer,
Community Development/Public
Works Director
John Gessner,
Planning Director

JoAnn Herrigel,
Community Services Director
Lindsey Nesbitt,
Associate Planner
Brion Barnett,
Civil Engineer

Keith Jones,
Associate Planner

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Recognize Mike Miller for Service to the Community on the Planning Commission

Donald Hammang, Planning Commission Chair, was present to make several comments about Miller. The first time he worked with Miller was on the Tree Committee in 1994. Miller was always concerned about two things: what will the City look like, and would this be a place people would like to live? The questions he asked on the Planning Commission were: if I were the neighbor would I be willing to live there and like it and how does it maintain Milwaukie's environment. Miller has always been concerned about Milwaukie and keeping it a livable place.

Miller started on the Tree Committee in 1994 and worked under four planning directors. It was a pleasure to serve the City and be a part of watching it grow. His major concern was to see the City grow in a way that protects both the environment and livability. It has been a pleasure to work with the City, and he will now join Ed Zumwalt in the back corner.

Mayor Bernard expressed appreciation on behalf of the City Council and presented Miller with a certificate.

Mental Health Awareness Month

Councilor Barnes read a proclamation naming May 2004 as *Mental Health Awareness Month*.

Workplace Safety Awareness Day

Mayor Bernard read a proclamation naming May 12, 2004 as *Workplace Safety Awareness Day* in Milwaukie.

Library Board Interview

The City Council interviewed Tom Hogan for reappointment to his position on the Library Board.

It was moved by Mayor Bernard and seconded by Councilor Barnes to move agenda item VI.C – Parks System Development Charge – Resolution to the Consent Agenda. Motion passed unanimously among the members present.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Loomis to approve the Consent Agenda that consisted of:

- A. City Council Minutes of April 20, 2004;
- B. Eton Lane Sewer Contract Award;
- C. OLCC Application for Pietro's, 10300 SE Main Street; and
- D. Resolution 6-2004 – A Resolution of the City Council of the City of Milwaukie, Oregon, Establishing the City of Milwaukie as the Agent on Behalf of the North Clackamas Parks and Recreation District for the purposes of Collection of System Development Charges within the Corporate Limits of the City of Milwaukie.

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

Sharrell Puckett, 10515 SE 29th Avenue. She purchased a house in the City in January, and there is a severe problem with basketball hoops. She lives on a dead-end street that is very narrow. The hoop is set up directly across the street from her driveway, and she has two dogs in the backyard that are kept in a kennel or on a rope in the front. When the basketball rolls up her driveway, the dogs get very upset.

Puckett's concern was that one of her dogs might attack a child and who would be liable. Her other concern was that on weekends, friends go to the neighbors house. They are full-grown men weighing about 200 pounds. Eight to ten people are standing around in the street, leaning on vehicles and playing hard basketball. They are very aggressive, cussing, and doing their talk between the men thing. Who will be liable for dents to her car? Is the City liable? She wanted the basketball hoop removed. It is an inadequate place to have it, and it is very dangerous for the children.

Puckett has been dealing with Code Compliance Coordinator Steve Campbell, but his hands are tied because the code is so outdated. The neighbors try to abide by the rules but the hoop is still in front of her driveway. She would like to see the radius extended to 50 feet. She suggested an annual \$10 permit so people know where they are and get liability. She is afraid she will run over a child backing out of her driveway. The police have been there twice because the neighbors just yell. They are renters who live in a low-income duplex. They have no money, so if her vehicle is damaged she knows she will not be paid.

Councilor Loomis understood talking to the neighbors has done no good.

Puckett said It is a low-income duplex, and the police have been called twice. It is a mess. She would like the code amended. Their pit bulls have attacked the mailman twice, and they can't do anything about that. She just wants the City to update the basketball hoop code and address liabilities.

Mayor Bernard asked the Planning Department to look into this issue.

Mayor Bernard asked to move item 6.B – proposed agreements regarding the Milwaukie Pioneer Cemetery -- forward

Proposed Agreements to Amend the Cooperative Intergovernmental Agreement Proposed between the City and the North Clackamas Parks and Recreation District (District) Transferring the Milwaukie Pioneer Cemetery (Cemetery) to the City and between the City and the Milwaukie Pioneer Cemetery Association, Inc. (Association) Regarding Use of the Funds from the Knutson Trust for Maintenance of the Cemetery

Swanson said this action has two agreements for the Council to authorize. One is between the City and the North Clackamas Parks and Recreation District (NCPRD). It essentially removes the Pioneer Cemetery from the list of properties transferred in 1992 for maintenance. The second agreement is between the City and the Milwaukie Pioneer Cemetery Association. That agreement will govern the future relationship with regard to the expenditure of the Leona Knutson Fund. Ms. Knutson left \$36,000 to the City some years ago for maintenance of the Cemetery. Until recently, the interest of the fund has been transferred to the District pursuant the 1992 agreement. The changes will be to essentially take back the Cemetery from the District and delegate use of the Knutson funds to the Association.

Swanson discussed the background. Dolly Macken-Hambright asked that a newly forming non-profit be given authority to maintain the Cemetery. In the course of looking into the request, it was discovered there was only a small interest on the part of the City. The Cemetery was created in 1869 when the Eddy and Meek families donated the property, and at that time appointed three trustees, Joseph Lambert, Jacob Wills, and Seth Luelling. The trustees were also charged with appointing successors, and that continued until the last trustee passed away. No successors remained. In 1977, there was an informal agreement between the trustees and the City when the balance of funds was turned over and the City took over maintenance. In 1977, the Cemetery was formally annexed to the City, and maintenance was done with the help of scouts and other volunteers.

When Macken-Hambright approached Swanson, the Cemetery had no formal leadership as envisioned by the Eddy and Meek families in the 1800's. The City Council directed that court action be initiated to appoint new trustees. On April 19, 2004 the Circuit Court appointed three individuals and the Association as trustees. The group has done a lot over the past few months to make the grounds look better. The agreements will become effective upon the County's execution. He also had a certified copy of the order appointing the trustees.

Association President Mark Neubauer and Secretary/Treasurer Dolly Macken-Hambright thanked Swanson for his work on getting the request in order. The first cleanup was in January, and people are impressed with its appearance. Another cleanup is scheduled for May 22 prior to Memorial Day activities that will include a flag raising and flag lowering by the Boy Scouts. Neubauer discussed the May 14 Milwaukie Museum and cemetery open house. The Association received a \$150 grant from the state to do some utility repairs. A newsletter is being published, and there have been visits by the Audubon Society and the Oregon Historical Cemetery Association.

Councilor Barnes was very proud of Neubauer's efforts.

Councilor Loomis appreciated the Association's efforts and noted the Cemetery looks a lot better.

Neubauer said the Museum would hold an open house on May 14 from 3:00 p.m. to 8:00 p.m. In conjunction with that, Association members will be at the Cemetery from 4:00 p.m. to 6:00 p.m. for visitors. The cleanup on May 22 will be from 9:00 a.m. to 3:00 p.m., and a light lunch will be served. Annual memberships are \$10, and the money will be used for maintenance. Membership forms are available at the Museum, Library, and City Hall.

Councilor Stone appreciated the group's taking on this significant project during the Centennial Year.

Mayor Bernard understood there would be a new book available about the Pioneer Cemetery at the Museum open house.

It was moved by Councilor Barnes and seconded by Councilor Stone to approve the two agreements and authorize the Mayor to execute them on behalf of the City of Milwaukee. Motion passed unanimously among the members present.

At Mayor Bernard's suggestion, City Council agreed to move consideration of the Lake Road Neighborhood welcome sign forward on the agenda.

Lake Road Neighborhood District Association Welcome Sign

Councilor Barnes announced she had an actual conflict of interest regarding this agenda item because her spouse is the sales associate involved with designing the sign and working with the neighborhood. She will not be voting.

Associate Planner Lindsey Nesbitt presented the staff report in which the City Council was requested to approve the Lake Road Neighborhood District Association (NDA) request to place a welcome sign on City property near the pump station on Lake Road. Lake Road Neighborhood Association members Debby Patten and Cami Waner joined her.

The sign is proposed to be located on City property on Lake Road near Hwy. 224. The sign would be 3 feet high and 5 feet wide and supported by two 4-foot stone columns and 18-inches wide. If the City Council approves the proposal, staff recommends several conditions:

1. The Lake Road NDA will locate utilities prior to construction.
2. The Lake Road NDA is responsible for long-term maintenance.
3. The sign shall be installed in such a way that it can be relocated if required as needed for other City uses of the property.
4. The Lake Road NDA will work with Jay Saatkamp of the water department to determine appropriate location.

Cami Waner, who submitted the application on behalf of the NDA, said the main purpose of the sign was to make people aware they are entering a neighborhood as they come off the freeway. There are four schools in the area with many children walking, biking, and skateboarding. People walk to work or to the numerous busstops along Lake Road, so there is a lot of non-vehicular traffic. It is not a slow down sign but rather a friendly subliminal reminder to people that they are entering a neighborhood. The stone columns were selected for longevity. The NDA agrees to maintain the sign and landscaping twice annually. The membership hopes to use the sign in the Riverfest parade.

Councilor Stone asked if the sign was in the process of being made and if grant funds were being used.

Waner said the NDA is waiting for approval and using neighborhood grant funds for the project.

Councilor Stone suggested the sign be larger if it was set that far back on the property. It looks a little small for the area. The Lake Road Multimodal Project has received some funding, and she asked if there was consideration of putting a sign within that? She commented the sign in Ardenwald is in an island in the middle of 32nd Avenue, and it has not been damaged.

Patten said there were several meetings about the sign location since there are numerous entrances into the Lake Road Neighborhood. This is the site the membership voted for because people coming off Hwy 224 and from the Town Center will see this sign and slow down because it is a neighborhood. The Association would eventually like to have several of these signs installed.

Councilor Stone agreed it would be good idea to have a sign on either end.

It was moved by Mayor Bernard and seconded by Councilor Loomis to approve the Lake Road Neighborhood District Association's request to place a welcome sign on City property near the pump station on Lake Road and closer to the road if possible.

Motion passed 3 – 0 among the members present.

PUBLIC HEARING

Proposed Resolution Requesting Annexation to Clackamas County Fire District No. 1

Mayor Bernard called the hearing to order at 7:15 p.m. The purpose of the hearing was to consider public comment on the proposed annexation.

Staff Report: **City Manager Mike Swanson** provided the staff report and was joined by Clackamas County Fire District #1 (CCFD#1) Chief Norm Whiteley. Swanson said this was the first statutory step of the process that will hopefully result in annexation of the City to the District. In 1997, after several years of study, the City entered in a 10-year agreement with CCFD#1 to provide fire suppression, prevention, education, and emergency medical services. That agreement is in effect at this time. The cost of the agreement was anticipated to slowly increase over the life of the point where the amount paid by the City was roughly equivalent to the amount of the District's permanent rate. That level has nearly been reached. From his point of view, Swanson is happy with the relationship as well as the services. Twenty-three positions were transferred to the District in 1998, and many of them are still with the District. Many of them have been promoted.

The proposed action would tell the District Board that the City of Milwaukie is interested in annexing. The District would then get back with the City with an election date of September 21, 2004. The City Council would then certify the matter for the ballot. The action this evening begins the process, and in a short period of time, the City Council will certify the ballot question for the September 2004 election.

CITY COUNCIL REGULAR SESSION – MAY 4, 2004

APPROVED MINUTES

Page 6 of 20

Swanson said over the years he has had a close association with CCFD#1. Problems are rare, but when they do come up they are taken care of rapidly. There are a couple things that are missing that can only be captured by annexation. Milwaukie residents are not eligible to serve on the elected District because it is only a contractual arrangement. Milwaukie residents cannot vote on money measures because the City only purchases services. He discussed the need for the District to be able to plan in a permanent sense for emergency service provision within the City of Milwaukie. Assuming the District Board approves the proposal, the City Council will see this matter again soon. Voters will have the ultimate authority on September 21 at the election.

Whiteley said the District is excited about this next step. It is important to plan for long-term apparatus replacement. Governance is also important in that annexation would allow Milwaukie residents to run for board positions and vote on money measures that affect service. Some of the Milwaukie employees who transferred to the District are now high-ranking officers. Four stations respond to Milwaukie calls for service and each has a response time of less than four minutes.

Councilor Stone commented that when this process was first discussed in 1998, several fire fighters were not very excited about the idea of transferring to the District. How is morale now in terms of accepting the annexation?

Whiteley said morale is very high. The work force is excellent and stands side-by-side in working on this endeavor. The employees transferred from Milwaukie are happy, and many have been promoted. He added that Oregon City is also considering annexation.

Correspondence: There was no additional correspondence on this matter that was not included with the staff report.

Audience Testimony: None

Additional Staff Comments: None.

Questions of Clarification: **Mayor Bernard** asked if the September election would require a double majority.

Swanson said the attorney has advised the City that a double majority is not necessary.

Councilor Stone asked how much a September election would cost the City.

Swanson said it depends on how many measures are on the ballot. The City will have to pay that portion that is within the City. The District has the option of not submitting it to the District voters, which only has to happen if the population of the city being annexed is 10% or more of the population of the District. In a sense the Board is in the drivers seat on this one. At this time it looks like it will be a local election. The costs vary based on other measures on the ballot, but the cost will probably not be that great.

Mayor Bernard closed the public testimony portion of the hearing at 7:30 p.m.

It was moved by Mayor Bernard and seconded by Councilor Stone to adopt the resolution proposing annexation of the City of Milwaukie to Clackamas County Fire District No. 1. Motion passed unanimously among the members present.

RESOLUTION NO. 7-2004

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

McLoughlin Boulevard Improvement Project, Council Endorsement of Preferred Roadway Alternative

Civil Engineer Brion Barnett provided the staff report in which the City Council was requested to endorse a preferred design alternative. He introduced the project team: Walt Bartel of David Evans & Associates, Project Manager, and Michelle Gregory, Soapbox Enterprises who handled public involvement. He reviewed the points of this evening's presentation

- Why are we here? The project is being designed, and the team is seeking Council endorsement of the roadway to the west/river side or the east/business side. The City Council is being asked to make a decision that will allow the project to proceed. He noted the memo from the Riverfront Board and the need to accommodate Metro, Oregon Department of Transportation (ODOT), general boating community, Kellogg Treatment Plant, and other projects that are being planned in the general area.
- Project Goals
 - Overall roadway safety for vehicles, pedestrians, and all modes of transportation.
 - Enhance access between the riverfront and the business district for all modes of transportation.
 - Give the boulevard a new identity so people know they have reached Milwaukie rather than wondering if they have just gone through it. The new features would potentially have a calming effect on traffic and give a better sense of identity.
- Design Constraints
 - Consistency with the adopted Downtown and Riverfront Plan in the Comprehensive Plan.

- Consistency with ODOT standards because it is ODOT's right-of-way and will remain so when the project is done.
- Consistency with Metro standards for regional boulevards as the body providing about \$1.9 million federal dollars to fund the project.
- The needs of everyone on the boulevard including access to the east side businesses, the boating community, and the Kellogg Treatment Plant.

He provided an artist's rendering of what the boulevard might look like that featured textured concrete, pedestrian refuge, bike lanes, street trees, and other amenities that give the boulevard a new identity and feel.

- Public Involvement

Gregory discussed three components of the public involvement process:

- The Project Advisory Committee's (PAC) role and composition.
She reviewed the "organizational chart" of the project structure with a description of the stakeholders and the associated staff resources. The agencies included TriMet, ODOT, City of Milwaukie, Metro, the project team consultants, members of the public and stakeholder groups – Riverfront Board, Kellogg Treatment Plant Operations, Marine Board, the boating community, east side business owners and occupants, Historic Milwaukie Neighborhood, and representatives for future park users.
- Characterize the needs of all the stakeholders.
The role of the PAC was to represent stakeholder's needs and to make recommendations to the project team and ultimately the City Council. Some of the main issues were connectivity between the downtown and the riverfront, maintain the viability of the businesses, pedestrian friendly aspirations, vehicular safety, access to the boat ramp and Kellogg Treatment Plant, enhancing community character, resolving traffic conflicts and confusion, capitalize on creating physical improvements in the area, ensuring good public involvement in the process, ensuring robust interagency coordination, neighborhood livability, overall traffic safety and efficiency, and working within the budget and maximizing available public funds.
- Public Involvement Activities to date and those in the future.
There were preliminary stakeholder interviews fall 2003 to develop a base list of issues and concerns. There was a partnering session with all the members of the PAC, so they could discuss roles and decision making. The PAC had four meetings spaced about one month apart to receive updates from the technical team and to discuss issues. In March there was an open house, and responses were largely positive about seeing some improvements made. Individual business owners had concerns about access. The Riverfront Board and future park users brought some issues forward. The agencies met to coordinate all the different projects going on in that area including the proposed transit center relocation,

ODOT preservation project, Trolley Trail, and the Kellogg Creek restoration. There were regular updates in *The Pilot* and City website. There were one-on-one conversations and correspondence with stakeholders as needed. The PAC will continue to meet on a monthly basis, and another open house is planned for fall. Problem-solving meetings will be called as needed, and access management meetings will be scheduled.

Councilor Loomis asked how the group dealt with the transit center relocation since there are still several options and no decision has been reached. **Gregory** said most of it had to do with where one project ends and another starts, right-of-way connections, and signal timing. There was also discussion of when the Kellogg Creek restoration would take place and the associated costs. The best characterization is to say this group wanted to avoid making improvements that would have to be torn out later for the next project.

Councilor Loomis asked if all the transit center sites were considered and not just the Kellogg site. **Gregory** said Option 2.4 was considered but the other sites did not have an immediate impact on the McLoughlin Boulevard project.

Barnett said in addition to the ODOT preservation project that starts at the Kellogg Creek Bridge and goes south to Naef Road there is the River Road intersection improvement.

Councilor Stone asked who was on the PAC and how many were Milwaukie residents. **Gregory** said there were about 20 PAC members. Roger Cornell, Ed Zumwalt, Jim Bernard, Dave Green, Alice Rouyer, and Brady Tobias of Quiktime Signs represented the City.

- Expansion Alternatives

Bartel said the original intent was to build the improvements to full standards as far as lane widths were concerned. The City was instrumental in working with ODOT to get a designation change for McLoughlin Boulevard into a special transportation area. This allowed less than full-design standards, so the project was ultimately developed with narrower lanes and closer spacing for the driveways than one would normally see on a state highway facility.

There were two alternatives:

- Shift to the west – this would hold the easterly property line between the state highway property line and the adjacent property owners. There would be a right-of-way impact to the Bank of the West's landscaping. There are also a couple of other areas at the intersections where the new traffic signals are going in at Monroe and Washington to allow for turning radii. Vic's Tavern and the Antique Mall on the west side would be entire takings. Access to the Kellogg Treatment Plant would be at Washington.

There is right in/right out access to the boat ramp along the current alignment. By doing those improvements, the team was able to avoid any impacts to the parking area or the boat ramp circulation. The treatment plant access requirements would also be met without getting into a lot of impacts in that sensitive riverfront corridor. By splitting the access to the boat ramp and sewage treatment plant, the team was able to obliterate some of the existing pavement on the access road between Jefferson and Washington Streets. There are two pedestrian sidewalks in that area. One is parallel to the highway plus a 5-foot sidewalk from Jefferson Street south that were combined into one sidewalk feature. The only thing that is unique is that there are planter strips on both sides, 10-foot sidewalks that are consistent with Metro's design guidelines for an urban boulevard treatment, and ODOT's special transportation area. The intent of those amenities is to encourage people to walk and enjoy the corridor rather than just traveling through the downtown.

Barnett showed a cross section of the design as recommended by the PAC. It is approximately 103 to 105 feet from the right-of-way on the east side of the roadway to the west. He also showed a cross section from the adopted Downtown/Riverfront Plan that showed a width of 100 feet. The proposed project adds 3 – 5 additional feet by having wider sidewalks. The Downtown Plan has 6-foot sidewalks with 6- and 8-foot planter strips. The proposal is 10-foot sidewalks and 6-1/2-foot planters. The vehicle lanes are narrower, and bike lanes were added. It illustrated the typical net difference.

Bartel explained that section holds whether the alignment is shifted to the east or the west. These are the design parameters established through the PAC and by the agencies.

- o The second alternative shows the alignment shift to the east and totally avoiding any of the City-owned property on the west side. The right-of-way line is at the front of the Kroll Building and the Antique Mall. Almost every business would be impacted. The Astro station and Shear Perfection would be entire takings.

Councilor Stone asked if the traffic signals were the same on alternative 2. **Bartel** responded the signal spacing and location were established as part of earlier work on the Transportation Growth Management Study commissioned by ODOT and the City of Milwaukie. This is the next phase of implementing that plan along with the Downtown Plan.

Bartel continued. All of the features are relatively the same on both sides, and it is an issue of where the property line is located and the resulting impacts. He discussed businesses access from McLoughlin.

Mayor Bernard asked if moving the alignment to the east would result in a shortage of funds. **Bartel** said right-of-way acquisition and building improvements for alternative #2 would cost about \$2.6 million. The Bank of the West would lose about 25 feet of its building. The building could be cut along the right-of-way line, so a portion of it could be salvaged. Therefore, that structure was not completely damaged out. By shifting the alignment to the west, only two properties are impacted. Vic's Tavern and the Antique Mall were appraised at a total of about \$900,000. Metro owns the Trolley Trail, and the team assumes since it was successful in building a 12-foot sidewalk from Jefferson Street south that Metro would probably abandon the Trolley Trail and make it part of the future park. **Barnett** said **Bernard** was correct and that the project would be about \$1 million short if the alignment were shifted to the east.

Bartel reviewed the cross section associated with this alternative. There would be smaller trees in the planter strip and a row of red oak on the other side of the sidewalk to create more of a park setting. The team is also looking at what to do with the cement marker that is directly in the way of the improvements so must be relocated. As a result, the team is contemplating a plaza treatment at Monroe Street that could serve as a gateway into the park. He showed a plan view and cross sectional view. There has not been approval for a stairway yet, but it could be done in the future. **Barnett** said there are funds available for mitigation, and at least a portion of the promenade could be covered in project costs.

Mayor Bernard said since the entire roadway does not need to be rebuilt, there should be a significant saving. Maybe funds could go into that type of amenity. **Barnett** responded it is an issue of whether or not the government considers it a participating cost.

Councilor Barnes did not see anything on these plans that would allow southbound drivers to turn left into the downtown. **Bartel** said there are left turn refuges at Harrison and Washington Streets with adequate storage. **Barnett** added there is basically dedicated left turn movement at each end of town for southbound traffic.

Councilor Barnes discussed the four-way stop at the treatment plant entrance. Everyone is hopeful the plant will be decommissioned so there would be no need for that entrance. Will that intersection accommodate riverfront plans when that facility is gone? **Barnett** said the intent is to have a fully signalized intersection. Because it is still the state's right-of-way, it will have to be revisited to make sure the intersection accommodates turning radii and timing. The location will be fixed as part of the downtown plan.

Councilor Stone commented if alternative #1 is chosen, the Antique Mall and Vic's Tavern will be taken. **Bartel** said that was correct, and the businesses would be relocated. **Councilor Stone** asked how the property owners felt about the plan. **Barnett** said the project contacted the property owners over two years' ago during the planning phase. The owner of the Antique Mall is not happy about leaving because it is a prime location, but he has been given regular updates and would like to relocate as soon as possible. ODOT will act as the City's right-of-way agent. Federal funds will be released after a series of events beginning with the City Council's endorsement of an alignment alternative. Once there is federal approval of the environmental impacts, firm offers can be made to the owners of these two properties. The owners of Vic's Tavern have also been contacted, and for them it is a business decision. The changes have been happening around them for several years, and they want to know when the City will actively engage them with an offer.

Councilor Stone asked if the City would be responsible for any of the costs to relocate these businesses. **Barnett** replied that ODOT as the right-of-way agent appraises the properties, tenders the offers, and seeks to help the businesses relocate by giving them money. **Bartel** said the only possible cost to the City would be to pay for a remnant from the project. **Barnett** explained a remnant would be any strip of land left over and does not include the structure. Funds have been budgeted for this and would cost a couple of thousand at the most.

Councilor Stone understood from the staff report that the Kroll Building does not meet historic registry criteria. She asked why it did not and if there are any options for offering it up for someone to move. There has been discussion of trying to save this old building. **Barnett** said previous to David Evans and Associates coming to work on this project, there was a separate consultant who looked at the building for historical significance. The consultant deemed it was not historically significant because there were a number of improvements that were not consistent with the period in which it was built. Neither did the consultant find any period artifacts that indicated a significant underlying site. That was discussed earlier in an earlier memo when staff came to Council for approval of the right-of-way agreement. Though the building is not on the local historic inventory, the City can consider options to offer relocation as part of the project.

Councilor Stone said it sounded like if renovation to the building had been done in the era it was built, it might have classified on the historic registry. That might be possible if a preservationist restored the Kroll Building to its historical significant. **Bartel** said probably not during this phase of the project. The group discussed removing vintage fixtures and other items from Vic's.

- The PAC's Decision
The PAC endorsed shifting the roadway to the west because it was the only alternative that met the project goals of being consistent with the Downtown Plan.
- Council's Decision Making Alternatives
Staff's request was that the City Council endorse the PAC's recommendation that was to move the roadway to the west.

Gary Klein, Riverfront Board member, referred to the memo from the Board to the City Council. The Board has concerns about the large take going 30 feet into the park.

Councilor Barnes did not see anyone at the March 10 open house that was upset about the alternative. How did we get from a public meeting to the Riverfront Board's being upset and a member quitting.

Klein said he made a comment about the right in/right out design and the treatment plant access. He did not know if the resignation was connected to this.

Councilor Barnes asked from Klein's perspective what might need to be done to tweak the recommendation.

Klein said the Board believes it was given the task of following the Master Plan. This alternative went 30 feet into the park and covered the green area with pavement. The bike lanes are doubling on both sides of the street, there is the Trolley Trail involvement, and possibly another bike lane closer to the water. All this adds up to property that is asphalt or concrete. This is the Board's concern. It wants a nice park area. If this alternative were chosen, the Board would want other improvements that would benefit the park such as the entrance at Monroe Street.

Councilor Barnes said if the Board needs something, the City Council would see what it could do.

Mayor Bernard was on the PAC along with Dave Green of the Riverfront Board. The sidewalk width was the last discussion and is now his biggest concern.

Bartel said the sidewalk on the east side is already 10 feet; this adds the planter strip.

Barnett added the Downtown Plan proposed a 6-foot sidewalk even though the existing sidewalk is 10 feet wide.

Councilor Barnes asked how people biked from Milwaukie to downtown Portland on McLoughlin Boulevard.

Bartel said ODOT has designated McLoughlin Boulevard as a bike route. Even though it is not developed that way today, overtime the intention is to build the elements so it can be done in the future.

Barnett discussed the difference between recreational users and commuter cyclists. ODOT is trying to accommodate the different types of bikers with an eye to future connectivity.

Mayor Bernard would tend to endorse alternative #1 and he probably voted for it in the PAC. He would like to see the east sidewalk back at 6 feet with the planter strip. That would add 4 feet to the other side.

Klein said the Riverfront Board sees the width as an extra blockage to the park, so whichever side it is coming off would be a benefit.

Barnett said the PAC endorsed the 10-foot sidewalk because it wanted it to be more inviting. This project wants to accommodate multiple modes, and the intent of the Congestion Mitigation Air Quality funding is to have wider areas and promote business activity. The Riverfront Maser Plan has not been adopted yet. There are riverfront concepts within the Downtown Plan, and the project is trying to balance the needs of all the users. One of the reasons the sidewalks was proposed wider on the west side was because the project team decided to integrate the Trolley Trail to promote more greenspace. It begs the question of what people consider a park.

It was moved by Mayor Bernard and seconded by Councilor Barnes to endorse alternative # 1.

Mayor Bernard said then he would go 8-feet on the east side. He did not believe walking in front of gas stations was something people wanted to do. He suggested adding more sidewalk on the east side after some of those gas stations moved. He endorsed alternative #1 but recommended reducing the sidewalk on the east side to 8 feet.

Councilor Stone commented this was a big issue, and she would feel better if there were a full City Council to discuss it before coming to a decision. The City Council agreed to do that recently on another decision. She has always advocated sinking the highway for the European concept of nothing but pedestrian access without cars. As far as alternative #1 goes, she has concerns about taking up frontage for the greenspace and for displacing businesses and destroying the Kroll building. She wanted any damage to be mitigated and at least put the building out there for preservation and moving. She was not 100% confident that alternative #1 was the best.

Mayor Bernard talked to Councilor Lancaster, and he verbally endorsed alternative #1. He asked if the sidewalk width would come back to the City Council.

Barnett said the City Council would be endorsing a shift to the west that de facto endorses the cross section the PAC recommended. It could be reviewed if the City

CITY COUNCIL REGULAR SESSION – MAY 4, 2004

APPROVED MINUTES

Page 15 of 20

Council directs. The team is looking to the future with this width that sets a stage. Widening it in the future would be difficult, and the likely outcome would be taking up part of the planter strip.

Councilor Barnes was concerned that 5 of 20 PAC members were from Milwaukie. She agreed with Bernard on the sidewalk widths. She would go with the Riverfront Board if it says it wants more space. She wanted to ensure that she and Project Manager Jeff King were part of the Development Team going to both of these businesses and helping them relocate in Milwaukie. She does not want to get into the nightmare of the City's negotiating the move of the Kroll building.

Councilor Loomis asked if the PAC vote was unanimously.

Barnett said everyone was in favor of alternative #1 with the exception of Riverfront Board member Dave Green. The discussion was plentiful and had not changed. The team did hear the Board and its concerns about the greenspace, and in the end the recommendation from the collective group was to go wider.

Mayor Bernard wanted to change the east side if possible to give the Riverfront Board as much as possible.

Barnett said that would be taken back to the PAC to reconsider as the City Council has directed. Some design work would have to be redone, but it is not insurmountable. He understood the message was leave the sidewalk widths on the west side and reduce the east side.

Swanson reminded the group that there is \$4 million destined for this project, and it is not money that is generated within the City. The opportunity for that money was created to satisfy some policy considerations. In this case, at least half of the money is targeted toward congestion mitigation and specifically that caused by gas-guzzling automobiles. This means that sidewalks are an integral part. The money is meant to get people out of their cars and use other modes of transportation. There are policy considerations that underlie the release of those funds.

Mayor Bernard was on the PAC, and it was not an issue of getting the money. He will endorse #1 and recommend to the PAC reducing the east sidewalk to 8 feet unless there is a problem with ODOT and the federal government.

Barnett said the PAC could look at the policy considerations and the intent to get people out of their cars.

Bartel added when the project is complete, the City will have to certify that the project met all the requirements for CMAQ. If the criteria are not met, some of the project may not be eligible. These criteria are written in the Metro funding agreement.

Mayor Bernard understood and hoped the PAC would consider reducing the sidewalk while still meeting federal requirements. He is just trying to save the Riverfront Board two feet.

Barnett said the project team would come back with its findings.

Councilor Stone asked how wide the sidewalks are at Waterfront Park.

Bartel said the sidewalks in Tom McCall Park are 15 feet and the East Bank Esplanade sidewalks are 15 feet plus to incorporate the art. There are no sidewalks on the river side of Front Street. The sidewalks are on the other side of the street next to the businesses.

Councilor Stone raised another concern about the bike path as part of the project, and she understood it was part of Metro's boulevard design. She believed it was a good idea to separate any conflict between a cyclist and a car. The Trolley Trail is an alternative, and she would advocate for that rather than the boulevard bike lane. The sidewalks then would not have to be made narrower.

Bartel said the bike lanes came from ODOT. Metro was looking at not just the multi-use but also connection to the Springwater Corridor via 17th Avenue. It would not be limited to McLoughlin Boulevard.

Barnett said the literal requirement for on-street bike lanes are in ODOT special transportation area standards. One is not actually required to install them, but in the absence of bike lanes the shoulder has to be wider. On-street bike lanes are desirable, but the literal requirement is if there is not a bike lane, then there would have to be a 3-foot widened shoulder. The PAC did endorse the on-street bike lanes.

Mayor Bernard endorsed the bike lanes also because of the connection to the Springwater Corridor. This keeps the bikes from popping up on the sidewalks and going down by the waterfront.

Barnett said the ODOT preservation project does have on-street bike lanes planned from Kellogg Street to the south. The PAC weighed in on making connections to planned improvements, and Metro was also supportive.

Mayor Bernard said another issue was the meeting of the sidewalk and the Trolley Trail and the design to make it look and function correctly.

Councilor Stone asked what the current posted speed through Milwaukie was and would the speed be lowered to accommodate bicycles.

Barnett said the posted speed is 30 mph, and there is no proposal to change that speed because of the signal timing. The hope is the new identity will have a net traffic calming effect.

Councilor Loomis asked if the Riverfront Board had understood the sidewalk width during early talks.

Bartel explained the typical section was already settled when the team met with the Riverfront Board, so the sidewalk presented at that time was 10 feet on both sides with 5-foot bike lanes. It was later widened to 12 feet south of Jefferson Street.

Herrigel said everything was presented except the sidewalk width on the west side of the project, and the preference was discussed. Dave Green said the preference was 8 feet on McLoughlin Boulevard with a 10- to 12-foot path through the park. This was her recollection of the meeting.

Barnett said that was correct. There was a Riverfront Board meeting on February 10 between the February and March PAC meetings. Dave Green and Herrigel presented the Riverfront Board recommendation at the March PAC meeting. The PAC voted as he indicated.

Councilor Loomis understood the Riverfront Board's recommendation was a 10- to 12-foot path on the riverfront side.

Barnett said the Board recommended an 8-foot sidewalk on the west side with the hopes of doing a future trail near the river.

Councilor Loomis asked what these two additional feet of greenspace would cost the City in terms of money and project delay.

Bartel said that would be difficult to answer at this point without looking at the proposal in more detail.

Barnett said there would be some hours involved in going back and reworking some of the issues. He believed there would be funds to do this, and there would likely be a one to two month delay. The team would go back to the PAC, reopen the issue and return to the City Council for the endorsement. As far as the project schedule goes, it means it would probably not go to bid until spring or summer of the following year. The critical path item in the project is right-of-way acquisition on the west side. The west edge needs to be determined before the federal government releases the right-of-way funds. There would probably a two to three month impact.

Councilor Loomis understood this was a recommendation. If the funding were jeopardized, the width would go back to 10 feet.

Barnett said the team would take the 8-foot recommendation back to the PAC and get a clear answer about the reimbursable portion of the money.

Mayor Bernard called for the vote on the motion to endorse alternative #1. Motion passed 3 – 1 with the following vote: Mayor Bernard, Councilor Barnes, and Councilor Loomis aye; Councilor Stone nay.

CITY COUNCIL REGULAR SESSION – MAY 4, 2004

APPROVED MINUTES

Page 18 of 20

Progress Report on the Metro Affordable Housing Report

Planning Director John Gessner provided an update on the Metro Affordable Housing Report. He introduced **Associate Planner Keith Jones** who will manage the completion of this project.

This project was not completed as originally planned because of other major work tasks including the transit center relocation. The department is eager to complete this project by the end of June. Staff is seeking endorsement of the proposed strategy if all the technical work is not completed by the end of June. Metro indicated it would accept City Council's acknowledgement of a completion strategy. Staff believes about 2/3 of the work is done to satisfy the Title 7 requirements. However, that additional 1/3 may take longer than June 30. As long as the City can provide Metro with a report of what has been completed to date and an adopted strategy, then Milwaukie will be in good standing with regards to Functional Plan compliance. This is important in that a new round of transportation funding is about to begin, and the City has projects for which it is seeking Metro and federal assistance. The City does not want to prejudice its ability to compete for those dollars by not having shown a good faith effort and progress on the Title 7 report.

Endorsing the strategy will put Milwaukie in a much better position. The Planning Commission supported the proposed strategy. It also commented that after going through the technical analysis, it would likely be found that Milwaukie is already serving affordable housing interests. Staff suspects this also, but the City must go through the planning analysis to demonstrate that.

Mayor Bernard endorsed the strategy.

Councilor Barnes asked how much the consultant would cost.

Gessner has not scoped the work. If staff cannot meet the deadline because of staffing constraints, then other options need to be considered. The work would involve looking at housing characteristics and population changes over about the past 10 years. He would estimate the consultant would cost about \$1,000.

Councilor Stone asked why the City was doing this if it already knew it was in compliance. Milwaukie is already doing its share and is probably doing more than surrounding communities. Why are we spending money to do this?

Gessner explained staff believes that to be the case, but it must be documented. All cities and counties must comply with Metro Functional Plan, so this is being done as a regional effort. Staff may find it can do the work internally, but he does not want the City to be in the position of not being able to compete for transportation money.

Mayor Bernard hears Milwaukie's name on the Metro's list occasionally, so it would be nice to get the City off the list.

The City Council believed the planning department was going in the right direction.

Other

Councilor Barnes invited everyone to the Annie Ross Dedication on Saturday at noon.

Councilor Loomis asked when the sewer rates would be on the agenda. **Rouyer** said there would be a discussion of wastewater consolidation on June 1 with the rate discussion at the following meeting.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 8:50 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL MAY 4, 2004

MILWAUKIE CITY HALL
10722 SE Main Street

1933rd MEETING

REGULAR SESSION - 6:30 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
 - A. Recognize Mike Miller for Service to the Community on the Planning Commission
 - B. Mental Health Awareness Month -- Proclamation
 - C. Workplace Safety Awareness Day -- Proclamation
 - D. Library Board Interview
- III. **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. City Council Minutes of April 20, 2004
 - B. Eton Lane Sewer Contract Award
 - C. OLCC Application for Pietro's, 10300 SE Main Street
- IV. **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.)*
- V. **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.)*

Proposed Resolution Requesting Annexation to Clackamas County Fire District No. 1 – Resolution (Mike Swanson)

VI. OTHER BUSINESS *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

- A. Lake Road Neighborhood District Association Welcome Sign (Lindsey Nesbitt)**
- B. Proposed Agreements to Amend the Cooperative Intergovernmental Agreement Between the City and the North Clackamas Parks and Recreation District (District) Transferring the Milwaukie Pioneer Cemetery (Cemetery) to the City and Between the City and the Milwaukie Pioneer Cemetery Association, Inc. (Association) Regarding Use of Funds from the Knutson Trust for Maintenance of the Cemetery (Mike Swanson)**
- C. Parks System Development Charge – Resolution (JoAnn Herrigel)**
- D. Progress Report on Metro Affordable Housing Report (John Gessner)**
- E. McLoughlin Boulevard Improvements Project, Council Endorsement of Preferred Roadway Alternative (Brion Barnett)**

VII. INFORMATION

VIII. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session immediately following adjournment of the regular session pursuant to ORS 192.660(1).

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.

PROCLAMATION

WHEREAS, our society, already stressed over inter- and intrapersonal issues, would benefit from an awareness of mental health, as demonstrated by the effects of 9/11; and

WHEREAS, people need to recognize the difference between the lack of mental health and the process of creating mental health; and

WHEREAS, cultivating this awareness could help people avoid the consequences of untreated anxiety, untreated depression and physical deterioration; and

WHEREAS, the clearer a person's thought process is, the more opportunity he or she has to deal with and grow beyond the stressors, and thus help to prevent the occurrence of DOMESTIC VIOLENCE, CHILD ABUSE, and FAMILY INSTABILITY; and

WHEREAS, focusing and preparing for Mental Health Awareness can help transform a perception of emotional prosperity and effectiveness; and

WHEREAS, the vehicle for promoting Mental Health Awareness can take the form of a United States Postage Stamp, every citizen could benefit from this constant reminder.

NOW, THEREFORE, I, James Bernard, Mayor of the City of Milwaukie, Oregon, hereby proclaim May 2004, to be

MENTAL HEALTH AWARENESS MONTH

In Milwaukie and encourage all citizens join in this observance.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

PROCLAMATION

Proclamation by *Mayor* _____ James Bernard _____

Workplace Safety Awareness Day in _____ City of Milwaukie _____

Wednesday, May 12, 2004

WHEREAS, the City of Milwaukie, Oregon OSHA and other organizations in Oregon recognize that ensuring safe workplaces in our state is a responsibility we all share; and

WHEREAS, Oregon's safety community has made significant progress in reducing worker deaths and injuries in the thirty years since the passage of the Oregon Safe Employment Act in 1973; and

WHEREAS, safe workplaces in Oregon result from business, labor and government collaborating to reduce the human and economic toll of workplace injuries and deaths.

Now, therefore, I, James Bernard, *Mayor* of the City of Milwaukie, hereby proclaim Wednesday, May 12, 2004, as Workplace Safety Awareness Day in Milwaukie and urge all citizens to recognize employers and workers for their important work and continued dedication to safety.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION APRIL 20, 2004

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

Councilors present: Barnes, Loomis, and Stone.

Staff present: City Manager Mike Swanson, City Attorney Gary Firestone, Community Services Director JoAnn Herrigel, Code Compliance Coordinator, Steve Campbell, IST Director Esther Gartner, and Community Development and Public Works Director Alice Rouyer.

Engineering Director Paul Shirey introduced recently-hired **Civil Engineer Brenda Schleining** to the City Council.

Citizens Utility Advisory Board Interview

City Council interviewed **Betty Chandler** for re-appointment to her position on the Citizens Utility Advisory Board.

Proposed Noise Ordinance Amendment

Code Compliance Coordinator Steve Campbell explained the proposed ordinance relates to construction noise. He distributed a matrix showing the hours the City of Milwaukie is proposing and comparing them with the hours enforced by the cities of Lake Oswego, Happy Valley, and West Linn.

He reviewed proposed amendments to the current Milwaukie Municipal Code (MMC) Sections 8.08.070 (I) & (K) – Prohibited noises – Designated. The term “nighttime period” would be changed to more specific hours. Although there has not been an increase in the number of complaints over the past several years, they have been steady. However, new construction in Milwaukie in the recent months has resulted in an increase in the number of complaints, and citizens are asking what the City intends to do about regulating the hours better.

Campbell has spoken with several local contractors and the Homebuilders Association. The Homebuilders thought it was a good proposal because many jurisdictions do regulate the hours of construction activity, and that organization suggested more consistent hours among jurisdictions to avoid confusion. He discussed the issue of variances. Under the current code, there is a variance process that goes through the police department.

Section 8.08.070(I) would be amended by deleting the term “nighttime period” and adding “during the hours of 7:00 p.m. and 7:00 a.m. Monday thru Friday and during the hours 5:00 p.m. and 8:00 a.m. on weekends.” These hours are fairly consistent with other jurisdictions.

Section 8.08.070(K) reiterates those hours and adds reference to newer technology including “air compressors, air driven equipment, nail guns, electric generators, hydraulic hammers ...” He pointed out that there was no proposal to amend Section 8.08.070(Q) – Domestic Power Tools and allowable hours of use.

Mayor Bernard understood that property owners putting on their own roofs could work until 10:00 p.m.

Campbell said that was correct. The intent of this process is to encourage developers and contractors to talk with the neighbors. This is a complaint driven process, and the City will go through the education process by asking the developer or contractor to remedy the situation. Campbell will encourage the police department to turn over the more complex issues to code compliance, so they can be worked out with the contractor.

Councilor Barnes asked whom people should call over the weekend when there is a problem.

Campbell said the police department has authority over the noise ordinance.

Councilor Loomis said in his years as a roofing contractor he has always cleared working hours with the homeowner and neighbors, so he has not had any problems. He understood there could be an issue with something like the Centex project. He believed there should be some regulation and suggested Saturdays be 7:00 a.m. to 7:00 p.m. and Sundays 9:00 a.m. to 5:00 p.m. so that contractors can put in the hours when the weather is nice.

Campbell understood contractors try to make up for time lost in the winter. There is a balance between contractor and resident needs. Staff will encourage contractors to talk to the neighbors and develop a rapport to handle these situations. If the problem is ongoing with no resolution, the fine could be up to \$500. He discussed the warning process. The goal is to speak with the general contractor who will in turn pass the information along to the subcontractors.

Councilor Loomis asked who would be fined in the case of a general contractor with subcontractors.

Campbell said the citation could be written to the general contractor or the property owner.

Councilor Loomis added that a general contractor might push the subcontractors if he thinks there are no ramifications for him.

Campbell thought the judge would probably look at the general or the owner as having the ultimate responsibility.

Councilor Loomis said it seems the police department is busy already.

Campbell said construction noise complaints probably would not be priority calls for the police department. This ordinance amendment was discussed with other City staff including the building official.

Councilor Stone thought this was a good idea and suggested looking into having seasonal hours, since contractors have less time during the winter to work. She thought that might be a consideration.

Mayor Bernard's concern was that seasonal hours might complicate enforcement and make more work for the police officers. Alternatively, the contractors could apply for a variance under certain circumstances.

Councilor Stone thought the City should look at a couple of things with these proposed amendments. One was lighting. Some residents have big spotlights that illuminate neighbors' yards. She would like to have that issue researched. There is currently a problem in the Ardenwald neighborhood with motorized scooters. She asked Officer Krebs about that at the neighborhood meeting, and apparently there is nothing the police can currently do to enforce it. She believes operators have to be 16, but they do not need valid drivers licenses or insurance. They are riding on the sidewalks and streets. It sounds like a chainsaw coming down the street, and the scooters can be heard 2 blocks away. She could have called the police a half a dozen times, and it is really an issue. The operator sometimes goes into Willow Court for a period of time. She would like something in the code that addresses these machines so there can be enforcement. She noted noise restrictions near certain institutions, and she asked what ever happened to "quiet – hospital zone" signs. She suggested looking into bringing those types of signs back.

Funding for Centennial Memories Printing

Community Service Director JoAnn Herrigel and **Dolly Macken-Hambright** discussed publication of the *Centennial Memories* book. The Linwood neighborhood and primarily Macken-Hambright worked on this book during Milwaukie's Centennial year. It brought together huge amounts of photos and history with the idea of bringing all the events of the past 100 years, the Centennial Year Events, and future plans for the City under one cover. Unfortunately, no one has been successful in finding a sponsor or funding source for printing the book. With the Centennial over, there is concern that the project may fall through the cracks.

Staff is suggesting that some funds from the former neighborhood services department be allocated for the printing with the intent of filling the gap from the current budget with proceeds from the sale and/or sponsors. It is an issue of timeliness. People have been

waiting for the book for months, and the sales will probably be greater with the Centennial year fresh in people's minds. She discussed the estimated bid of \$12,000 and the order quantity based to some extent on pre-orders. One of the issues is the minimum order amount and what that does to the printing cost per copy. Staff will continue to work with Ed Zumwalt on getting sponsors, but many of the local businesses contributed earlier to various Centennial events. The final publication will be paperbound. Macken-Hambright had suggested earlier that any profit over the amount being reimbursed to the City be shared equally between the Ledding Library and Milwaukie Museum. The main objective is to recoup the money spent.

Macken-Hambright thought the books would probably sell for \$20 – 25. She discussed the likely number of pre-orders and storage issues.

Councilor Stone asked if neighborhood grant funds could be used for the project.

Herrigel said that idea was discussed. There is a carryover projected in this year's neighborhood services budget that could be used to get the project done now. She discussed the convoluted process for the Centennial Tree Project that led to some confusion.

The City Council agreed publication of the book was time sensitive. **Herrigel** understood the City Council wanted to keep the printing order to the number of books that could actually be sold. **Councilor Stone** suggested publishing the price, release date, and locations available as soon as possible. **Councilor Barnes** added pre-sale is very important.

Macken-Hambright discussed the previous weekend's cemetery cleanup, and **Swanson** added the Council would probably see an item coming forward at the next regular session transferring responsibilities to the Board of Trustees.

Public Records Law Training

City Attorney Gary Firestone discussed disclosure and retention of public records.

The work session adjourned at 6:25 p.m.

Pat DuVal, Recorder

MINUTES

MILWAUKIE CITY COUNCIL APRIL 20, 2004

CALL TO ORDER

Mayor Bernard called the 1932nd meeting of the Milwaukie City Council to order at 6:30 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Deborah Barnes
Councilor Joe Loomis

Councilor Susan Stone

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
Alice Rouyer,
Community Development/Public
Works Director

Kelly Somers,
Facilities & Fleet Manager
Jeff King,
Project Manager
Paul Shirey,
Engineering Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Outstanding Milwaukie High School Student Recognition

Senior Kaira Hammond was recognized as the Outstanding Milwaukie High School Student of the month. Kaira has exhibited great leadership not only at her school but also in the community while maintaining a 3.7 GPA and ranking 37th in her class of 315.

Hammond is planning for a career in medicine and hopes to become a pediatric oncologist. She has been a volunteer at Doernbecher Hospital as well as with private physicians and at child-care facilities. Her friendly, outgoing personality makes her an asset wherever she serves. In addition to her volunteer work, Kaira is a photographer for the Milwaukie High School newspaper. She and her sister recently performed a tap routine in a talent show to benefit the Annie Ross House.

Principal Aeylin Summers announced that Milwaukie High School was the first school in Oregon to certify an entire graduating class for literacy and excellence.

Councilor Loomis thanked Information Specialist Grady Wheeler for taking on the Student of the Month Program and moving it forward.

National Take Your Child to Work Day Proclamation

Mayor Bernard read a proclamation naming April 22, 2004 as *National Take Your Child to Work Day*.

Recognize Brenda Bernards

Community Development & Public Works Director Alice Rouyer recognized Brenda Bernards who acted as Metro's field representative to Milwaukie for the past 8 years. Bernards is moving out of state, and Rouyer wanted to express the City's appreciation for her hard work and can-do attitude.

Recognize Johnson Creek Boulevard Project Team

Rouyer recognized members of the Johnson Creek Boulevard Project Team:

- Brett Kesterson, Brian Oberding, and Dan Layden, City of Portland;
- Steve Bauer, Clackamas County; and
- Paul Shirey, Jay Saatkamp, Dave Ferguson, and Rick Pauker, representing City of Milwaukie engineering department and operations divisions.

CONSENT AGENDA

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

- A. City Council Minutes of April 6, 2004;**
- B. Uninterruptible Power Supply (UPS) for Public Safety Building; and**
- C. Assignment of Memorandum of Understanding – North Main Project.**

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION -- None

PUBLIC HEARING -- None

OTHER BUSINESS

U.S. FEMA Winter Storm Reimbursement

Project Manager Jeff King presented the staff report in which the City Council was requested to authorize the city manager to sign a contract with Oregon Emergency Management for January 2004 winter storm reimbursement funds. President Bush declared the area a disaster making it eligible for reimbursement of costs.

The City recently finished its work with FEMA and determined there was \$13,405 in eligible reimbursements. This contract allows the City to participate in the program, identifies the funds, and responsibilities for records maintenance.

It was moved by Councilor Barnes and seconded by Councilor Loomis to authorize the city manager to sign a contract with Oregon Emergency Management for January 2004 winter storm reimbursement funds. Motion passed unanimously among the members present.

Second Amendment to Personal Services Contract with Ramis, Crew, Corrigan & Bachrach -- Resolution

City Manager Mike Swanson provided the staff report in which the City Council was requested to adopt a resolution authorizing the contract amendment on behalf of the City. The original contract was entered into in July 1998 with one amendment in 2002 that had to do with housekeeping matters but did not change the hourly rates.

Swanson reviewed the proposed rate changes. The City finds it much less expensive to contract for legal services, and it is privy to a number of areas of expertise that would probably not be available with in-house counsel. He recommended the rates be adjusted as follows:

- Partners from \$125.00 to \$135.00
- Senior Associates from \$110.00 to \$120.00
- Associates from \$100.00 to \$110.00
- Law Clerks/Legal Assistants from \$65.00 to \$70.00

Only about \$67,000 of the budgeted \$140,000 has been expended this fiscal year. Swanson encourages staff to anticipate problems and contact counsel, and this practice has not significantly increased expenditures over the previous more restrictive practice. Swanson believes the City receives very good service, and the firm is much attuned with Milwaukie's issues.

It was moved by Councilor Loomis and seconded by Councilor Stone to adopt a resolution authorizing the contract amendment on behalf of the City. Motion passed unanimously among the members present.

RESOLUTION NO. 5-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE PERSONAL SERVICES CONTRACT WITH RAMIS, CREW, CORRIGAN, & BACHRACH ESTABLISHING NEW RATES FOR SERVICE EFFECTIVE JULY 1, 2004.

Board and Commission Interview and Appointments

Mayor Bernard with the consent of City Council reappointed **Betty Chandler** to her position on the Citizens Utility Advisory Board.

City Council Evaluation

Councilor Loomis suggested putting together an evaluation of the City Council, and the group discussed a possible survey.

Councilor Barnes commented on the recent library volunteer recognition event.

Mayor Bernard extended appreciation to the many Milwaukie volunteers who put forth their efforts on such projects as the Centennial book, cemetery cleanup, and the upcoming Down-to-Earth Day.

Swanson announced the League of Women Voters Forum on formation of the Electric People's Utility District.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 7:00 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development and Public Works Director

From: Jack R. Ostlund Jr., Associate Engineer
Paul Shirey, Engineering Director

Subject: Eton Lane Sewer Replacement Award

Date: April 20, 2004 for May 4, 2004 City Council Meeting

Action Requested

Authorize the City Manager to sign a contract for design services for the Eton Lane Sewer Replacement with Crane & Merseith Engineering/Surveying, in the amount of \$39,515.30. This amount includes a 10% project contingency.

Background

The Eton Lane Sewer Replacement will replace an older existing sewer system in the Waverly Heights area (see attached map) that presents numerous maintenance issues. The mainline is currently on private property. The design services will include examining the current easements and obtaining the necessary easements for construction of this pipeline. The project is identified in the Capital Improvements Plan (CIP). The replacement will correct the following problems:

- Obtain the public easements to allow the city to easily maintain the service, once the line is installed.
- Replace an older, substandard, undersized line that continues to be a maintenance problem. Replace with an 8" PVC pipe that meets current standards.
- Install manholes that are necessary for proper maintenance.
- Correct laterals that, in some cases, have been installed house-to-house in a "daisy chain" manner.

The City received eight proposals to provide engineering, survey and, property acquisition services. The proposals were evaluated based upon the qualifications of the firm and project team, project approach, project understanding, timeframe, and cost. The selection committee consisted of three members of Engineering staff and one member of Public Works staff. Using a point system, the committee recommended Crane & Merseith Engineering/Surveying.

Concurrence

The selection committee coordinated with the Director of Community Development and Public Works Operations on this project.

Fiscal Impact

The approved Sewer Fund budget includes \$40,000 for this project. The engineering firms who submitted proposals and the total proposed fees are:

Contractor	Fee (does not include 10% contingency)
Welkin Engineering	\$12,610
Cascade Design Professionals	\$29,715
Crane & Merseith Surveying/Engineering	\$35,923
Kurahashi & Associates	\$48,756
DeHaas & Associates	\$54,942
Century West Engineering	\$59,644
Economic & Engineering Services	\$59,890
Land Development Consultants	\$89,100

The total cost for this project is estimated at \$39,573.80. This figure includes advertising, consulting fees, and a 10% contingency. This full amount can be covered by the \$40,000 budgeted for design expenses on this project.

Work Load Impacts

This project is included in the work plan for Engineering for this fiscal year.

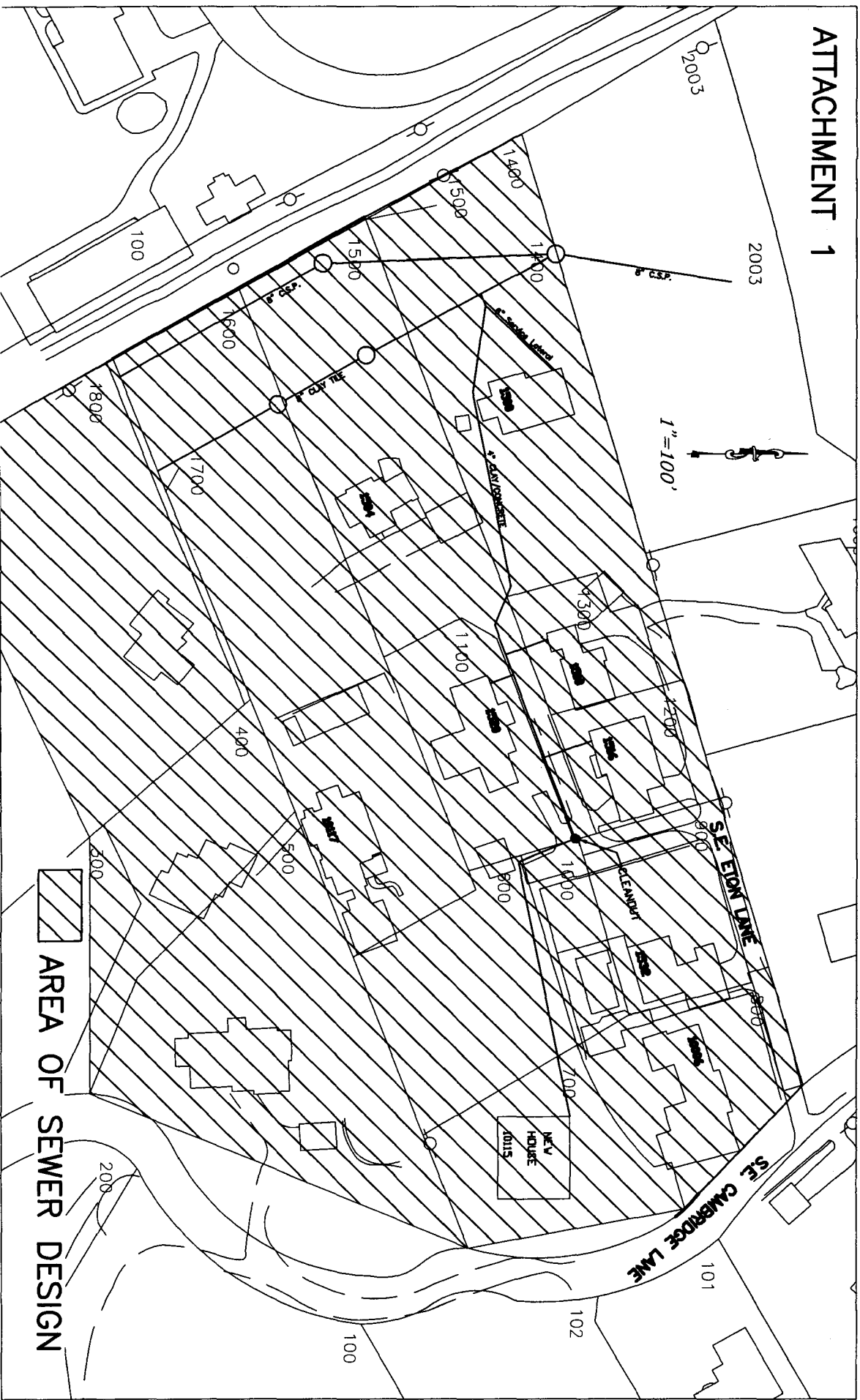
Alternatives

1. Authorize the City Manager to approve the personal services contract.
2. Elect to defer the project to a later date.
3. Take no action.

Attachments:

1. Site Map

ATTACHMENT 1





To: Mayor Bernard and Milwaukie City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police
Date: April 7, 2004
Subject: O.L.C.C. Application – Pietro’s – 10300 S.E. Main Street

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Pietro’s – 10300 S.E. Main Street.

Background:

We have conducted a background investigation and find no reason to deny the request for liquor license.

TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: April 21, 2004
RE: Proposed Resolution Requesting Annexation to Clackamas County Fire District No. 1

ACTION REQUESTED

Adoption of a resolution proposing annexation of the City of Milwaukie (“City”) to Clackamas County Fire District No. 1 (“District”).

BACKGROUND

Prior to 1998 the City provided fire suppression and emergency medical services to its citizens.¹ The Portland Fire Bureau and the District provided the same services to citizens in areas surrounding the City.

On December 15, 1997 the City and District entered into an agreement providing that the City purchase fire suppression and emergency medical services from the District.² The agreement provided, among other things, for the transfer of City Fire Department personnel to the District “effective January 1, 1998,” an annual payment for services

¹ In 1998 the City’s Fire Department employed twenty-five personnel, twenty-four of whom were assigned to fire suppression/emergency medical services and/or inspection. The Department also had one administrative position. The City transferred twenty-three incumbent fire suppression/inspection personnel to the District, and it retained the administrative position.

² From the City’s perspective the decision to “consolidate” resources with the District was motivated in large part by the savings. The following table illustrates the savings through FY 2003. For purposes of comparison a 3% rate of growth was assumed as the City’s budget increase were it to continue operations as a City department, and FY 1997 is the base year because it is the final full year the City operated the Department. A City administrative charge imposed from FY 1999 through FY 2001 is not included as it was discontinued. The assumption is that administrative overhead was included in the contract payment to the District from FY1999 on.

	FY 1997 Actual	FY 1999 Actual	FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Actual
Personnel	\$1,730,051	0	0	0	0	0
Materials & Services	\$323,009	\$201	\$68	\$42	\$40	0
Admin	\$331,251	0	0	0	0	0
Facility	\$163,108	\$261,120	\$161,926	\$168,218	\$157,689	\$175,692
Vehicle	\$185,364	\$57,510	\$70,753	\$35,918	\$5,314	0
Dispatch	0	\$35,000	0	0	0	0
Capital	\$14,173	0	0	0	0	0
Contract	0	\$2,365,000	\$2,436,370	\$2,484,720	\$2,620,262	\$2,759,869
Total Cost	\$2,746,956	\$2,718,831	\$2,669,117	\$2,688,898	\$2,783,305	\$2,935,561
Projected Cost if City-operated Department	N/A	\$2,914,246	\$3,001,673	\$3,091,723	\$3,184,475	\$3,280,009
Difference Between City-Owned Department and Contract	N/A	\$195,415	\$332,556	\$402,825	\$401,170	\$344,448

negotiated by the parties each year, and the retention of “costs of operation and maintenance of city facilities and equipment” by the City.³ The agreement is a contract for the purchase of services, and it does not eliminate the City’s identity as a fire service provider. The City pays the contract amount from the General Fund, whose revenues include property taxes generated by the City’s permanent rate (6.5379 per \$1,000 of valuation). The contract expires on June 30, 2008.

Since execution of the agreement the City and District have established contract payment amounts annually. The City receives the same services as residents of the District. The parties’ intention was to eventually establish an annual payment for services equal to the amount the District would realize were it to apply its permanent rate (2.4012 per \$1,000 of valuation) within the City.⁴ Equity demands this result inasmuch as City residents receive the same level of protection as District residents.

While the contract has served both parties well, it does present some drawbacks. For example, City residents are neither eligible to hold District elective office or to vote on District Board candidates or tax proposals. In addition, both the City and District are hampered in their long-term planning efforts because of the contract status. Both issues can be resolved by annexation of the City to the District. A successful annexation ensures Milwaukie residents the right to fully participate in District affairs, and the responsibility of both parties for emergency response will be permanently decided, thus affording them the ability to plan for the long-term.

The process for annexation is relatively simple. First, the Council forwards a proposal to annex to the District Board. That is the action being requested at this time. The District Board considers the request, and, if approved, it notifies the City.⁵ The City then orders an election within the City on the date specified by the District Board. The question will appear on a September 21, 2004 ballot. In addition, the City of Oregon City has requested annexation to the District, and that question will be before Oregon City voters on September 21, 2004. If the annexation is approved it will become effective July 1, 2005.

³ Since the transfer to the District, there have been seven promotions within the ranks of former City employees.

⁴ The following table illustrates the annual contract amounts and the effective rate paid by the City both for the contract amount and for the combined contract amount and facility costs:

	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004
City Value	\$1,043,702,190	\$1,087,994,810	\$1,126,363,831	\$1,164,528,391	\$1,201,307,346	\$1,233,327,802
Contract Amount	\$2,365,408	\$2,436,370	\$2,484,720	\$2,620,262	\$2,759,869	\$2,820,869
Effective Rate of Above	2.27	2.24	2.21	2.25	2.30	2.29
Facility Charge	\$261,120	\$161,925	\$168,218	\$189,227	\$175,692	\$154,656
Effective Rate With Facility Charge	2.52	2.39	2.36	2.41	2.44	2.41

⁵ Prior to the last legislative session the annexation question was submitted separately to both City and District electors. HB 2818 now provides that the District Board is not required to call an election within the District if the population of the city to be annexed is less than twenty percent of the population of the district and the entire boundary of the city is to be annexed. That is a District Board decision.

One effect of a successful annexation will be to authorize the District to levy its permanent rate on properties within the City. A successful annexation does not reduce the City's permanent rate, which is one source of the funds used to pay the annual contract amount. However, the above issues that will be solved by a successful annexation are so compelling that the City should pledge during the term of this Council to ensure that the new taxing authority results in no net increase in the combined City/District levy of their permanent rates.

FISCAL IMPACT

The fiscal impact on the City's budget will be removal of the contract amount as an expense in the General Fund. If the above course of action is approved, the current Council will commit to set the levy of the City's permanent rate at an amount that will not result in a combined City/District permanent rate levy in excess of 6.5379 per \$1,000 of valuation. If the annexation is successful, the City and District will negotiate the terms of the District's rental of space at the City's Public Safety Building.

ccfd1annexationstaffmemo2004

RESOLUTION NO. _____

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

WHEREAS, the District provides fire and emergency medical services within the City of Milwaukie under contract with the City; and

WHEREAS, the District has fire stations located at 11300 S.E. Fuller Road, 3200 S.E. Harrison, 2930 S.E. Oak Grove Boulevard, and 6600 S.E. Lake Road; and

WHEREAS, the said fire stations most directly serve the residents and properties of the City; and

WHEREAS, the City is satisfied with the excellent services provided by the District and desires that the District continue to provide such services; and

WHEREAS, the City paid \$2,759,869 to the District for services in FY 2002-2003 and \$2,820,869 in FY 2003-2004; and

WHEREAS, by annexing the City the District can directly levy property taxes for its services without passing through the City's budget process; and

WHEREAS, if the territory of the City is annexed to the District, the City would no longer need to pay the District to provide services; and

WHEREAS, if the territory of the City is annexed to the District, City electors would become eligible to participate in District Board elections and tax measures; and

WHEREAS, annexation of the City by the District will create a permanence that will enable both parties to better plan for the long-term; and

WHEREAS, City residents will benefit from the ability of the District to leverage its larger resource base and successful experience.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby proposes annexation of the territory within the City by the Clackamas County Fire District No. 1 for the purpose of providing fire and emergency medical services.

This resolution is effective immediately upon adoption.

Introduced and adopted by the City Council on _____ 2004.

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
Alice Rouyer, Community Development & Public Works Director
John Gessner, Planning Director

From: Lindsey Nesbitt, Associate Planner

Subject: Lake Road Neighborhood District Association Welcome Sign

Date: April 23, 2004 for the May 4, 2004 City Council Meeting

Action Requested

Approve the Lake Road Neighborhood District Association's request to place a welcome sign on City property near the pump station on Lake Road.

Background

The Lake Road Neighborhood District Association (LRNDA) is proposing to place a "Welcome to Lake Road Neighborhood" sign on city owned property (See Attachment 3 for proposed location). The wood sign will be 3 feet in height by 5 feet in length and will be attached to stone columns that are 4 feet high by 18 inches wide. See Attachment 2 for drawing. The LRNDA will pay for sign construction, installation, and long-term maintenance requirements. The sign is to be completed and installed by the end of June 2004.

The LRNDA proposes to install the sign for the following reasons (See Attachment 1 – NDAs Request):

1. Safety and traffic. Many Lake Road residents walk their children to school, bike, and exercise along Lake Road. The sign will help to alert drivers that they are entering a residential neighborhood.
2. The sign will help create a sense of place for the neighborhood.

The LRNDA has indicated that the grounds and the sign will be maintained by members of the neighborhood district association two times a year. The maintenance events will

be advertised in the Pilot. The LRNDA selected the design with the stone columns because of the low maintenance requirement, recycle content, and longevity.

Based on this information, staff recommends that the City approve the size and placement of the Lake Road Neighborhood District Association sign subject to the following conditions:

1. Utility locates shall be obtained prior to installation.
2. The LRNDA shall be responsible for long-term maintenance requirements.
3. The sign shall be installed in such a way that it can be relocated if required as needed for other city uses of the property.

Concurrence

The Planning, Engineering, and Building departments have reviewed and support the request. Given that it is a municipal sign, it is exempt from need of a sign permit.

Fiscal Impact

There is no cost to the City. The Lake Road NDA will pay for the construction, installation, and maintenance of the sign.

Work Load Impacts

Workload impacts to City staff are not expected.

Alternatives

- Approve sign design and location as proposed.
- Approve sign with a different location.
- Approve sign with a different design.
- Not approve sign project at this time.

Attachments

1. Neighborhood District Association Sign Request
2. Sign Design
3. Sign Location

ATTACHMENT 1VI. A. 3**Lake Road Neighborhood Sign**

The Lake Road Neighborhood Association has been drawing up plans for a 'Welcome to Lake Road Neighborhood' sign. This welcome sign is to be located near the pump station on Lake Road. Please see the engineer plan and sign rendering turned in on 2/26/04. Brief description, two stone columns support a 3' H x 5' W cedar sign in the center.

The reason for this sign is multi-faceted:

Safety/Traffic

We want drivers to know that they are entering a neighborhood. Our neighborhood has children walking and biking to several schools located on Lake Road. Others are simply out for exercise, walking a pet, walking to work, or to a bus stop.

Community

This sign will help give us a 'sense of place'. New comers to Lake Road may not be aware that we are a community with a real name and secures an identity.

Maintenance

Grounds and sign care will be maintained by the LRNA twice yearly with a Spring and Fall group event announced in the Pilot. The stone columns were selected because of their low maintenance requirement, recycle content and longevity. The cedar portion will need to be replaced in several decades, but it will be very easy to replace.

River Fest

The plan is to show off the cedar portion of the sign on a float during July's River Fest.

Future generation in the LRNA will be thankful for the quality of the sign and what was invested initially. Please give us a progress up-date soon as possible. We will need to get going on the cedar portion of our project end of April.

Sincerely,
Cameron Waner
Identity Sign Committee Member of LRNA
3920 SE Lake Road
503.659.4200 H
503.471.2212 W



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: April 21, 2004
RE: Proposed Agreements to Amend the Cooperative Intergovernmental Agreement Between the City and the North Clackamas Parks and Recreation District (District) Transferring the Milwaukie Pioneer Cemetery (Cemetery) to the City and Between the City and the Milwaukie Pioneer Cemetery Association, Inc. (Association) Regarding Use of Funds from the Knutson Trust for Maintenance of the Cemetery

ACTION REQUESTED

Approval of the two agreements noted above and authorization for the Mayor to execute them on behalf of the City.

BACKGROUND

At a November 17, 2003 work session the history of the Cemetery, including the recent creation of the Association, was discussed, and authorization was granted to initiate court action to appoint new trustees pursuant to the 1869 deed. That deed granted the property to three trustees to hold in trust and to "take charge of and keep the said land as a place of burial or grave yard for the use and convenience of the people of said Clackamas County lying in the vicinity . . . of Milwaukie." Pleadings have been filed, and notice was provided in accordance with relevant statutes. The court appointed Dolly Macken-Hambright, Mark Neubauer, Madalaine Bohl and the Association as cemetery trustees on April 19, 2004.

Management of the Cemetery is once again vested in duly appointed trustees. Thus, one of the final steps in logically arranging the Cemetery's affairs is first to eliminate it from the list of properties transferred to the District in 1992. The proposed agreement between the City and the District effects that change. It does not alter any other provision governing the City's relationship with the District. The amendment becomes effective upon execution by the District Board.

The final step is approval of an agreement between the City and the Association that discharges the City's responsibilities for maintenance pursuant to the terms of the Leona Knutson Trust. This proposed agreement also grants to the Association reasonable use of City water free of charge. The City may withdraw that grant at its discretion with two business days' notice to the Association. The agreement becomes effective upon execution by the parties and upon execution of the agreement referenced in the above paragraph.

FISCAL IMPACT

The fiscal impact will be limited to the cost of water used by the Association. Use is limited to a "reasonable" amount, and the parties are required to meet to resolve any differences. Given that the City may withdraw its permission at any time, it has a great deal of influence over the cost. There is no other fiscal impact.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
Probate Department

In the Matter of:) Case No. P 04 01 63
MILWAUKIE PIONEER)
CEMETERY TRUST,) ORDER APPOINTING
Pctitioner.) SUCCESSOR TRUSTEES

This matter comes before the court on the City of Milwaukie's Petition to Appoint Successor Trustees. The Petition was filed on January 30, 2004. The court, by order dated February 6, 2004 allowed service of notice of the City's Petition by publication. Publication of a Notice to Interested Persons was completed on March 19, 2004, in compliance with all requirements of the law. The Notice to Interested Persons required the filing of any objections to the City's Petition no later than April 2, 2004. The Court, having found that no objection to the City's Petition has been filed, HEREBY ORDERS as follows:

- The following are hereby appointed successor trustees for the Milwaukie Pioneer Cemetery Trust as established in the deed attached hereto as Exhibit A:
Milwaukie Pioneer Cemetery Association, Inc.
12258 SE Grove Lp.
Milwaukie, OR 97222
Mark A. Neubauer
12364 SE Grove Lp.
Milwaukie, OR 97222

RAMIS CREW
CORRIGAN & BACHRACHI, L.L.P.
1727 N.W. Hoyt Street
Portland, Oregon 97209
(503) 222-4402
Fax: (503) 243-2944

VI. B. 4

- 1 Madalaine S. Bohl
2416 SE Monroe St.
- 2 Milwaukie, OR 97222
- 3 D.I. Macken-Hambright
12258 SE Grove Lp.
- 4 Milwaukie, OR 97222

5 DATED this ___ day of April, 2004.

6

7

Circuit Court Judge

- 8 Submitted By:
- 9 T. Chad Plaster, OSB #98092
- 10 RAMIS CREW CORRIGAN
- 11 & BACHRACH, LLP
- 12 1727 NW Hoyt St.
- 13 Portland, OR 97209
- 14 Of Attorneys for Petitioner

12 G:\SFC\litigation\Milwaukie-Pioneer Cemetery\Order to Appoint.wpd

13

14

15

16

17

18

19

20

21

22

23

24

25

26

RAMIS CREW
 CORRIGAN & BACHRACH, LLP
 1727 N.W. Hoyt Street
 Portland, Oregon 97209
 (503) 222-4402
 Fax: (503) 243-2944

AMENDMENT TO COOPERATIVE INTERGOVERNMENTAL AGREEMENT

This is an amendment to the Cooperative Intergovernmental Agreement ("Agreement") between the North Clackamas Parks and Recreation District ("Service District") and the City of Muwaukie ("City") dated August 22, 1992.

RECITALS

- A. The Service District and City entered into the Agreement effective August 20, 1992. The Agreement provided in part that the Service District would be responsible for the maintenance of various properties, including the Milwaukie Pioneer Cemetery.
- B. The City and Service District have agreed that in the future an entity other than the Service District should be responsible for maintenance of the Milwaukie Pioneer Cemetery.
- C. The City and Service District have agreed that termination of the Service District's responsibilities as to the Milwaukie Pioneer Cemetery does not alter any other provisions of the Agreement.

AGREEMENT

- 1. Attachment #1 to the Agreement is amended by deleting "Pioneer Cemetery" from the list of sites and the acreage for the cemetery (1.77) from the list of acreage.
- 2. Attachment #1 to the Agreement is amended by deleting the section, consisting of two paragraphs, entitled "Cemetery."
- 3. All remaining provisions of the agreement shall remain in full force and effect.
- 4. This Amendment shall be effective when executed by both parties.

NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

CITY OF MILWAUKIE

By: _____

By: _____

Mayor Jim Bernard

By: _____

Date: _____

By: _____

Service District Board

Date: _____

Approved as to form:

Approved as to form:

County Counsel

City Attorney's Office

AGREEMENT

This agreement is between the Milwaukie Pioneer Cemetery Association, Inc. ("Association"), an Oregon corporation, and the City of Milwaukie ("City").

RECITALS

- A. City is the trustee of funds given to it by the Knutson Trust to be used for the maintenance of the Milwaukie Pioneer Cemetery ("Cemetery").
- B. The Association is a corporation whose purposes include the maintenance and preservation of the Cemetery.
- C. City has concluded that the Association is capable of providing for basic maintenance of the Cemetery.

AGREEMENT TERMS

1. City and the Association agree that proceeds from the funds held by City in trust for the maintenance of the Cemetery shall be transferred to the Association and that it shall use the proceeds solely for maintenance of the Cemetery.
 - a. Maintenance includes landscape maintenance and repair of any structure or fixture within the cemetery, including grave markers.
 - b. Proceeds shall be paid on an annual basis, but the second and subsequent annual payments shall not be due until the Association provides the annual accounting required by Section 3.
 - c. "Proceeds" includes any interest, dividends or other return on funds but does not include the principal amount or any portion of the principal.
2. City shall retain the principal that it is holding in trust and may withhold up to ten (10) percent of the proceeds earned in any one year to add to the principal.
3. The Association shall complete any budget forms required by the City, and it shall provide an annual accounting to City of its expenditures. The funds shall be subject to annual appropriation pursuant to ORS Chapter 294.
4. A water connection shall be provided by City for use on cemetery grounds and, subject to continued approval of City, the Association may use reasonable amounts of water for maintenance and landscaping purposes for the cemetery without cost. In the event the City determines that excessive amounts of water are being used, City and the Association shall meet to try to establish a maximum amount of water to be used. The City may at any time without cause and in its sole discretion withdraw its approval for free use of City water. City shall provide at least five (5) business days' notice that payment will be required for water use. Use of water shall be subject to any general restrictions or curtailments imposed by the City on all or any class of customers.

5. This agreement becomes effective upon execution by both parties and upon execution of the Amendment to Cooperative Intergovernmental Agreement by the City and the North Clackamas Parks and Recreation District ("District") eliminating the Cemetery from the list of sites transferred to the District by agreement dated August 22, 1992.
6. This agreement may be terminated by either party after providing 30 days' notice of termination.

By:
Its:

CITY OF MILWAUKIE

By:
Its:

MILWAUKIE PRIONEER CEMETERY ASSOCIATION , INC.



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Parks District System Development Charge Resolution

Date: April 23, 2004

Action Requested

Approve the attached resolution establishing the City of Milwaukie as the agent on behalf of the North Clackamas Parks and Recreation District for the purposes of collection of System Development Charges (SDCs) within the corporate limits of the City of Milwaukie.

Background

On March 25, 2004, after an extensive public input process coordinated by the Parks District, the Board of County Commissioners approved new SDC rates for North Clackamas Parks District. The rates, as they were adopted, are as follows:

PROPOSED PARK SDC RATES

Zone 1 (Milwaukie)	Zone 2	Zone 3 (Sunnyside)
Single Family - \$1,817	Single Family - \$2,170	Single Family - \$2,519
Multi Family - \$1,498	Multi Family - \$1,745	Multi Family - \$1,991
Manufactured housing (in park) - \$1,516	Manufactured housing (in park) - \$1,755	Manufactured housing (in park) - \$1,993

The effective date for these rates in Zone 1 is May 1, 2004.

Following the adoption of these rates by the County, City staff found copies of a resolution and IGA approved by Milwaukie City Council in 1994 which established the City as agent on behalf of the District for the purpose of collecting SDCs charged within the City and describing how the collection of the SDCs should be coordinated between the District and the City. Unfortunately, the IGA and resolution included in their text the actual rates as adopted in 1994 by

County ordinance. For this reason, the new rates adopted in 2004 cannot simply be implemented in Milwaukie. Council must also pass another resolution. To allow the rates to be effective May 1, the City Manager signed an IGA with the District before the end of April. You will note that the resolution authorizes his signature retroactively.

The resolution you are considering now is written so that when the SDC rates are increased in the future, their implementation will be automatic in Milwaukie. We will still participate in the public review and comment process. But when the County adopts the rates, we will not need to revisit the City's resolution or IGA.

Concurrence

The Milwaukie City Manager and legal counsel have reviewed this document. Park District staff and their counsel have also reviewed it.

Fiscal Impact

None.

Work Load Impacts

None.

Alternatives

Deny approval of the resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE CITY OF MILWAUKIE AS THE AGENT ON BEHALF OF THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT FOR THE PURPOSES OF COLLECTION OF SYSTEM DEVELOPEMENT CHARGES WITHIN THE CORPORATE LIMITS OF THE CITY OF MILWAUKIE.

WHEREAS, ORS Chapter 223 authorizes governmental units to establish system development charges (SDCs); and

WHEREAS, the North Clackamas Parks and Recreation District has established system development charges in compliance with all of the requirements of ORS Chapter 223; and

WHEREAS, ORS 190.003 to 190.110 authorizes units of governments to enter into agreements for the performance of any or all functions and activities which such units have authority to perform; and

WHEREAS, the North Clackamas Parks and Recreation District Board of Directors has requested that the City of Milwaukie serve as its agent in collection of the system development charges within the corporate limits of the City of Milwaukie; and

WHEREAS, revenues from the system development charges are to be used for development and expansion of parks and recreation facilities to serve the growth-related needs within the District; and

WHEREAS, the City Council has determined that it is in the public interest to provide for District parks and recreation facilities through the use of system development charges;

NOW THEREFORE, BE IT RESOLVED as follows:

SECTION ONE: The City of Milwaukie shall, at or before building permit issuance, collect parks system development charges imposed by the North Clackamas Parks and Recreation District on behalf of the District.

SECTION TWO: The City shall retain 1 percent of the parks SDCs received on behalf of the District as a collection fee to cover the costs of administration and transfer.

SECTION THREE: The City Council concurs in the execution by the City Manager of the intergovernmental agreement dated April 2004 related to collection of Parks SDCs and finds that the action was within the authority of the City Manager.

SECTION FOUR: Resolution 46-94 is no longer in effect.

This resolution will take effect immediately.

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
Alice Rouyer, Community Development & Public Works Director

From: John Gessner, Planning Director

Date: April 27 for the May 4, 2004 Work Session

Subject: Progress Report on Metro Affordable Housing Report

Action Requested

Review the Planning Commission's preliminary recommendation on a strategy for compliance with Title 7 Affordable Housing provisions and provide direction to staff.

Background

In January of 2001, Metro Council adopted Title 7 – Affordable Housing as part of the Urban Growth Functional Plan. In March of 2003, Planning Staff received authorization from City Council to begin Title 7 compliance work, which requires that Cities report to Metro regarding the following key elements.¹

- a. Planning requirements to ensure a diverse range of housing types, measures to preserve housing, and increase housing opportunities.
- b. Required consideration of various affordable housing strategies including density bonuses and transfer of development rights.

On April 27, 2004, the Planning Commission will consider various details of the affordable housing compliance project including a strategy for completing the work by June 2004. A copy of the staff report is attached for your information. There is

¹ The deadline for reporting is June 2004.

insufficient time between the Commission's meeting on April 27, 2004 and the Council's May 4, 2004 meeting to prepare written follow-up for the Council. Staff will provide a verbal update to the Council on May 4 and seek direction on any recommendations forwarded by the Planning Commission.

Next Steps²

1. Council review of the Planning Commission's recommendation on the approach to Title 7 compliance and key issues.
2. Complete technical review of housing market and related conditions that affect affordable housing needs in Milwaukie.
3. Evaluate Metro's housing measures against information obtained in step #2 above and forward Commission comments to Council.
4. Prepare a final report for Commission review and Council adoption.
5. Forward a final report to Metro.

² Timelines to be established.



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development/Public Works Director

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

Subject: McLoughlin Boulevard Improvements Project, Council endorsement of preferred roadway alternative

Date: April 20, 2004 for the May 4 meeting

Action Requested

Endorse a preferred design alternative to build improvements on McLoughlin Boulevard by expanding the existing right-of-way to either the east or west.

Background

The City has been working with David Evans and Associates (DEA) and the Project Advisory Committee (PAC) for the last several months on the design of boulevard improvements to the downtown section of McLoughlin Boulevard (Harrison Street to the Kellogg Creek Bridge). Endorsement of a preferred design alternative will allow the design process to proceed and provide a basis for analysis of impacts to the Jefferson Street Boat Ramp¹.

The following summarizes key project goals, design constraints, and the PAC's role during the project:

Project Goals

¹ Because the project is partially funded by federal money, federal requirements for analyzing impacts to public parks and recreation lands must be completed per section 4(f) of the USDOT Act of 1966. This process must also be completed prior to proceeding forward with right-of-way acquisition and final design.

1. Improve safety for all modes of transportation (pedestrian, bike, and auto) and enhance access between the riverfront and the business district.
2. Give McLoughlin Boulevard a new identity.

Design Constraints/Givens

1. Must be consistent with the City's adopted Downtown and Riverfront Plan, including three traffic signals at two-block spacing.
2. Must be consistent with Oregon Department of Transportation standards for Special Transportation Areas (STA).
3. Must consider Metro design standards for regional boulevards.

PAC's Role

1. Recommend a design alternative that meets the projects goals.
2. Insure inter-agency coordination

After reviewing the project goals, the project team developed two concepts for improving McLoughlin Boulevard as follows:

- Alternative #1 (Attachment A) – Shifts the roadway to the west/river side to avoid adverse impacts to the eastside business district abutting the project.
- Alternative #2 (Attachment B) – Shifts the roadway to the east to avoid any impacts to the Jefferson Street Boat Ramp recreational area.

Both alternatives were presented to the PAC, which includes representatives from the City, ODOT, Metro, Riverfront Board, Historic Milwaukie Neighborhood Association, and downtown business owners. After considering both alternatives, the PAC decided on the following:

PAC's Decision on Preferred Alternative

- The PAC's identified Alternative #1 as the preferred design alternative because it meets the project goals and is the only option consistent with the adopted Downtown and Riverfront Plan.
- The roadway cross-section under Alternative #1 will include four (4) 11-foot travel lanes, a 16-foot median/turn lane, two 5-foot bicycle lanes, 10-12 foot sidewalks separated by 6-foot planter strips, and an enhanced pedestrian crossing/refuge at the Monroe Street intersection. An artist's rendering of the proposed improvements is presented in Attachment C.

Following the PACs recommendation, DEA evaluated each roadway alignment and prepared a technical report documenting their findings (see Attachment D). Typical roadway cross-sections for each alternative are presented in Attachment E. The following summarizes key findings from DEA's report:

Alternative #1 (westerly shift)

- Results in a narrow strip of the park being impacted and the loss of two businesses (Vic's and the Antique Mall).
- Is the only option that is consistent with the City's adopted Downtown and Riverfront Plan and can be built with available funding.
- Preliminary environmental assessments indicate:
 - Harmful levels of hazardous materials are not expected to be encountered during construction.
 - Water quality resource areas will not be impacted. There will be a net reduction in impervious surface.
 - Archaeological deposits are not likely to be found during construction.
 - Post construction air quality is expected to improve due to reduced congestion resulting from traffic signal changes.
 - Post construction noise levels will not exceed pre-construction levels.

Alternative #2 (easterly shift)

- Is not consistent with the City's adopted Downtown and Riverfront Plan.
- Would disrupt all eastside businesses and cannot be built with available funding.

Of special concern to the design team and PAC is how to provide west/river side access to accommodate the riverfront recreational users (including boaters) and Kellogg Treatment Plant operations. The goal is to provide access to accommodate all users while preserving as much of the Riverfront's greenspace as possible. The design team and PAC considered the following west/river side access options:

Access Option #1 - Washington Street/Jefferson Street

- The existing Washington Street intersection would be reconstructed to provide full access for Kellogg Treatment Plant operations only.
- The existing Jefferson Street access point would be converted to a right-in right-out access to be used exclusively by the riverfront/boating public.

- The existing frontage road for treatment plant access between Jefferson Street and Washington Street would be removed and reclaimed as park/greenspace.

Access Option #2 - Washington Street

- A new fourth leg would be constructed on the west side of the McLoughlin. The intersection would provide full access for riverfront users and the Kellogg Treatment Plant.
- The existing Jefferson Street access point would be closed. The existing frontage road for treatment plant access between Jefferson Street and Washington Street would be removed and reclaimed as park/greenspace.

The PAC voted to endorse Option #1 because it had the least impact to the existing and future park use. Option #2 was ruled out because the design required substantial retaining walls that would dictate future development of the Riverfront Park. The PAC briefly considered an option to provide access to the boat ramp at Monroe Street and separate access to the treatment plant at Washington Street (similar to Option #1). This option was ruled out as less pedestrian friendly and also counter to future development of the Riverfront Park.

The current project schedule is as follows:

<u>Project Phase</u>	<u>Beginning Date</u> (month, yr.)	<u>Ending Date</u> (month, yr.)
Preliminary & Final Engineering	Sept. 2003	Oct. 2004
Right-of-Way Acquisition	July 2004	Dec. 2004
Construction	May 2005	May 2006

Concurrence

The Project Advisory Committee (PAC) endorsed shifting the roadway to the west (Alternative #1) during their February 2003 meeting. Staff in Community Development, Engineering, and the City Manager's office support the PAC's decision as the only alternative that is consistent with the City's adopted Downtown Riverfront Plan.

The first Public Open House Meeting held on March 10, 2004. Approximately 35 people attended the meeting, and 14 people completed comment cards (Attachment F). Overall, there was strong support for the project. We received several comments regarding access to Jefferson Street Boat Ramp. A few business owners attended and had questions about specific design details and/or questions about impacts to existing driveways.

The design team is currently developing an access management strategy to address access to individual businesses and ensure safe and efficient traffic movement.

Fiscal Impact

Cost estimates associated with each alternative follow:

	<u>Alternative #1 (westerly shift)</u>	<u>Alternative #2 (easterly shift)</u>
Construction (including contingency)	\$2,620,000	\$2,620,000
Preliminary Engineering (PE)	\$600,000	\$600,000
<u>Right-of-Way (ROW)</u>	<u>\$900,000</u>	<u>\$2,140,000</u>
Total:	\$4,120,000	\$5,360,000

The total project cost associated with shifting the roadway to the west under Alternative #1 is \$4.12 million. The project currently has \$2.0 million in state bond monies and \$1.9 million in federal funding. The \$1.9 million in federal funds requires a local match of approximately ten-percent (10.27%), or approximately \$218,000. The Street Fund has sufficient funds available for a local match based on the adopted 2003 budget and anticipated 2004 budget.

Shifting the roadway to the east under Alternative #2 would require an additional \$1.26 million dollars in funding and exceeds available City funding.

Work Load Impacts

None. A staff team from the Engineering and Community Development continue to lead the project and 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:

- Endorse Alternative #1, shifting the right-of-way to the west/river side.
- Endorse Alternative #2, shifting the right-of-way to the east/downtown.
- Recommend a different alignment shift.

Attachments

Attachment A – Plan View, Alternative #1

Attachment B – Plan View, Alternative #2

Attachment C – Artist’s Rendering of Alternative #1

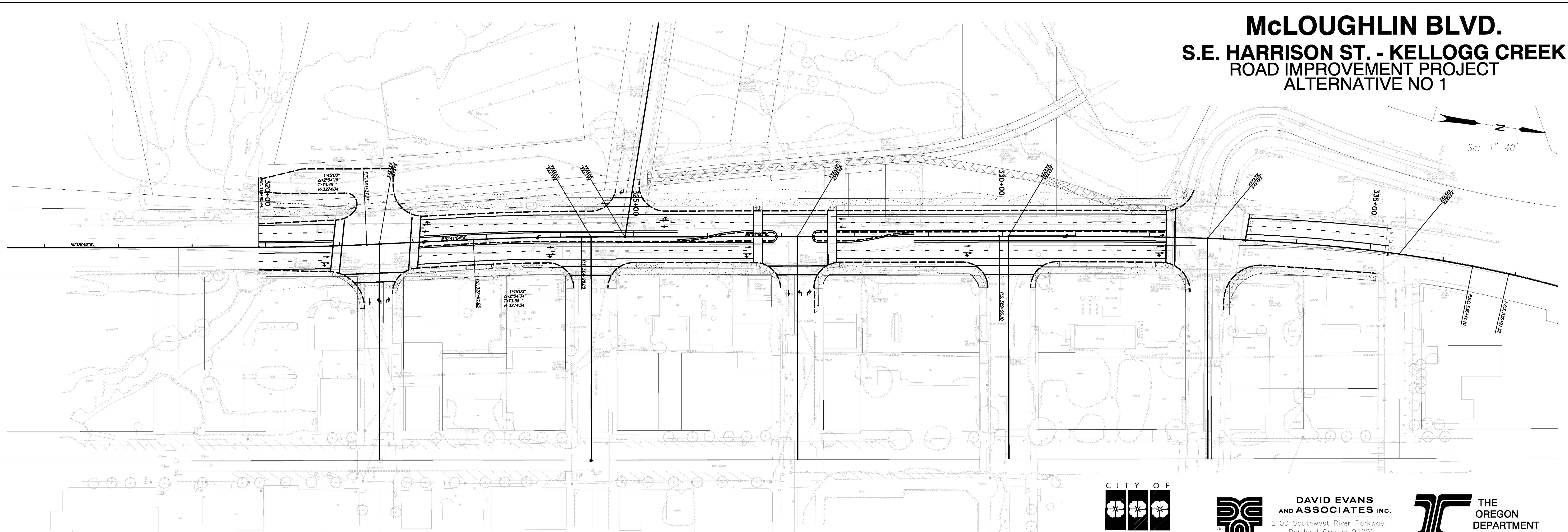
Attachment D – David Evans Technical Report

Attachment E – Cross-sections, Alternative #1, 2

Attachment F – Public Open House Comments

McLOUGHLIN BLVD. S.E. HARRISON ST. - KELLOGG CREEK ROAD IMPROVEMENT PROJECT ALTERNATIVE NO 1

Sc: 1"=40'

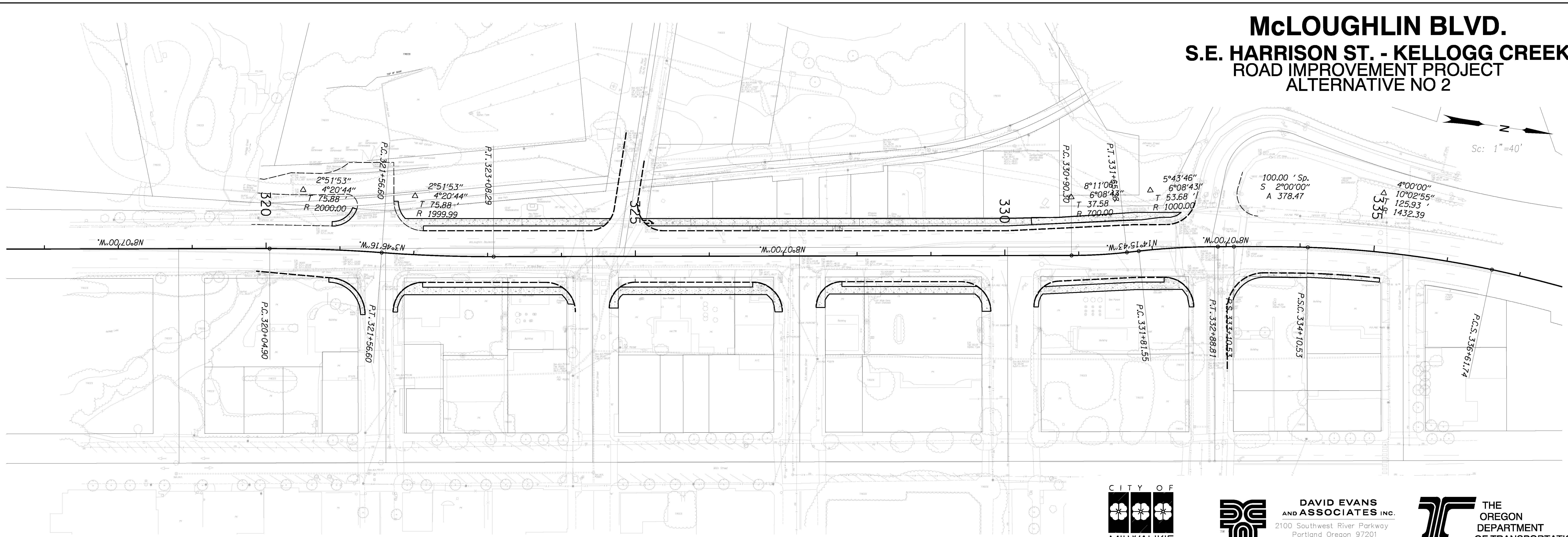


DAVID EVANS
AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663



McLOUGHLIN BLVD. S.E. HARRISON ST. - KELLOGG CREEK ROAD IMPROVEMENT PROJECT ALTERNATIVE NO 2

Sc: 1"=40'



**DAVID EVANS
AND ASSOCIATES INC.**
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663



ATTACHMENT C – ARTIST’S RENDERING OF PROPOSED IMPROVEMENTS FOR ALTERNATIVE #1



ATTACHMENT D – DEA TECHNICAL REPORT

DATE: April 2, 2004
TO: Brion Barnett, Project Leader
City of Milwaukie
FROM: Walter G. Bartel, PE, PLS
SUBJECT: **TECHNICAL MEMORANDUM - ALTERNATIVE ANALYSIS REPORT**
PROJECT: McLoughlin Street Improvements Project
99E: Kellogg Creek-Harrison Street (Milwaukie)
Pacific Highway East
Clackamas County

The purpose of this technical memorandum is to document the technical assumptions used for the development of the design alternatives and construction cost estimate for the McLoughlin Boulevard street improvements proposed in the City of Milwaukie, Oregon.

BACKGROUND

McLoughlin Boulevard (OR 99E) runs through the core of downtown Milwaukie and separates the downtown business district from riverfront recreational amenities on the west side of the roadway. The project will establish boulevard street design concepts on 99E from Harrison Street to the Kellogg Creek Bridge to help reconnect the downtown business and retail areas to the riverfront. Design elements will include raised landscape medians, setback sidewalks, planter strips and street trees, bike lanes, street lighting, additional pedestrian crosswalks, traffic signal removal at Jefferson Street and new signal installations at Washington and Monroe Streets.

In September of 2000, the City adopted the Milwaukie Downtown and Riverfront Plan calling for improvements to McLoughlin Boulevard. In June of 2001, the City completed an Oregon Department of Transportation (ODOT), Transportation Growth Management (TGM) project to help refine the conceptual design and identify environmental and historic impacts. The preferred conceptual design is consistent with the Downtown and Riverfront Plan.

On Thursday, January 15, 2004 the Oregon Transportation Commission formally adopted the section of McLoughlin Boulevard from Scott Street (MP 5.67) to Blue Bird Street (MP 6.30) as a Special Transportation Area (STA). A STA is a designated 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 except on designated Freight Highways where through highway mobility has greater importance.

While traffic moves through an STA and automobiles may play an important role in accessing an STA, convenience of movement within an STA is focused upon pedestrian, bicycle and transit modes. STAs look like traditional “Main Streets” and are generally located on both sides of a state highway. The primary objective of an STA is to provide access to and circulation amongst community activities, businesses and residences and to accommodate pedestrian, bicycle and transit movement along and across the highway. Direct street connections and shared on-street parking are encouraged. Local auto, pedestrian, bicycle and transit movements to the area are generally as important as the through movement of traffic. Traffic speeds are slow, generally 25 miles per hour or less.

Street design must be consistent with the standards adopted by the City of Milwaukie and Oregon Department of Transportation (ODOT). Metro Regional Street and Boulevard Design Guidelines should also be considered since this area of Milwaukie has been designated as a Regional Town Center in the METRO 2040 Plan. ODOT currently has jurisdiction of the roadway and is responsible for maintenance, access management, traffic signals and associated timing.

Existing land uses within the project area include primarily commercial businesses on the east side of McLoughlin Boulevard — gas stations, bank, hair salon, restaurant, thrift store, and parking lots. Largely open space, recreational facilities, and the Kellogg Creek Waste Treatment Plant define the west side of McLoughlin Boulevard between Harrison Street and the Kellogg Creek. Two older buildings are also found on the west side of McLoughlin Boulevard. The Kroll Building, which is currently occupied by Vic’s View Tavern, and the Milwaukie Antique Mall Building.

Because of potential impacts to existing cultural resources within the project area, an evaluation of the National Register eligibility for the Kroll Building, which was constructed in the late 1930s, was conducted. The results of the evaluation determined that the Kroll Building was not eligible for the National Register.

In subsequent discussions with representatives from the Oregon Department of Transportation (ODOT), further research was recommended to determine if there was a potential for significant archaeological deposits on the west side of McLoughlin Boulevard between Harrison and Jefferson Streets. The additional research was to focus on historical materials that could provide information on:

1. Social demographics of individuals who lived or may have stayed at the hotel that stood on the west side of McLoughlin just north of Jefferson Street;
2. Individuals who may have lived at other locations on the west side of McLoughlin between Harrison and Jefferson streets; and
3. The functions of historic-period buildings and structures along the west side of McLoughlin between Harrison and Jefferson streets and the potential for encountering intact archaeological deposits.

The objective of the research was to determine if intact archaeological deposits are likely to be present within the study area and if present, were those deposits likely to contribute important new information on the history of the area (i.e., meeting National Register Criterion D).

There is a moderate to high potential for some archaeological deposits associated with historic-period use and occupation of the study area on the historic-period land surface. The historic-period land surface is now probably at least eight (8) feet beneath the current ground level. Given that the proposed project will not involve excavation or construction that would penetrate into the historic-period surface, it is unlikely that any archaeological deposits of possible significance will be affected by the project.

The project is within the Portland/Vancouver air quality maintenance area for ozone (O₃) and carbon monoxide (CO). Projects must analyze their effects on attaining National Ambient Air Quality Standards (NAAQS) and specifically to determine if it would cause localized CO problems. An air quality analysis was completed which modeled future air quality at the McLoughlin Boulevard and Harrison Street/17th Avenue intersection. The analysis modeled future concentrations of CO adjacent to the intersection based on current and projected increases in traffic. The analysis concluded that the project would not only maintain CO below National Ambient Air Quality Standards, but also actually improve on the existing condition due to reduced congestion resulting from the changes in traffic signals.

When an existing road alignment or traffic signal spacing is modified, ODOT requires a study of the potential noise impacts to surrounding receptors, i.e., residences, hotels. Noise mitigation measures are required when predicted noise levels approach or exceed 70db (decibels) at McLoughlin and 65db at the Jefferson Street Boat Ramp (the noise abatement criteria), or when predicted noise levels substantially exceed existing noise levels. Future noise levels were modeled at several locations along the project in the Jefferson Street Boat Ramp recreational area. The model, based on measured current noise levels, predicted noise levels based on future traffic volumes and mix of vehicles (cars vs. heavy trucks). The analysis found that during the PM peak commute some, but not all areas east of McLoughlin currently exceed the 70db level. This project would not change this condition in the future. Noise levels in the Jefferson Street Boat Ramp area would remain below 65db in the future. Sound walls (a noise mitigation measure) are not being proposed because they would cut off views and access to the Willamette River and gateway.

A Willamette Greenway Zone conditional use permit is required for all projects that change the use or alter the vegetation buffer area in the Greenway. A vegetation/buffer plan must be submitted with the application. After a preferred alternative is selected from one of the two considered alternative alignments, the design will be completed and the impacts to the Greenway determined. An application for a conditional use permit will then be completed and submitted to the Planning Commission for review. The application will include a vegetation/buffer plan that may address scenic view protection (screening), and retention and restoration of existing native vegetation and large trees.

The Willamette River, Johnson Creek, and Kellogg Lake are Water Quality Resource Areas. Vegetated areas around these resources are buffers protected by Section 322 of the zoning code. Impacts to these areas would require a permit in accordance with Section 322. It has been determined that no Water Quality Resource Areas will be impacted by the project. If, however, the final design result in impacts to a Water Quality Resource Area vegetated buffer, a mitigation plan based on the requirements for preserving or enhancing vegetated buffers adjacent to Water Quality Resource Areas will be developed in accordance with the requirements of Section 322.

The Willamette River is home to Chinook salmon and steelhead trout, both listed under the federal Endangered Species Act (ESA). Bald eagle are known to forage along the Willamette River. The ESA requires federal agencies to insure that their actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Under current conditions stormwater running off of McLoughlin Boulevard drains untreated into Kellogg Creek and Johnson Creek, contributing polluted water to the Willamette River. The project includes mechanical water quality treatment that will provide treatment for the stormwater draining off of McLoughlin in the project area. This will result in cleaner water being delivered to the Willamette River. Habitat for bald eagle will not be impacted.

A Level II Environmental Site Assessment was completed on this project. The assessment included the placement of 17 GeoProbe™ borings along the corridor on the east and west sides of McLoughlin Boulevard to a depth of 10 feet below ground surface. Results of soil sample analysis indicated that: no obvious soil contamination was evident in soil borings drilled during the investigation; and of the analyzed compounds, only 1,2,4-trimethylbenzene was detected at 112 micrograms per kilogram ($\mu\text{g}/\text{kg}$) near Arco Station #4188 at 10966 SE McLoughlin Boulevard. Follow-up analysis for total lead in this sample indicated 10 milligrams per kilogram (mg/kg) in the soil.

Neither the concentration of 1,2,4-trimethylbenzene nor that of total lead detected in the sample exceeded risk-based soil concentrations for any Oregon Department of Environmental Quality (ODEQ) receptor scenarios. Furthermore, neither volatile organic compounds (VOC) nor petroleum hydrocarbon contamination were detected above laboratory method reporting limits in the other 16 samples collected at the Site. As such, the potential for exposure from contamination to construction workers appears to be minimal.

Brief Description of Existing Conditions

Street: McLoughlin Boulevard through Downtown Milwaukie is classified as a Principal Arterial by ODOT and a Regional Street and Major Arterial by Metro. The existing roadway section from Kellogg Creek to Harrison Street is approximately 1,700 feet long and has two traffic signals spaced 900 feet apart (at Harrison and Jefferson Streets). The existing roadway has two lanes in each direction, a center turn lane and is approximately 60-80 feet wide from curb to curb. Street lighting consisting of cobra head luminaries mounted on wooden poles.

Pedestrian Facilities: Sidewalks exist along both sides of McLoughlin Boulevard. A 10-foot wide sidewalk is located adjacent to the business district on the east side of the street and a 6-foot wide sidewalk is located on the west side along the riverfront. There is also a 10-foot wide multi-use path on the west side of the street that connects to the 6-foot wide sidewalk at Jefferson Street and at Harrison Street. The multi-use path was constructed in 1998 and is partly located on trolley right-of-way previously owned and operated by the Portland Traction Company.

Bicycle Facilities: McLoughlin Boulevard currently has no bike lanes.

Transit Facilities: There are no bus transit stops on McLoughlin Boulevard between Kellogg Creek and Harrison Street.

Brief Physical Description of Main Project Features

Street: The proposed improvements will primarily widen McLoughlin Boulevard up to a 103-foot right-of-way (ROW) cross section measured from back of sidewalk to back of sidewalk. The proposed roadway will have two 11-foot wide travel lanes in each direction, a 16-foot wide median/left turn lane, 5-foot bike lanes, minimum 6-foot sidewalks, and 6-foot wide landscaped planter strips between the curb and 10-foot wide sidewalks. The project will remove the existing traffic signal at Jefferson Street and install new signals at Washington and Monroe Streets. Landscaping will be considered in the median where appropriate. The curb-to-curb street width will be 70 feet.

Intersection Improvements: Developing full access at the new signalized intersection at Washington Street will be strongly considered. The preliminary design will strive to accommodate access to the Kellogg Treatment Plant for WB-50 bio-solid trucks and recreational users of the Jefferson Street Boat Ramp.

Bicycle Improvements: 5-foot bike lanes will be included in the paved roadway on both sides of McLoughlin.

Pedestrian Improvements: Sidewalks will be constructed on both sides of the street. Pedestrian travel will be buffered from bicycle and motor vehicle traffic by a planter strip. Pedestrian crossings will be provided at each signalized intersection (Washington, Monroe and Harrison Streets). Pedestrian refuge islands will be considered in the raised landscape median at Monroe Street. The existing multi-use path between Harrison and Jefferson Streets will be removed because the wide sidewalks proposed with this project make the existing path redundant.

Landscape Buffer Strip: A 6-foot wide planter strip will separate the sidewalk from the roadway. The planter strip will be landscaped with street trees and shrubbery. Landscaping must be irrigated with associated conduit, wiring, controller and valves complete.

Transit. No bus transit stops will be provided on McLoughlin Boulevard within the project limits.

Parking: No on-street parking will be allowed on McLoughlin Boulevard within the project limits. Existing parking spaces will also need to be eliminated on sections of Monroe and Washington Streets immediately east of McLoughlin Boulevard to provide for two westbound approach lanes to the intersection.

Public Utilities: There are ten (10) utilities located within the project limits: NW Natural, Electric Lightwave, Clackamas County, AT&T Cable Services, US West, Multnomah Drainage District, PGE, City of Milwaukie, Portland Bureau of Water Works, and Portland Bureau of Environmental Services. Utility conflicts with new construction activities will be avoided wherever possible.

GENERAL DESIGN ELEMENTS

Roadway Design Parameters

Design Standard:	Special Transportation Area (STA)
Functional Classification:	Urban Principal Arterial
Posted Speed:	30 mph
Selected Design Speed:	30 mph
Superelevation Rate:	2%
Spiral Lengths:	200 feet
Base Design:	Grind / Inlay / Overlay of Existing Pavement New AC and Aggregate in roadbed widening
Minimum K_{SAG} Value:	37
Minimum K_{CREST} Value:	19
Design Vehicle:	WB-50

Descriptions of Design Alternatives

Because the project is funded in part by Metro with federal funds obligated under the Congestion Mitigation and Air Quality Improvement Program (CMAQ), federal requirements for analyzing impacts to public parks and recreation lands must be completed. Section 4(f) of the USDOT Act of 1966 requires that the Federal Highway Administration not approve any project that impacts publicly owned parks or recreation areas unless there is no feasible and prudent alternative to the impact, and all possible planning to minimize impacts is completed.

This alternatives analysis studied both westerly and easterly alignment shifts. The westerly shift (Alternative 1) results in a narrow strip of the park being impacted and the loss of two businesses.

These businesses will be relocated and the land added to the park base. The easterly shift (Alternative 2) avoids impacts to the Jefferson Street Boat Ramp recreation area, but has a significant impact on nearly all of the businesses fronting McLoughlin Blvd. on the east side of the street within the project area.

The alternative selection process began when the project design team, working with the City of Milwaukie and the Project Advisory Committee (PAC), developed two concepts for improving the section of McLoughlin Boulevard between Kellogg Creek and Harrison Street. One alternative shifted the alignment to the west to avoid adverse impacts to the business district abutting the project. The second alternative shifted the alignment to the east to avoid any impacts to the Jefferson Street Boat Ramp recreational area. Both alternatives were presented to the PAC and at the first Public Open House Meeting held on March 10, 2004. Alternative 1 was identified as being the preferred design alternative.

ALTERNATIVE 1

The first design alternative held the existing right-of-way line on the east of the street to minimize any impacts to the businesses fronting McLoughlin Boulevard. The proposed centerline alignment has the same bearing as the recorded centerline with a slight westerly offset of about 13½-feet. The incorporation of this offset allows for the proposed east side curb to be located 6 feet west of the existing curb line, thereby minimizing the impacts felt by the businesses on the east side of McLoughlin Boulevard.

Widening of McLoughlin Boulevard to the west will require the removal of the Kroll Building and the Antique Mall. To address possible project effects to cultural resources, an evaluation was performed of the National Register eligibility of the Kroll Building, which was constructed in the late 1930s (the Antique Mall building was considered clearly not eligible for listing on the National Register). The evaluation determined that the Kroll Building was not eligible for the National Register and could be removed as a part of this project. The remaining parcels would be land added to the park base.

The proposed street improvements include four 11-foot travel lanes, 16-foot wide raised median / left turn channelization, 5-foot bike lanes, curbing, planter strips and sidewalks. The sidewalks will be 10-feet wide and separated from the roadway by a 6-foot wide planter strip. The planter strip would be landscaped in a manner consistent with the Milwaukie Downtown Plan.

The existing pavement will be rehabilitated to the greatest extent practicable. Surface treatment consists of cold plane pavement removal to a depth of 2 inches, with 4 inches of resurfacing. New pavement construction will be limited to the west side of the street. The new pavement construction will be 10 inches of asphalt concrete over 10 inches of aggregate base.

The existing cobra head luminaries mounted on wooden utility poles will be removed and replaced with new street lighting. The proposed new street lighting will be designed to create a pedestrian friendly urban environment.

The existing traffic signal at the intersection of Harrison Street/17th Avenue and McLoughlin Blvd. has signal heads suspended from span wires. ODOT's policy is to install traffic signals with mast arms as a first priority. A new traffic signal is required at Harrison Street because three of the four signal poles must be moved to a new location due to the shift in alignment and the location of the signal heads must be modified to align with the new lane configuration. The fourth pole is located in the middle of the sidewalk and does not meet the requirements of the Americans with Disabilities Act (ADA).

The existing traffic signal at Jefferson Street will be removed. Access to the boat ramp and parking area will be provided via a right in/right out access on McLoughlin Blvd.

A new traffic signal will be installed on McLoughlin Blvd. at the intersection with Monroe Street. The signalized intersection at Monroe Street will be a 'T' intersection that will provide access to McLoughlin for northbound and southbound traffic. No left turns from McLoughlin onto Monroe Street will be permitted.

A new traffic signal will also be installed on McLoughlin Blvd. at the intersection with Washington Street. This will be a four-way signalized intersection that will provide for all traffic movements, including full access to the Kellogg Creek Sewage Treatment Plant.

Developing an access management strategy was not included in this phase of the design. The access inventory was furnished to ODOT and reflects the location of existing driveways. Our recommendations for driveway locations are shown on the plans.

Right of Way

The McLoughlin street improvements on the east side of the roadway will require additional right-of-way in the area of the curb returns at the street intersections and for the traffic signal poles. Small areas of additional right-of-way will be required from the following properties:

- Cash Spot – A right-of-way file will be needed to acquire additional right-of-way at the northwest corner of the property for improvements at the southeast corner of the Washington Street intersection. This will require the relocation of their business identification sign and the relocation of their existing driveway on Washington Street.
- Parking Lot – This is property currently owned and operated by the City of Milwaukie. The northwest corner of the property will be affected by the improvements to the curb radius and sidewalk at the southeast corner of the Jackson Street intersection.
- Texaco Station – The service station occupies the entire block along McLoughlin Blvd. between Jackson and Harrison Streets. The street improvements will impact the southwest and northwest corners of the property. The Texaco business sign at the southeast corner of the Harrison Street intersection will have to be relocated.

Right-of-way impacts to the other corners of the intersections on the east side of McLoughlin Blvd. may be avoided by providing a 6-foot wide sidewalk at the pinch point located at the corner of the private property.

The alignment shift will require the acquisition of the two businesses (Vic's Tavern and Antique Mall) on the west side of McLoughlin Blvd. as a total taking for street purposes. The buildings will need to be completely removed, utilities services disconnected and capped, and the site graded to match the surrounding contours. The following table is a summary of the right-of-way impacts and costs.

RIGHT OF WAY IMPACTS			
Business	Site	Taking	Estimated Cost
Antique Mall	3,100 SF	3,100 SF	\$294,000
Vic's Tavern	1,742 SF	1,742 SF	\$345,000
TOTAL			\$639,000

Storm Sewer System

Water quality treatment is provided in accordance with ODOT's policy of providing environmental mitigation for their projects and to ensure compliance with the Endangered Species Act (ESA). The Willamette River is home to Chinook salmon and steelhead trout, both listed under the federal Endangered Species Act (ESA). The ESA requires federal agencies to insure that their actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Under current conditions stormwater running off of McLoughlin Boulevard drains untreated into Kellogg Creek and Johnson Creek, contributing polluted water to the Willamette River. The project includes mechanical water quality treatment will provide treatment for stormwater draining off of McLoughlin in the project area. This will result in cleaner water being delivered to the Willamette River. Since the project drains virtually into the Willamette River detention is neither proposed nor required for this project.

A project goal is to provide water quality treatment to the maximum extent possible. The following are the water quality design standards used for this project:

- Water quality facility sized to treat maximum contributing area given available right-of-way.
- All storm events are 24-hour U.S. Conservation Service Type 1A storm events.
- Water quality storm is one-third of the 2-year, 24-hour storm event or 0.9 inches over 24 hours.

The 10 and 50-year design flows for the inlets and Storm Sewer System were calculated based on the Rational Method, using ODOT Rainfall Intensity – Duration – Frequency (IDF) Curves for Zone 7.

Flow control is not proposed for the proposed roadway improvements. The proposed project will discharge to existing outfalls at Kellogg Creek on either side of McLoughlin Blvd. There are visible signs of streambank erosion at the existing outfall on the east side of McLoughlin. The outfall on the west side of McLoughlin extends through a concrete retaining wall with no visible signs of erosion. There are no known downstream problems, and the project is not anticipated to cause hydrologic quantity impacts to Kellogg Creek. The system has been designed to reduce the flow to the outfall on the east side outfall to Kellogg Creek, thereby improving the existing condition at the outfall.

According to the ODOT Hydraulics Manual, the minimum diameter for storm sewers is 12-inches. The minimum inlet or manhole spacing is 400-feet. The storm sewer slope should be set to assure a minimum full flow velocity of 3 feet per second.

Inlet design is in accordance with the requirements set forth in the ODOT Hydraulics Manual. The inlets are spaced for 5-minute, 10-year rainfall intensity. Inlets were spaced to restrict spread to a maximum of 2-feet into the travel lane, in accordance with ODOT criteria. With a 5-foot wide shoulder/bike lane, the maximum allowable spread would be 7-feet. The project is in ODOT's Zone 7 Rainfall Intensity-Duration-Frequency Zone.

The conceptual design assumed that all existing pipes and inlets would be replaced.

Water quality design utilizes proprietary water quality manholes. The manholes will be required to remove 70-percent of the Total Suspended Solids (TSS) in the influent stormwater. The water quality manholes will be located on the east and west side of McLoughlin Blvd. near Jefferson Street. Vegetative treatment options were considered; however, the only area available is the park. Constructing a vegetative treatment facility in the park would require a significant 4(f) as a result of the grading required. The water quality design storm is one-third of the 2-year, 24-hour design storm. The 2-year, 24-hour design storm for Milwaukie is 2.7 inches, so 0.9 inches was used as the water quality design storm.

The overall storm sewer design for both alternatives consists of Type “CG-3” inlets along the gutter lines.

Alternative “A” would have a total impervious area of approximately 135,634 square feet (3.11 acres) including the proposed roadway and sidewalk improvements. The sidewalks will be separated from the roadway with a landscape strip; therefore, the sidewalks will be non-effective impervious area and not contribute to the hydrologic or pollutant generation project impacts. The existing roadway, including sidewalks, has a total impervious area of approximately 136,810 square feet (3.14 acres). The proposed project would decrease the impervious area by

approximately 1,176 square feet (0.03 acres) or 0.9-percent. The proposed water quality facility will treat contributing runoff from approximately 257,000 square feet (5.9 acres) of new and existing impervious area, or over 189-percent of the total effective impervious area associated with this project. The system treats runoff from impervious roadway areas both south and east of the project limits.

Construction Staging

The project will be constructed per the standard ODOT lane closures. The project will require three stages to construct the section. The first stage is the construction of the roadbed widening on the west side of the existing street. Traffic will be allowed to drive on the existing pavement.

Traffic can be allowed to drive on the new pavement in stage two, while the pavement on the eastside of McLoughlin is removed to the new curb line. The third stage would involve all remaining pavement work on McLoughlin Blvd., including the grind, inlay and overlay of the surfacing. Two lanes of traffic in each direction will remain open for the duration of the project, except at night when it may be necessary to restrict traffic to one-lane in each direction and provide a safe work area for the Construction Contractor. Flaggers will control traffic through the work area.

Design Exceptions

1. Less than the minimum queue length for left turn refuge during the peak hour in the 2020 build year.
2. Volume to capacity (v/c) ratio greater than 0.95.

ALTERNATIVE 2

While Alternative 1 explores the results of shifting the centerline alignment to the west, Alternative 2 explores shifting the alignment to the east to avoid any impacts to the Jefferson Street Boat Ramp recreation area. This option moves the centerline of McLoughlin Blvd. approximately 11½-feet to the east. The shift of the centerline alignment to the east introduces two 6° 08' 43" reversing curves south of the Harrison Street intersection. The easterly shift in the centerline also introduces two 4° 20' 44" reversing curves at the south end of the project and north of Kellogg Creek.

All opportunities including but not limited to typical sections, access management, construction staging, design standards, storm sewer, water quality treatment, signals, illumination and design exception are mirrored from Alternative 1.

As with Alternative 1, the existing pavement will be rehabilitated to the greatest extent practicable. Surface treatment consists of cold plane pavement removal to a depth of 2 inches, with 4 inches of resurfacing. New pavement construction will be limited to the east side of the

street. The new pavement section will be 10 inches of asphalt concrete over 10 inches of aggregate base.

The Level II Environmental Site Assessment found that 1,2,4-trimethylbenzene was detected at 112 micrograms per kilogram ($\mu\text{g}/\text{kg}$) near Arco Station #4188 at 10966 SE McLoughlin Boulevard. Follow-up analysis for total lead in this sample indicated 10 milligrams per kilogram (mg/kg) in the soil. Neither the concentration of 1,2,4-trimethylbenzene nor that of total lead detected in the sample exceeded risk-based soil concentrations for any Oregon Department of Environmental Quality (ODEQ) receptor scenarios. Furthermore, neither volatile organic compounds (VOC) nor petroleum hydrocarbon contamination were detected above laboratory method reporting limits in the other 16 samples collected at the Site. Although the potential for exposure from contamination to construction workers appears to be minimal, it can be reasonably assumed that a greater quantity of contaminated soil will be excavated under this Alternative 2.

Although this alternative totally avoids any impacts to the open space / recreation area on the west side of McLoughlin Blvd., it does impact all of the abutting properties on the east side of the street. The following table is a summary of the right-of-way impacts and costs.

RIGHT OF WAY IMPACTS			
Business	Site	Taking	Estimated Cost
EAST SIDE			
Texaco Station	21,525 SF	4,080 SF	\$278,000
Parking Lot	16,800 SF	3,705 SF	\$86,000
ABC Kitchen	5,513 SF	1,280 SF	\$61,000
Sheer Perfection	3,575 SF	3,575 SF	\$239,000
Arco Station	16,116 SF	3,695 SF	\$286,000
Astro Station	7,954 SF	7,954 SF	\$532,000
Bank of the West	13,905 SF	3,210 SF	\$633,000
Cash Spot	23,880 SF	535 SF	\$25,000
TOTAL			\$2,140,000

The easterly alignment shift will require the acquisition and relocation of the two businesses (Sheer Perfection and Astro Station) as a total taking for street purposes. The two buildings at these locations will need to be completely removed, utilities services disconnected and capped, and the site graded to match the surrounding contours.

The Bank of the West building will have to be removed back to the proposed right-of-way line. Although the Bank of the West building will have less square footage, the building can be salvaged by removing the westerly portion of the building and constructing a new wall to close in the west side of the building.

The existing access to the Cash Spot parking area, which is located in the southeast corner of the intersection, will have to be closed. A new access will be required on McLoughlin Blvd.

COST SUMMARY

	<u>Alternative 1</u>	<u>Alternative 2</u>
Construction	\$2.2 million	\$2.2 million
Preliminary Engineering (DEA)	\$600,000	\$600,000
Right-of-Way	\$639,000	\$2.14 million

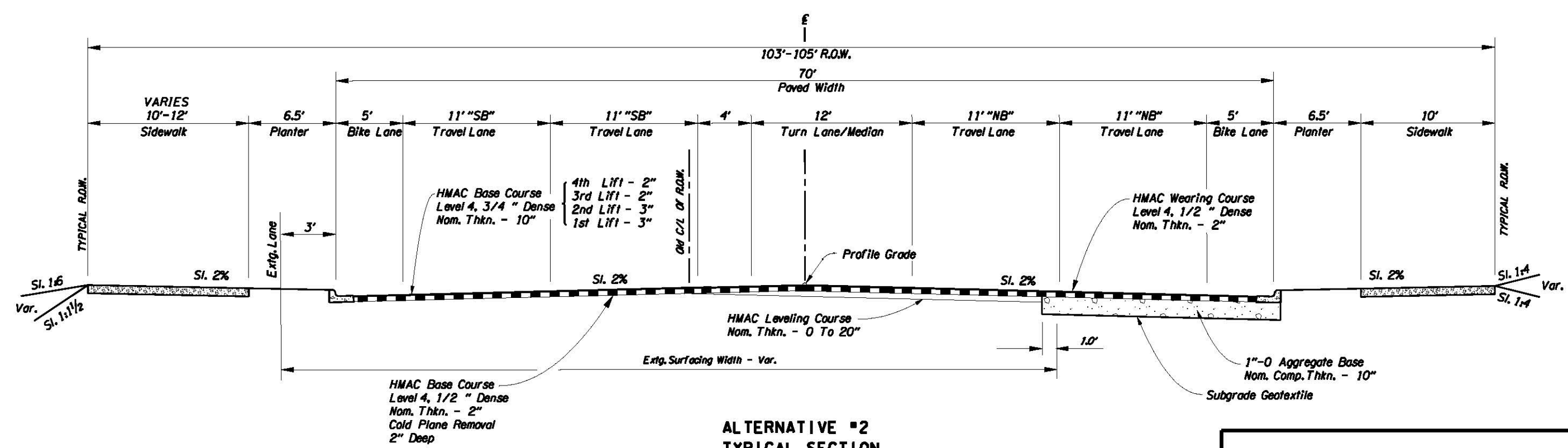
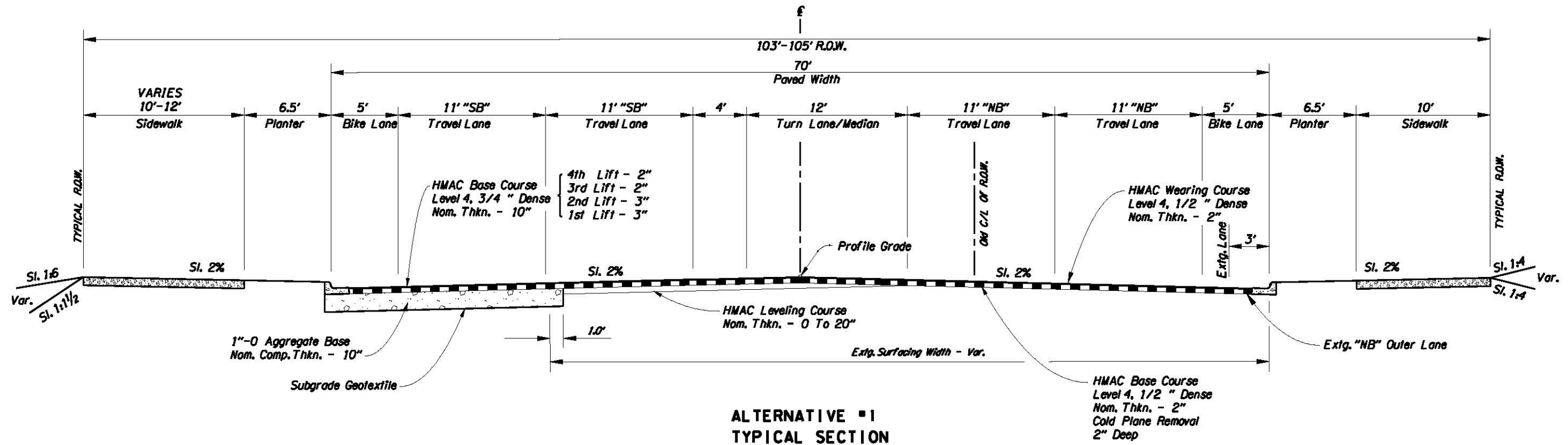
The construction cost estimate is summarized in an attachment.

CONCLUSIONS

Both alternatives are feasible and in accordance with normal design standards. However, moving the road into downtown is not prudent due to the excessive cost, unacceptable social and economic impacts, and it creates a serious disruption to the community.

draft

Attachments: Alignment Alternative 1 – Plan View
 Alignment Alternative 2 – Plan View
 Alignment Alternatives 1 & 2 Typical Sections
 Construction Cost Estimate



DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6883



**McLOUGHLIN BLVD.
S.E. HARRISON ST. - KELLOGG CREEK
ROAD IMPROVEMENT PROJECT**

ATTACHMENT F – OPEN HOUSE PUBLIC COMMENTS

McLOUGHLIN BLVD. IMPROVEMENT PROJECT OPEN HOUSE COMMENTS		
MARCH 10, 2004 – PSB COMMUNITY MEETING ROOM		
NAME	NEIGHBORHOOD	COMMENTS
Pat Breyne	Ardenwald	I would prefer the Washington Street plan for access to the boat ramp. It would be easier to drive thru the neighborhood and have better access to the ramp. I now use Harrison, but it would be an easier drive to use Washington Street. I like the planter strips and sidewalks a lot.
Arden Hill	Ardenwald	Approve – lets get going on this. It's been going on for too many years. Alternative #1 sounds the best.
Dawn Stacey	Ardenwald	I am pleased with the basic design of the McLoughlin changes. I feel that the boat ramp exit/entrance would best be placed at Washington Street. There would be more direct access for boaters coming from the East side of Milwaukie and would cause the least disturbance to the open land around Monroe Street – more area for the park/trails.
Kathi Schroeder	Hector Campbell	Improvement is good if that's what it truly is. Thanks for sharing the plans.
Drew Coleman 23 rd & Harrison	Historic Milwaukie	<u>I think it looks great.</u> I'm interested in appearance and aesthetic ideas with businesses and/or parking lots on the East side of McLoughlin. A lot of empty space, unsightly building backs, etc.
Gary Klein	Historic Milwaukie	As a whole it looks good with two ideas: 1. Bike lanes showing both sides of McLoughlin Blvd, riverfront park with path/ bike route, and trolley trail. That is four routes for bikes. Remove the two on McLoughlin as you have done by Ross Island. The bikes have their own path by Ross Island from Portland to Sellwood, continue the same thought in Milwaukie. 2. The boat ramp should be right-in, right-out on Jefferson Street. Monroe to boat ramp is not good at all, it moves the park and makes pavement & concrete. Washington is better, but still not suggested way. The sewerage plant should be right-in, right-out further south than Washington from their parking lot on a traffic light that would be in conjunction with the park-n-ride on Kellogg Lake Milwaukie property.

NAME	NEIGHBORHOOD	COMMENTS
Ron Young 30 th & Washington	Historic Milwaukie	Great. As plans progress, I hope that the core area becomes more of a ‘destination’ area with restaurants and shops that utilize the waterfront. I’m sure that’s way down the road. Also, continue to investigate hooking the bike path to the Springwater Corridor, making a safe bike route to downtown. Good Work!
Kathy Buss	Lake Road	<ol style="list-style-type: none"> 1. Postive! I can’t wait! 2. I like the move of the street light, even the three! I <u>hope</u> this does <u>not</u> create a “Dundee” backup. 3. The Monroe Street boat ramp option should be fully explored. 4. The “proposed” trolley trail pathway solution seems reasonable. 5. I prefer “planter” style of median dividers rather than grass level – too easy to drive over. 6. I believe the alternative #1 is the best. The small displacement of green space is recaptured by the better alignment of the trolley trail keeping successful businesses supported is good for all.
Julie Wisner	Lake Road	I like it, however, I would prefer a design more like Lake Oswego with trees down a median strip of the roadway to soften the look of the roadway. Example: Macadam Avenue is another good example of a roadway with trees down the middle. Also, entrance treatments with signs designating the entrance into Milwaukie – from the north end and south end as well.
Mike Stacy	None given	Right-in, right-out at boat ramp. No boat access at Monroe. Sewer only access at Washington.
Fred Sawyer 14725 Linden Lane	Out of City	The travel lanes and bike lanes are too narrow. The design should use standard 12’ travel lanes and 6’ bike lanes.
No name	None given	6.5 planter strips? Washington Street option traffic pattern does not allow boats to back up to ramp easily. Trip call for bikers (cross walk light) at intersection. Why not right-in, right-out at Jefferson.

NAME	NEIGHBORHOOD	COMMENTS
No name	None given	How is this going to attract any new business into Milwaukie? What about sewage?
No Name	None Give	It looks promising. Would have liked to have seen how light rail fits in. But I understand that is a further down the road type project. Brion – thanks for explaining & good discussion.