

MINUTES

MILWAUKIE CITY COUNCIL JUNE 15, 2004

CALL TO ORDER

Mayor Bernard called the 1936th meeting of the Milwaukie City Council to order at 6:30 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Lancaster
Councilor Joe Loomis

Councilor Deborah Barnes
Councilor Susan Stone

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
Larry Kanzler,
Police Chief
Alice Rouyer,
Community Development and
Public Works Director

Paul Shirey,
Engineering Director
Keith Jones,
Associate Planner
Jay Ostlund,
Associate Engineer

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

CONSENT AGENDA

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

- A. City Council Minutes of May 25, 2004;
- B. ODOT Bike/Ped Transportation Grant Applications;
- C. Resolution No. 10-2004: A Resolution of the City Council of the City of Milwaukie, Oregon, Acting as the Local Contract Review Board, Authorizing the City Manager to Execute Certain Contracts for Fiscal Year 2004 – 2005.
- D. Resolution No. 11-2004: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Scott A. Fewell as Municipal Court Judge *Pro Tempore* for July 11, 2004, for the Purpose of Performing a Wedding Ceremony;

- E. **Resolution No. 12-2004: A Resolution of the City Council of the City of Milwaukie, Oregon, Certifying that the Delinquent Sewer Charges against Robert V. Faulhaber Were Incorrectly Applied Because His Property Was Not Connected to the Sewer System, and Asking Clackamas County to Correct Tax Bills Accordingly;**
- F. **Resolution No. 13-2004: A Resolution of the City Council of the City of Milwaukie, Oregon, Supporting a Regional Approach to Wastewater Treatment in North Clackamas County; and**
- G. **OLCC Application for Roswell Market, 8929 SE 42nd Avenue.**

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

Fiscal Year 2004 – 2005 City Fees – Resolution

Mayor Bernard called the hearing to order at 6:35 p.m. The purpose of the hearing was to consider resolutions required to effect the adoption of the FY 2004 – 2005 Budget.

Staff Report: **City Manager and Budget Officer Mike Swanson** provided the staff report. This was the final act in the process of adopting the FY 2004 – 2005 annual budget that begins on July 1, 2004. The Budget Committee held four hearings on this matter, and this is the budget approved by the Committee. It is a status quo budget. The significant change made at the last Budget Committee hearing was to restore funds to the Library, so it can increase hours to what they were a couple of years ago. There were also some changes made occasioned by errors made in the preparation of the budget document most of which were in the police field services area.

In order to effect adoption of the budget, the City Council has to take three separate actions. The first is to adopt a resolution that declares the City's election to receive state revenues, and the City Council must call for written or oral testimony. State revenues come from a number of sources including cigarette and alcohol taxes. If the City Council approves that resolution, the second action is to adopt a resolution that says the City provides certain services so the state has a record. The third resolution adopts the budget. The City of Milwaukie adopts its budget at the fund level, which means that there is a certain amount of discretion within each budget to move money around, but does not allow creation of new positions or to affect salaries in any way. Section 3 of the proposed resolution adopting the budget sets the general fund tax base at the permanent rate for the City at \$6.5379. That is the maximum amount the City is allowed to levy for purposes of general operations. There is an additional property tax amount of \$300,000 to retire the debt on the public safety levy. If the City Council

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approves those three resolutions, the next step will be to certify them to the assessor who will certify the tax role and collect the necessary revenues.

Correspondence: None.

Audience Testimony: None.

Additional Staff Comments: None.

Questions of Clarification: None.

Mayor Bernard closed the public testimony portion of the hearing at 6:40 p.m.

Council Discussion and Decision: It was moved by Councilor Stone and seconded by Councilor Barnes to adopt the resolution declaring the City's election to receive state revenues. Motion passed unanimously among the members present.

RESOLUTION NO. 14-2004:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES DURING FY 2004 – 2005.

It was moved by Mayor Bernard and seconded by Councilor Barnes to adopt the resolution certifying services provided for state revenue sharing. Motion passed unanimously among the members present.

RESOLUTION NO. 15-2004:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CERTIFYING SERVICES PROVIDED FOR STATE REVENUE SHARING.

It was moved by Councilor Barnes and seconded by Councilor Stone to adopt the resolution adopting the 2004 – 2005 Budget, making appropriations, and declaring the ad valorem tax. Motion passed unanimously among the members present.

RESOLUTION NO. 16-2004:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON TO ADOPT THE BUDGET, MAKE APPROPRIATIONS, AND DECLARE AND CATEGORIZE THE AD VALOREM TAX LEVY FOR FISCAL YEAR 2004 – 2005.

OTHER BUSINESS

2005 – 2009 Capital Improvement Plan Adoption

Engineering Director Paul Shirey provided the staff report in which the City Council was requested to adopt a resolution adopting the 2005 – 2009 Capital Improvement Plan (CIP). This is a five-year Plan that is updated annually with the current year's projects funded through the normal budget process. The engineering department leads the efforts to produce the CIP and works with public works operations, finance, and local neighborhood associations to produce the draft. The Citizens Utility Advisory Board (CUAB) and Budget Committee have both reviewed the document and recommend the City Council adopt it. The projects in the CIP are needed to improve system reliability, enhance safety and efficiency, and serve new development by providing new capacity. Projects are designed to serve anticipated needs of the community for the foreseeable future. The utility projects are based on master plans that are prepared and updated periodically. Funding for these projects come from a variety of sources including utility rates, gas tax, and grants. Projects are prioritized based on public health and safety, operating efficiency, growth, and projected life expectancy.

It was moved by Councilor Barnes and seconded by Councilor Stone to adopt the resolution adopting the 2005 – 2009 CIP. Motion passed unanimously among the members present.

RESOLUTION NO. 17-2004:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR 2005 – 2009.

Consider MPEA and AFSCME Contract Agreements

It was moved by Mayor Bernard and seconded by Councilor Barnes to remove the AFSCME agreement from the agenda for further negotiation. Motion passed unanimously among the members present.

Human Resources Director Mary Rowe provided the staff report. Negotiations have been underway with AFSCME and MPEA for the past several months, and there is a tentative agreement with the MPEA bargaining unit. She was seeking authorization to move forward with entering into a three-year contract with MPEA.

It was moved by Councilor Barnes and seconded by Councilor Stone to authorize the Mayor and City Manager to sign the MPEA Agreement. Motion passed unanimously among the members present.

Title 7 Reporting

Associate Planner Keith Jones provided the staff report in which the City Council was requested to authorize the Mayor to sign a letter to Metro detailing the status of City

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efforts to comply with regional affordable housing provisions. Staff provided a strategy for complying with Metro's Functional Plan Title 7 – affordable housing. Additional time is needed to complete other sections of the report, and staff requests that the City Council authorize the Mayor to sign a letter extending the period to November 2004.

It was consensus of the City Council to authorize the signing of the letter to Metro.

McLoughlin Boulevard Project Cross-Section Endorsement/Approval of Preferred Alternative

Engineering Director Paul Shirey presented the staff report in which the City Council was requested to consider the revised McLoughlin Boulevard project cross-section. Staff made a presentation to City Council in May seeking endorsement of the new McLoughlin Boulevard improvement project alignment. The shift to the west was staff's recommendation because a shift to the east would have impacted more businesses and added \$2 million to the project. The Riverfront Board expressed its strong desire for the project team to look for opportunities to reduce impacts to the riverfront park. A compromise was reached that succeeded in reducing the impact of the road improvements by: (1) that portion of sidewalk from the south limits of the project (Kellogg Creek Bridge) to the Jefferson Street Boat Ramp will be 12-feet wide and function as not only a sidewalk but also be the Trolley Trail in that segment; and (2) that portion north of Jefferson Street will transition to 8 feet and be simply a sidewalk. The transition at Jefferson Street will basically be a "Y" where people can either continue on the sidewalk or move into the park.

These two additional feet north of Jefferson was agreed to by the advisory group and endorsed by the Riverfront Board. Dave Green, Board member, said the board concurred and endorsed the recommendation. Board member Mike Stacey was present and nodded agreement.

Shirey said the planter strip will have one species of tree, and the project will pay for planting larger red oaks on the outside to enhance the quality of the riverfront experience. There will be street lighting in that section although he does not have drawings of them.

It was consensus of City Council to endorse the cross-section to build McLoughlin Boulevard improvements.

Advisory Board Appointments

Mayor Bernard with the consensus of Council appointed Joan Staley to the Center/Community Advisory Board and Brent Carter to the Planning Commission.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 6:55 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL JUNE 15, 2004

MILWAUKIE CITY HALL
10722 SE Main Street

1936th MEETING

REGULAR SESSION - 6:30 p.m.

I. **CALL TO ORDER**
Pledge of Allegiance

II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

Outstanding Milwaukie High School Student Recognition

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 May 25, 2004**
- B. **ODOT Bike/Ped Transportation Grant Applications**
- C. **Authorize City Manager to Sign Annual Purchase Orders Exceeding \$25,000 -- Resolution**
- D. **Appoint Scott A. Fewel As Municipal Court Judge *Pro Tempore* for July 11, 2004 -- Resolution**
- E. **Request Clackamas County to Correct Tax Bill for Delinquent Sewer Charges -- Resolution**
- F. **Wastewater Treatment Options -- Resolution**
- G. **OLCC Application for Roswell Market, 8929 SE 42nd Avenue**

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.)*

- A. **2004 – 2005 Budget Hearing (Swanson)**
 - 1. **Resolution Declaring the City's Election to Receive State Revenues;**

2. Resolution Certifying Services Provided for State Revenue Sharing; and
 3. Resolution Adopting the Budget, Making Appropriations, and Declaring the Ad Valorem Tax;
- B. 2003 – 2004 Supplemental Budget – Resolution (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. 2005 – 2009 Capital Improvement Plan Adoption – Resolution (Shirey)
- B. Consider MPEA and AFSCME Contract Agreements (Mary Rowe)
- C. McLoughlin Boulevard Project Cross-Section Endorsement/Approval of Preferred Alternative (Paul Shirey/Brion Barnett)
- D. Final Report to Metro on Affordable Housing (John Gessner)

VII. INFORMATION

- A. Center/Community Advisory Board Minutes, April 9, 2004
- B. Public Safety Advisory Board Meeting Notes, April 22, 2004

VIII. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session immediately following adjournment at pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media will be excluded from this session pursuant to ORS 192.660(4). Executive Sessions may not be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

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.

III. CONSENT AGENDA

MINUTES**MILWAUKIE CITY COUNCIL
MAY 18, 2004****CALL TO ORDER**

Mayor Bernard called the special meeting of the Milwaukie City Council to order at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Lancaster
Councilor Joe Loomis

Councilor Deborah Barnes
Councilor Susan Stone

Staff present:

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

John Gessner,
Planning Director
Paul Shirey,
Engineering Director
Grady Wheeler,
Information Coordinator

Jason Wachs,
Program Coordinator

PLEDGE OF ALLEGIANCE

Councilor Loomis congratulated the Milwaukie High School softball team for making it to State this year. Monday, MHS defeated 5th ranked Centennial and will play the defending State Champions on Wednesday.

PUBLIC HEARING**Proposed Recommendation Regarding Transit Center Siting and Light Rail Alignment and Station Siting**

Mayor Bernard explained this was the continuation of the May 18, 2004 public hearing on the proposed recommendation to TriMet and Metro regarding transit center siting and light rail alignment and station siting.

The decision is not a land use decision and is not subject to any existing land use standards or criteria. There were no conflicts of interest that were not disclosed at the previous meeting.

III. A. 2

Mayor Bernard reviewed the order of business and ground rules for the conduct of the hearing.

- Please fill out the testimony form before you come to the podium. That is the green registration card available on the information table in the hall. It ensures that we both have correct spellings for the record and have included everyone who wishes to speak;
- Please state your name and address before you begin your testimony so that they can be entered into the record--and please speak directly into the microphone;
- I will limit the presentation time for speakers to give as many people a chance to be heard as possible--10 minutes for groups and 5 minutes for individuals;
- Please make sure that your remarks are about the issues we are going to decide;
- Please avoid repetitive testimony--we want to make sure that you get to say what you want to say, but we also want to make sure that we include everyone; and
- Please do not engage in personal attacks--we are interested in hearing about the issues.
- The order of speakers was proponents (limited to those who did not already speak at the May 18, 2004 hearing), opponents, and neutral.

Public Testimony -- Proponents

Gary Michael, 11907 SE 19th Avenue, Milwaukie. He sincerely believed this site would be good for all forms of transportation, good for downtown, good for the north industrial area, good for his Island Station Neighborhood, and also good for future waterfront improvements. Since the City already owns the property, no condemnation or displacement will be required. Tonight the City Council will hear a lot about environmental concerns, but the City Council cannot determine what environmental impacts would result from this project. Many thorough impact analyses will be done after the project concept is approved. If the project cannot meet the very tough regulations for this site, then it will not happen. There will be a minimal impact on the view from a few properties across the lake. These impacts can be minimized by good design, landscaping, and careful attention to lighting. Mitigation money will be used to restore native plants and habitat. Really the site's value as open space is highly debatable. It is not very natural. It is on fill. If the Council did not mow it, the place would soon be covered again with blackberries. It is not a playground or park. Access is poor. No one physically uses it. Much of the site will still be open space after the transit center is constructed but with much improved landscaping and access. Regulations will ensure the site is environmentally better than it is now. He got involved with the working groups as the sites being considered were getting closer and closer to his own neighborhood. He found the working group process was extremely open, very fair, and responsive. TriMet staff tried very hard to help the group look at every possible option. City staff has been very responsive and objective. The comment cards from the working group showed that every neighborhood strongly supported 2.5. This was before the working group voted nearly unanimously to recommend 2.5. It would be hard

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to conceive a more democratic process. An enormous amount of time, energy, and money has gone into this recommendation. Milwaukie has had a reputation for many years of being difficult to work with, for making many plans without following through, and having more than its share of negative people who are hostile to regional agencies or change of any kind. The naysayers, in this case, do not have a better plan. A "no" vote by this Council means, in his opinion, a no-build vote. Then we will continue to stagnate. His plea was to go forward and not backward and support the working group and Planning Commission recommendation for site 2.5. A "yes" vote loses nothing, but will gain us credibility with our regional, state, and federal partners and will demonstrate we are serious about jobs and the environment and about bringing our downtown and riverfront plans to fruition.

Lisa Gunion-Rinker, 3012 SE Balfour Street, Milwaukie. She reiterated some points she felt were important. One is she does not want Milwaukie to miss the potential it has to have light rail in our neighborhoods and in our City. It is going to increase business and people coming to our neighborhoods and getting people out to see what Milwaukie is. She felt very strongly about that because she did not feel enough people do. Many people have been working hard -- both from industry and the neighborhood associations -- and everyone working with the 2.5 program all voted for it. She felt this was the best option to really revitalize Milwaukie.

Public Testimony -- Proponents

Roger Cornell, Historic Milwaukie Neighborhood resident. He was a member of the working group. He made a few comments about last week's testimony. Council heard loud and clear from the north industrial businesses how the Main Street alignment was devastating to their businesses, and Cornell completely agreed. The working group concluded that the Main Street alignment could not work. He was supportive of that decision then, and he was completely supportive of it now. The Tillamook branch is the better alignment. The working group got it right. However, he was at this meeting to testify in opposition to the Kellogg Lake site and to offer an alternative.

First, the Kellogg site is inconsistent with Milwaukie's vision, values, and character. It does not support Milwaukie's downtown and riverfront land use framework plan. Additionally, it takes valuable natural resources and forever redefines the uniqueness of Milwaukie. Traffic and congestion increase through our neighborhoods, downtown, and on McLoughlin Boulevard. It fails as a transit center. The community does not support the location. It is simply the wrong location. Early in 2000 the downtown and riverfront land use framework plan was adopted as a vision for downtown Milwaukie and the riverfront. We agreed that development and revitalization should be consistent with our values and vision and should capitalize on Milwaukie's unique character and natural resources. Here is what we said is important for our community in the framework plan, "Milwaukie's unique character is at the heart of the downtown and riverfront framework... The plan is our guiding principle, a touchstone, a recipe that works."

One of the purposes was to create a livable community, provide significant open spaces and connections to the riverfront. It describes Kellogg Creek Park a natural area.

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III. A. 4

Under the amenities and open spaces it says, "Milwaukie is fortunate to have a setting that inspires its citizens, that offers history, beauty, and vitality. The Willamette River, Johnson Creek, and Kellogg Creek all provide natural borders to the downtown area."

He provided slides of the Willamette River, Johnson Creek, Kellogg Creek, and riverfront park. One slide showed the site of the proposed transit center from the other side of Kellogg Lake. When he heard the transit center called for a four-story, five level, 660 car parking structure at the Kellogg Lake site, it finally occurred to him the magnitude of the eyesore. There have been a lot of claims that a transit center and parking structure will revitalize Milwaukie, and that it is critical for development. However, we need to make a distinction between a transit center and parking structure and good transit service. They are not the same. Milwaukie needs good transit service for revitalization. The current transit center has not revitalized downtown Milwaukie. He did not say Milwaukie does not need a transit center. He supports relocating ours. One last point regarding revitalization. We cannot be so fixated on our current budget cycle that we lose site of our long-term goal. We do not have to sell our assets. There is far greater potential to build our tax base if we do this thing right. Revitalization occurs when you have a vision, a master plan, a blueprint, and a downtown framework and execute that plan. The proposed site introduces too many negative impacts to our neighborhoods through downtown and McLoughlin Boulevard. It has regional traffic through the neighborhoods, traffic clogging our downtown, increased congestion, rogue parking, and basically has a reduced livability. Downtown Milwaukie is uniquely situated in a very small wedge between Hwy. 224 and McLoughlin Boulevard. It is only a couple of blocks long. There has been a steady increase in unwanted cut through traffic in the neighborhoods and downtown. This has been discussed for years, and the City of Milwaukie has recognized and acknowledged this problem on numerous occasions. The downtown traffic management plan addresses mitigation but has yet to be submitted for approval. Cut through traffic would be encouraged on Lake Road, Oatfield Road, Washington, Monroe, and Harrison by those trying to get to a parking structure at Kellogg Lake. Hwy. 224 traffic has no other logical way to get there. We do not have to keep proposing mitigation if we just stop making decisions that continue to promote unwanted traffic and congestion. Locating the transit center north of Hwy. 224 eliminates the need to mitigate this traffic. Currently there are five schools, three per-schools, and a day care program wedged between 224 and McLoughlin Boulevard. The last thing we need around schools is more traffic. One of the most telling comments he has heard in the last couple of weeks was from a bus driver at the transit center. He said, "If you really want to know what goes on at a transit center, just go sit for an hour and listen to the conversations. My advise is to place the transit center as far from a school as possible."

There has been a claim made that you must accept the working group recommendation because they invested five months of their time and they worked so hard. That if the working group recommendation is not given great weight, it would be difficult to secure volunteers for future efforts. This claim needs to be put in perspective. Quoting out of the downtown plan, "This land use framework represents the leadership of a skilled volunteer Riverfront Board and the input of more than 2,000 community members who have attended meetings, returned surveys, provided focus and ideas, and directed the

plan." Cornell did not believe Milwaukie has ever had a more comprehensive study, spent more money, had more citizens involved, more working groups, more public meetings, more experts and consultant involved than in the development of Milwaukie's downtown plan. The community was in agreement – united with the vision and a hope of what Milwaukie could be. We worked on this for over three years.

Additionally, the City of Milwaukie and our neighborhoods spent over two years participating in the South Corridor project with TriMet, Metro, and ODOT. This effort has been described as a watershed event. Public involvement included three open houses, two hearings, 8,000 mailings, hundreds of meetings and a 60-day comment period. The majority of the public comments wanted the transit center to be moved off street and out of the core area north of downtown. If any decisions or working group should be given great weight, it is the ones who devoted years to developing the downtown plan and the ones who spent years on the relocation of the transit center. You must honor their work.

During the January 29 public open house approximately 130 individuals attended. 55 filled out comments cards, 41 favored the Kellogg site, and 46 also favored other sites. However, over the last couple of weeks a number of us decided to get the real feelings of the community and asked people to sign a petition if they were against the 2.5 Kellogg Lake site. We collected signatures in our neighborhoods, at the post office, at the transit center, and community events. Over 740 individuals signed the petition. This is not insignificant. Five times as many who attended the open house; 18 times as many as favored Kellogg at the open house, business owners, employees, transit riders, neighborhoods. This was an extremely worthwhile project and revealed some very interesting findings. Overwhelmingly the community opposes the Kellogg site. Overwhelmingly they favor north industrial locations. To be fair, they met several individuals who actually favored Kellogg. Here are a few comments from the community: "I thought the City's objective was to make the downtown more beautiful. Why would you put a transit center there?" A large number of individuals said they were shocked and wondered how anyone would possibly choose the open space at Kellogg Lake. The overriding question was what happened to the location north of downtown – that seems like the perfect place. Many others said that the City, TriMet and Metro are going to do what they want anyway. Finally, one elderly lady said, "I thought this was decided a long time ago. I don't understand the Kellogg Lake decision. They're not listening to anyone. They haven't for a long time." Most were just more than willing to add their names to the list to stop the action. We had no difficulty getting signatures. It has become very clear that on this issue the depth of negative community reaction is not understood. He is not overstating these findings. Milwaukie citizens have not changed their minds.

What happened? First, the working group spent a substantial amount of time working on the phase 2 light rail alignment. After selecting the Tillamook alignment, the working group began looking at a transit center location including Tacoma, ODOT, Harder, downtown post office, and Kellogg Lake. The working group met to vote on the location. We formed three breakout groups – the north industrial, the downtown businesses, and the neighborhoods to individually discuss the options. When we

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reconvened all three came independently to the same conclusion. They could support either the ODOT site or the Kellogg site. Deadlines had been set, and we were running out of time. These two options were forwarded to TriMet, Metro, and ODOT. During the next meeting, which was the last, TriMet, Metro and ODOT said they would not support the ODOT site leaving only one option on the table. TriMet, Metro, and ODOT rejected this site stating that the ODOT site would cost an additional \$1.4 million in operating costs. They claimed that Milwaukie would have a 40% reduction in bus service. By the way, this was the information provided those attending the open house. When these numbers were later challenged, they were lowered to only \$600,000 in operating costs and a 25% reduction in bus service. In last week's testimony we were told the number was now reduced to \$400,000. That is \$1 million less than originally stated. The ODOT site has not been given a serious look. It truly has the potential for being the most attractive site for a transit center. All stakeholders' needs can be met. It is more suitable for Milwaukie, protects jobs, and preserves the industrial tax base. It is already supported by the working group. It supports the Tillamook alignment. It avoids unwanted traffic and congestion. It has less negative impacts, and everybody can win.

The working group said it could support the ODOT site or the Kellogg site. There are approximately 8 acres of undeveloped land behind the ODOT building. Since we heard we only need about 2 acres at the Kellogg site, perhaps we can get creative and cooperate with ODOT to share this space. There are many possibilities. This site has the potential of the least negative impact to all stakeholders. He turned the next section over to Karen [Cornell] to take a look at what was actually proposed.

Karen Cornell, Historic Neighborhood resident. She was not a part of the working group and really not involved in this process at all until a few weeks ago when Roger [Cornell] asked her to take a look at the proposal for the Kellogg site. In her job – she is retired now – she frequently analyzed proposals from consultants. She was a transportation person for her job at US West. She was responsible for a 14-state transportation network with an annual spend of over \$100 million. She routinely analyzed and optimized transportation routes and maintained service level agreements with clients. She is a nationally certified transportation professional. She has assisted in writing test questions for the national exam; she has proctored the exam. For the past four weeks she spent a lot of hours at the transit center interviewing riders and drivers and observing busses. She sat at many intersections observing traffic and bus activity and driven many of the routes. She interviewed over 100 riders in order to get a handle on who is using transit service in downtown Milwaukie. She found that about 90% of the riders were only there to transfer to another bus. Then that is the function of a transit center. They did not start their trip in downtown Milwaukie, and they were not ending their trip in downtown Milwaukie. When she first looked at TriMet's document a number of things jumped off the page. She called several people at TriMet so she fully understood what went into their proposal. She focused on three areas: operating costs, transit center design, and traffic impacts.

The very first thing that caught her attention was the additional operating costs both for Kellogg Lake and ODOT. In particular she noticed that TriMet only used six of the twelve Milwaukie routes in coming up their cost numbers. Additionally, they based their

calculations on bus speeds of 25 mph to Kellogg and 17 mph to ODOT. What this means is that it should take a bus a minute 12 seconds to get from Main and Jackson to Kellogg and 3 minutes and 54 seconds to get from Main and Jackson to ODOT. Doing these calculations prompted her to jump in her car and drive the routes. Over the past four weeks, she drove them a lot of times at a lot of different times of the day to get a true average of what those times were. The average drive time to Kellogg is about 2 minutes and depending on the signalization it ran as high as 3 minutes 45 seconds. The average drive time to ODOT is also right at about 2 minutes. What this mean is that it takes much longer to get to Kellogg and much less time to get to ODOT than TriMet stated. In doing this type of analysis there can be a tendency to rely to heavily on theory and modeling or assumptions. For her there is no substitute for checking things out first hand as well. When she applied those actual trip times to TriMet's calculations and kept all other factors exactly as TriMet showed them, the annual operating costs changed substantially from TriMet's estimate. You will notice there are two separate sets of numbers for ODOT – A and B. When she drove the distance her mileage did not equate to theirs. She could not get it to come out to theirs, so to be fair she showed both of them. As you can see the actual increased operating costs are quite similar. In fact, ODOT is not three times that of Kellogg as shown by TriMet. However, this is just the beginning of the story.

First, TriMet's concept of moving the transit center to Kellogg is strange to her. According to TriMet, here are the three functions of a transit center: convenient access to all transit services in one location, ability to transfer between lines, and off street location for bus layover and schedule recovery. The Kellogg site fails to meet these three criteria. How can she say this?

First of all, you may not realize that only eight of the twelve Milwaukie routes will actually go to Kellogg. The other four routes do not go to the new transit center and will be required to lay over in downtown just as they do today. These four routes that do not go to Kellogg are the ones that primarily serve the Milwaukie community. What this means is that these busses and the riders will still come to downtown Milwaukie and make their transfers just as they do today. This may not seem like a big deal, but in reality we have not moved our transit center. We have built a second one. With TriMet's design there will not be one less bus in downtown Milwaukie than there is today. More routes will hub in downtown than at the new transit center. This also means the undesirable elements of crime, drugs, and loitering are not going away either. Citizens and the nearby Waldorf, St. John's, and Milwaukie High Schools were expecting that they would.

As she stated before, she interviewed over 100 riders at the transit center, and she put the information into a spreadsheet. She knew how they got there and what bus they rode. What bus they were waiting for. Where they were going, and how frequently they did this. Comparing this data against the TriMet concept for Kellogg, very little of the transfer activity will take place at the Kellogg site. TriMet confirmed this for her. If the routes are redesigned so that all twelve go to the Kellogg transit center, things get worse.

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First of all, the increase in annual operating costs for Kellogg now rises to over \$380,000. Secondly, the number of buses in downtown will actually increase by 40%, and the riders still have the option of using the downtown as a transit center. There is a fundamental geographic problem with any location south of downtown. It is that you cannot avoid buses being routed through downtown to get to Kellogg and routed back through downtown when they leave the transit center.

In your report from staff there is a claim that commuter traffic on McLoughlin will be reduced with a park and ride facility located south of downtown. First, we cannot think that all cars will be coming from the south on McLoughlin, but more importantly, look at the impact to McLoughlin with new bus traffic. Replacing 525 cars with up to 450 buses doesn't reduce traffic on McLoughlin.

Let's take a look at what that really means for Milwaukie. Today there are sixteen buses running along McLoughlin in the peak busy hour getting in and out of our current transit center. Under TriMet's Kellogg service concept the number of buses on McLoughlin rises to forty-one an hour. If all twelve buses go to Kellogg, it's sixty-two.

For Milwaukie, probably the most critical impact will be the traffic volume and congestion in the neighborhoods, downtown and McLoughlin. Watch with me and I'll show you – if you look at one bus leaving from City Hall getting to the transit center. It pulls away, stops immediately at Main and Jackson, goes one block, stops again at Main and Monroe because these are all four-way stops. It turns right, goes one block to Monroe and McLoughlin that is a left-hand turned signalized intersection. You are on McLoughlin and go two blocks south, and now you are at Harrison, which is also now a signalized intersection. Go .2 of a mile, and now you are getting into a left-hand turn lane to again wait for a signal to get into the Kellogg Transit Center.

Now visualize forty-one or sixty-two buses per hour in the peak busy time of day coming and going between Kellogg Transit Center and City Hall. Add to this the regional traffic through the neighborhoods, through our downtown, and really we are creating a mess. Bus-activated signaling also known as transit signal prioritization has been suggested as a solution. This technology isn't the right answer in our case and will actually add to our problems on McLoughlin.

I want to talk about the ODOT site for a few minutes. This site truly allows us to achieve our goal of moving the transit center. The problems that I have just described with the Kellogg site are not factors with a transit center located north of downtown.

When I included all twelve Milwaukie routes in a well thought out route design the actual operating costs again changed significantly and now favor the ODOT site. There is no longer an economic justification for Kellogg.

When I say "well thought out" I mean designing a plan that actually focuses on the objective, which is moving the transit center out of downtown, reducing the buses and removing the riders that are just there to transfer. City Council, I don't want to leave you with the impression that transit routing for Milwaukie is easy. It's not. It's complex. But

Milwaukie does not have to lose transit service by locating a transit center north of downtown. Proper route design will maintain excellent transit service for Milwaukie.

Selecting a transit center location is primarily a transportation and traffic decision.

If you are serious about really moving the transit center and creating a people-friendly downtown, then I as a transportation person could never recommend to you the Kellogg site.

I am here with no other agenda. I live here in Milwaukie and care about what could happen.

This to her is a defining moment for Milwaukie, and I hope that you will do the right thing.

R. Cornell concluded.

You have seen that the Main Street light rail alignment and Southgate crossover had devastating impacts to the Industrial community. You have heard their concerns and we agree. We picked the correct alignment. We have similar concerns; the location of the Transit Center at Kellogg Lake has devastating impacts to our City, our downtown, our revitalization plans, our neighborhoods and our open space. And just as important, the proposed plan does not really move our transit center, buses are not moved off the streets, the transfer activity is not moved, and the undesirable activities are not removed from our downtown. Our work is not finished. We are left with one more task; locating the transit center where it does not harm either the north industrial businesses or our Downtown.

City Council, we are recommending that you: reject the 2.5 Kellogg Lake Proposal; support and honor Milwaukie's vision, values and community's expectations; and direct the working group to thoroughly evaluate the 2.2 ODOT site.

Councilor Barnes understood 90% of those interviewed said they did not stop or start their ride in downtown Milwaukie.

K. Cornell said they did not begin their trip. They came from somewhere else on a bus, and then they were headed somewhere else. They were not coming here or starting their trip. They did not drive to downtown Milwaukie to get on a bus.

Councilor Barnes understood four routes would remain in downtown, and asked Cornell if that was what TriMet told her.

K. Cornell said it is in a TriMet documents.

Councilor Barnes asked for a copy.

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R. Cornell believed it was already in the packet as well as submitted to the Planning Commission.

Councilor Barnes thanked the Cornell's for spending all this time doing research. She asked for a copy of the signature sheets.

R. Cornell said he just gave them to the recorder.

Councilor Barnes asked specifically the question that was asked in order to get people to sign the petition.

R. Cornell said there were a number of people who actually did petitions. He asked people if they were aware of the pending decision to locate a transit center on Kellogg Lake site? That was his question. He asked, "are you in favor of that?" Most people said, "No, I'm not. That's a crazy idea." He also showed them several pictures of the site. People were outraged.

Councilor Lancaster asked Cornell to put up the slide again of what it might look like and asked how he arrived at that. Was that an accurate rendering of what it might look like?

R. Cornell said it was accurate. It was a four-story structure. He went to Sunset Hwy. and took a picture of the transit center and stacked it. It may not be absolutely to scale, but that was what it would look like.

Catherine Brinkman requested to testify at the May 18, 2004 but was not present at this meeting.

Ray Bryan, 11416 SE 27th Avenue, Milwaukie. He was one of over 700 people in Milwaukie who opposed the Kellogg Lake location for a transit center and parking garage. He thanked the Councilors for taking an extra day of their week to hear testimony on this important issue. The working group has accomplished its mission. It has come up with a recommendation that mitigates all the problems with the locally preferred option (LPA). Unfortunately, their recommendation has its own problems to mitigate. These problems involve even more complex issues, more government agencies, and a long series of obstacles. Fourteen months have passed, and we do not seem to be a day closer to getting those buses off our streets. There are numerous issues left unresolved with the Kellogg Lake site. Traffic impacts to Milwaukie's neighborhoods, traffic congestion downtown and on McLoughlin Boulevard, rogue parking in all neighborhoods close to a light rail station, design options not limited to noise, lighting, landscaping and architecture, impacts to neighboring residences, loss of open space and park land, environmental concerns such as impacts to Kellogg Lake and its wildlife, construction concerns such as building in a floodplain on a landfill containing potential pollutants and handling runoff water, law enforcement concerns, issues with Milwaukie High School including the close proximity and associated drug and gang activity, impacts to City Hall, impacts to the Farmers' Market, zoning changes, Comprehensive Plan, downtown plan, and riverfront plan changes. Most of these are

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taken right from the resolution the City Council will be voting on. Only a few apply to the ODOT site. What is the cost of this mitigation? Can these issues be resolved or will they result in yet another location being proposed? The hours the working group spent on this recommendation are significant and appreciated. However, they are a fraction of the citizen involvement that went into the downtown plan and to the selection of the LPA. Neither process envisioned a transit center south of town. As a resident, homeowner and recently an investor in the Historic Milwaukie neighborhood, some of his concerns are the loss of open space. We have very little of it left in public ownership in the downtown. The proximity to the high school. Bryan guaranteed the City Council that given a choice between a transit center north of town and Kellogg Lake, the High School would choose north of town. Parking. According to Planning Commission testimony, this option is the most efficient in parking spaces of all nine considered by the working group. It is over 300 spaces short. Finally, cut through traffic that will occur due to the lack of convenient access from Hwy. 224. There have been a few comments made during this process that he felt needed further consideration and thought. Revitalization depends on a transit center. Milwaukie has had a transit center for years and has not experienced the revitalization that is happening to other sections of the Metro area that do not have a transit center – areas like Hawthorn, Sellwood, NW 23rd, etc. Revitalization occurs when transit service is coupled with vision and planning. This is the location to move the transit center the fastest. Given the fact that TriMet now owns the Southgate property, and we know that Kellogg Lake has many issues to mitigate, are we sure it is the quickest option for getting the buses out of downtown? Many of the proponents of Kellogg Lake have cited the promise of local improvement such as fixing an intersection, building a bridge to Island Station, diverting funds to the riverfront park, and paying for the unknown costs of mitigation. The location of a regional transit center is forever and should pass on its own merit. Kellogg Lake fails. Tonight there was discussion of a good option to the Kellogg site. At the open house, the information given stated that the ODOT site would cost an additional \$1.4 million to maintain. No wonder it was more popular with the public. Now TriMet's estimate is \$400,000, and tonight we have learned the figure might be much lower. He would like the City Council to consider recommending Southgate for the transit center during Phase 1 and ODOT during Phase 2. He knew what people were going to say, "We need to be more efficient with our resources." Consider for a moment building at the Kellogg site. Is it not possible that much of the construction done for Phase 1 will have to be ripped up to accommodate the special construction methods needed to build Phase 2? In closing, the City Council is considering the location of a transit center and parking structure. The City Council is also defining the City's priorities. Are our priorities long-term livability of neighborhoods, the safety and well being of our children, or are short-term economics more important to our City? Bryan asked the City Council to reject Kellogg Lake and choose a location north of downtown. He noted he also had a letter from a neighbor and a copy of the Neighborhood Traffic Management Program that he had to edit from his presentation.

Jeanne Down requested to testify at the May 18, 2004 but was not present at this meeting.

Brett Hesper, 11584 SE 32nd Avenue, Milwaukie. He and his wife moved to the Milwaukie area last September from SE Portland. The main thing that drew them to Milwaukie was the sense of community especially in the triangle neighborhood between Hwy. 224, 99E, and Lake Road. The letter was included in the packet where his wife described it. They eventually told their realtor that if it was not in this area, they did not want to look at it. They have gotten involved in the community as well. His wife teaches part time in the elementary school. He has coached a couple of Milwaukie Mustang basketball teams. They have made a concerted effort to utilize services here in Milwaukie. His car was repaired at Bernard's Garage last fall. He goes to the dentist here. He buys lumber at Milwaukie Lumber instead of Home Depot. Even before moving to Milwaukie, they attended the neighborhood association picnic, came to Milwaukie Days, and attended an event at the school. The thing they found here after looking all over SE Portland, Gresham, and other Multnomah County areas was a unique place in the greater Portland metropolitan area. Other speakers have eloquently addressed most of the points he intended to make. There were several he did wish to cover, however. The transit center in Milwaukie has not delivered what many of the people who are in favor of this resolution are saying it will deliver as far as drawing business and attracting people to Milwaukie. He works as a court interpreter in Gresham, Hillsboro, and downtown Portland. He uses TriMet and commutes to work. As someone stated earlier, a transit center is simply a stop over place for people going from point A to point B. It does not draw anyone into a specific area. How many people in this room go to Gresham because TriMet makes access there easy? Gresham has a nice little downtown area. How many of us have gone there? The same with Hillsboro. The main function of a transit center and light rail system is for people from the outer parts of the greater metropolitan area to be able to go into the town area where they work. Some of us do go outwards, but that is not what is going to draw people to Milwaukie. What will draw people to Milwaukie is the vision this City and community has for the riverfront, Kellogg Lake, and historical downtown area. He cannot conceive how a concrete structure and parking lot is going to enhance that vision. Last week Swanson talked about the future and being able to look back in 15 – 20 years at the decisions we make today to see how they impacted our community. He challenged anyone to talk to the residents in the Rockwood, Gateway, and Gresham areas where there are transit centers and ask them if they do not regret the decisions they made 10 – 15 years ago to place those things in their neighborhoods. People are now feeling the impact of crime, population, and low-income housing that moved into those areas. He did not believe that is what Milwaukie envisions for its future. He encouraged the City Council not to fall for the sales pitch that a transit center will enhance downtown Milwaukie. It will not. He was one of the 700 signers asking the City Council to reject this option and stay the course with Milwaukie's vision for the future.

Jeffrey Kleinman, 1207 SW 6th Avenue, Portland, Oregon 97204. He is the attorney representing Citizens for Milwaukie Greenspace (CMG) and provided copies of a memo from him to the Milwaukie City Council dated May 25, 2004. He requested up to 10 minutes as he was representing a group. Citizens for Milwaukie Greenspace consists mostly of people who live on or around Kellogg Lake itself. As Council has seen from some of the slides presented and testimony, it is not the abhorrent, disgusting wasteland that some people described it as in the Planning Commission. It is a site that

was carefully designed in the downtown planning process as open space for a reason. That is what it is, and that is what it should be. The people who made fun of it, literally, really were off target. This is something the City really needs. Most of his comments were directed at the process that occurred. Many of these are editorial comments, but as a lawyer, these were his observations. He frankly cannot add too much in the way of substance to what has already been presented tonight. The presentation Roger and Karen did was really quite extraordinary. It is a shame the underlying process did not produce much the same outcome. He listened carefully to the before the Planning Commission and the City Council last week. It really has been quite extraordinary to him because it has been very smooth, extraordinarily glib, and it has referred constantly to the sanctity of the process that has gotten us to this point before the City Council in this matter. If he were editing that statement, he would remove "sanctity" and substitute "sanctimoniousness". Frankly, what happened here First of all there has been an extended downtown planning process resulting in the open space designation. Second of all, there was a full-blown process that resulted in the LPA being sited at Southgate. The affected property owners up there, for whatever reason, appear to have missed the bus or train or whatever was going by. They raised concerns everybody feels were legitimate, as does he, that can be addressed, or they should be, where highways meet on the north side of town and not on the open space on the Lake. There is support from Metro and TriMet for alternative 2.5 which he sometimes refers to as the Oak Grove transit center. Frankly, if this body would ratify a site for a transit center, TriMet and Metro would put it in the belly of the bomber down the highway if the City would sign off. Anywhere but a place that ODOT does not like. ODOT has to think again in this process for the reasons presented. That is an outstanding site, and there is ample land for this purpose, and solves problems, very legitimate issues, raised by the industrial property owners. He was taken by Mary King's comments last time about the wonderfulness of the process and what an open process it was. Of course it involved primarily the property owners and agencies and very few people down at this end of town. There was this full-blown birth of this Kellogg Lake proposal in the middle of the process. The end result was flushed to the south side of town without too many participants from that area because it was not on the agenda. This was supposed to be an effort to mitigate the impacts within the Southgate area. It was not supposed to be a complete relocation of the transit center. What struck him about Mary King's comments after talking about the openness of the process, she said, "And when you approve this, you should do a few things in mitigation for those who are complaining." He found it really inappropriate to assume the outcome because of the sanctimoniousness of the process to date. The concerns that have been and will be raised are legitimate concerns. You ought to think about some of the practical aspects. This is a two-phase process. The first phase is going to be a large paved area for buses to idle and burble and vent their exhaust. If you want to take your precious two acres of open space and have it as a paved bus parking and burbling area, it is a very bad mistake. The actual transit center and the actual rail transportation may or may not occur, and if they do occur, they will be years down the road. Think about losing this carefully selected open space site for a parking lot for buses and ask yourselves what you are doing. It just doesn't make any sense. In the memorandum, we cited some of the criteria that apply to this. This is a land use decision contrary to what you have been advised by my colleague, Mr. Firestone. We certainly treat it as such. We are not buying in to the

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notion that this is a 25-step process that will take several years. This part of it is a mere recommendation, so in terms what is an appealable decision, you folks can go guess what shell it is under. We are not playing that game. This is a land use decision as far as we are concerned. There may be other down the road, but this is certainly one of them. Our request is that you respect the City's planning processes that have occurred. There was not one reference in the testimony last week with all its heartfelt emphasis on process to the City's Comprehensive Plan. Not one. Not a single one. That's respect for the process? How long did it take to develop the downtown plan? The initial locally preferred alternative? The one criterion he addressed specifically in the time available is the table that appears in the Zoning Ordinance as a result of the downtown planning process – 19.312.3 that was attached in the materials at the end of his memorandum. It identifies the various categories of uses that can occur in the various zones of the downtown framework plan. The last item on that page is transit centers, and there is a big "N" for locating them in open space. It is a clear violation of the comprehensive plan. It flies in the face of everything that the citizens and the appointed and elected officials have worked on over the years to satisfy some issues that can be dealt with and resolved another way.

Councilor Barnes asked Kleinman when he was hired.

Kleinman said it was not during the so-called process that he described. It was not during the working group process but after the working group made its recommendation to the Planning Commission and before the Planning Commission met.

Councilor Barnes asked Kleinman how many people he represented.

Kleinman said there are at least a half dozen that he works with closely. These are people right on and around the Lake. One of them is Marie Watkins who has the old Sweetland home on the City's list of designated historic landmarks. It is immediately adjacent to this lovely proposal whether it is a flat parking area or whether it is twice the size of the Sunset Transit Center. Her home is right south across the property line from this proposed center. And other people who live on and around the Lake.

Councilor Barnes understood Kleinman's contention was that she was not notified during the process or the rest of the people he represents were not notified about any of the public hearings or the working group.

Kleinman did not make that contention. There are issues about notice. His general view as a lawyer is that it is not a good issue to press. He understood what happened. There were public notices in the local paper. He did not believe there was direct mail notice. The Neighborhood Association did participate in the process. As the process got started, the idea was to mitigate impacts up north at the Southgate site. It was only in the middle of this relatively short, compressed process that this alternative cropped up, and then it got the big push to get it before City Council today. There were people who did not feel they had sufficient notice, but that is not an issue he was raising. His concern is about the substance of the decision.

Ron J. Rasch, 2734 SE Lake Road, Milwaukie. He read his statement into the record:

"I wish to thank you for the chance to expand briefly some of my thoughts on tonight's topic. I speak not only as a homeowner on Kellogg Lake of some 33 years, but also may reflect my neighbors' views collected over the past weeks since first official notice arrived in the mail. I wish to consider those most directly impacted by any change suggested to the lake. Yet importantly, a broader community view must be addressed.

First, I stand as ever an advocate of light rail and I respectfully appreciate the work of those who made studies to give it legs - nevertheless, I must oppose the choice of a site at Kellogg Lake. Surely, a less destructive outlet can be found - some place not threatening to wreck such an ecosystem evolved over a hundred years where species of fish coexist, which offers a sanctuary for numerous other forms of wetland life. C'mon folks, this is our home and we are bound to protect the wildlife sharing it with us!

For lake dwellers, the lake stands as a way of life - thus a given, an investment that specifically depends on water. Its reflected light, as at the beach, brightens even the darkest days indispensably keeping together family life, health, nutrition, harmony and prosperity: a seder that celebrates water's daily healing sights, scents and sounds.

Conversely, without the lake, security would fail, the land left open to the undesirables moved from the Jackson Street corner to our backyards, leaving by night a chronic police crime problem roaming unseen.

To my way of thinking, speaking as a lifetime art professional, it would be wrong to plant a big-box parking structure on the edge of the lake next to McLoughlin Boulevard. It would be to urban planning what the sewage disposal plant is to the Clean Air Act Outsized and unseemly.

Instead, consider making a park there for everyone. The space cries for use as a public retreat, any traffic noise easily fixed with judicious plantings of noise-buffer foliage. The plan even might include an information access, a restaurant, or room for outdoor exhibits such as enjoyed in Lake Oswego's George Rogers Park. The assembly area could become a community center, sorely lacking now - an amenity that in Europe even the smallest towns require.

I do appreciate the challenge of your position, from perspective of years ago as member of the Portland Art Director's Club, working with the downtown planners, witnessing the opposition to restoration of the Downtown Riverfront. Strangled by the old Journal Building, a planning mistake from the outset, it now loomed a forbidding presence on the waterfront. Also outsized and unseemly, ultimately it had to go. It ruined the career of its architect, was finally abandoned, and turned into a parking garage before demolition. Let's not go that route.

In another instance, the commission, led by Douglas Lynch, prevailed over opposition to the handsome, arching Fremont Bridge design now in place - originally set to go as a cheaper, erector-set version of the Marquam Bridge. Finally, we won over contentious

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protest against painting the bridges in the tones we enjoy today, which in fact are more in keeping with the natural landscape.

In closing, thank you for your patient attention. Please save Kellogg Lake, nurture it, honor it for generations to come - it will make you proud!"

Jeanie Lundsford, 12006 McLoughlin Boulevard, Milwaukie. She wished to formally ask the City Council to reject the proposal for a variety of reasons. Primarily because this proposals threatens one of Milwaukie's last waterfront Greenspaces available for public use. This Kellogg Lakefront property is teeming with wildlife, birds, trees, and plant life. Zoned open space. It is perfect for future park land and lake front use. The proposed parking structure on Kellogg Lake directly violates the City's zoning regulations prohibiting parking lots on designated open spaces. Blocking the waterfront view and paving concrete over this natural resource is not the worst part of this plan. A four-story TriMet parking lot would irreparably damage the fabric of Kellogg Lake. The runoff from gas, oil, and other toxic materials will kill fish, birds, and other wildlife. Home to eagles, herons, beavers and other wild creatures, Kellogg Lake is one of Milwaukie's most prized possessions. Once paved over, this land can never be reclaimed. This plan will lead to tremendous congestion on 99E as well as feeder streets Harrison, Monroe, Washington, and Lake and cause major parking problems in downtown Milwaukie. The working group which advocates the project openly admits there is insufficient room for the proposed structure on this site, and they are trying to force it to fit. Milwaukie's downtown and riverfront land use framework plan adopted September 2000 after years of citizen promised a revitalized, livable, economically thriving downtown. Most of all it promised significant open spaces and connections to the riverfront. This proposal directly conflicts with Milwaukie's downtown design guidelines, zoning laws, and community interests. The downtown design guidelines require developments to integrate the environment, and provide gathering areas and walkways oriented toward the water. It requires public access to the water and requires places where people can directly see, touch, and hear the water. The guidelines specifically recommend against elements that may adversely affect water quality, wildlife habitat, or visual quality of natural waterways or vegetation. It also specifically recommends against parking, boating, or service area adjacent to water elements or open space. One year ago a locally preferred alternative was chosen, and the working group to consider mitigation; instead, they chose this negative alternative. This proposal is in direct conflict with the City Council's previously stated priorities, and she respectfully asked the City Council to reject it.

Les Poole, 14832 SE Lee, Oak Grove. If you look at the overhead picture he purchased from Metro, of all places, it is an excellent view of the site and gives a better idea of people are facing. The two small lots directly south of the bare filled area were previously owned by his family. Coincidentally, he is a land use consultant, and he had some issues he wanted to touch on. Briefly, he agreed the Tillamook alignment makes sense. He agreed this is a land use decision. Anyone in this room who feels we are going to vote on light rail or that light rail is not coming is living in the 1960's. Light rail is coming to Lake Oswego, it's coming here, it's coming there. The reality is, light rail is coming. We are siting light rail here, so we need to think hard about this. The biggest

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issues he has after a lot of reflection on the situation have been covered. However, he wanted to point out a few brief specifics. We have heard constant testimony about preserving jobs and the loss of tax base if we disrupt business. When light rail was built, there would be a huge disruption of business if we were to align it on Main Street or run it down McLoughlin. He fully agreed that an alignment down Tillamook made sense. If you look at this overhead map, you begin to see where the property boundaries are on this site. You start to realize some of it is underwater, McLoughlin Boulevard is on a railroad right-of-way, and that even if one were to fill a considerable amount of that area or drain the lake, the net gain in land is very minimal. This week Metro, who is obviously involved in this decision, had an interesting meeting on the Endangered Species Act and on buffers. They have been working on that for years. Longer than we have been working on Milwaukie. If you were to look at Metro's website or you had read the article that was in Saturday's paper, you will see maps that show what kind of development is to be allowed on this property and how strictly they intend to administer rules to prevent things like this from happening. Because this project is more than just moving busses off of our downtown streets, or at least that is the theory, an environmental assessment is not adequate. We need an impact study, and everyone knows it. That impact study requires that we look at alternative sites within a mile of this one. When an issue like this comes before the public, it becomes a hot potato. He does not want to accuse anyone of being a NIMBY. He was not there to throw rocks at anyone, but he was extremely disappointed in the amount of grease it took to get that train to slide from one end of town all the way through downtown, and all the way to Kellogg Lake. He read, "Not one of the reasons given for approving option 2.5 is adequate for approving the recommendation." Possibly relocating a treatment plant or removing it. That's \$500 million. What we will end up with is a gateway to our new riverfront that is not only ugly and environmentally insensitive, but it is also going to cost a fortune to allegedly mitigate the impacts. It will pull money away from the riverfront, divert the problem from downtown to a few blocks away. As people enter this new gateway, the first thing they are going to notice is the treatment plant a few hundred feet across the street. You may have noticed last week there was an article about possibly eliminating the plant. He agreed with Carolyn Tomei it would be a great idea. The idea that the treatment plant or improving access at River Road or putting money into the Island Station neighborhood as reasons for this decision does not hold water. None of those claims have anything to do with the core decision. He wished to serve the City notice that we need to do an impact study ahead of time. If it is not done, it is a very expensive lawsuit. All of the onus is on the City. He has no intention of suing the City or anyone in this room, but you are opening yourself up to it and everyone knows it.

Dion Shepard, 2136 SE Lake Road, Milwaukie. She is opposed to the recommendation to move the transit center and locate a 5-level parking garage on Kellogg Lake. She was one of the stakeholders that was supposedly included in the process, but she attended the last three meetings of the working group. What she had to contribute was nothing because the freight train was going south; it was a done deal. She addressed a couple of things that had not been touched on by other people. In her opinion the loss of open space, the impact to the environment, the wildlife in and around Kellogg Lake affects not just her family but also the entire community. Having a 50-foot

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tall parking garage is clearly not compatible with the greenspace environment, the waterfront, or the historic nature of the neighborhood. She moved to Milwaukie four years ago having bought an historical home that was built in 1892. It was owned by Gottlieb Keller who was one of Milwaukie's founding fathers. One of the considerations for the move to Historic Milwaukie was the downtown plan Milwaukie had adopted and its emphasis on neighborhood livability and Greenspaces. They liked the idea of shops and park space downtown, and it seemed like a great combination for attracting small businesses while addressing neighborhood livability. The issue she has with loss of open space is that Milwaukie significantly deficient in parkland. It has 2.8 acres per thousand population compared to the standard of 10 acres per thousand. It is most deficient in neighborhood and community parks. The shortage of park space includes recreational facilities, playfield acreage at some schools, and ballfields. One of the things that concerned her in the staff report dated April 8, 2004, page 11, item #7 that states this proposal may result in the loss of up to two acres of approximately twenty-five acres of open space that has been set aside in the downtown plan. When she looked at the, she could not figure out where the twenty-five acres were in downtown. She lives across the Lake it just floored her. She actually figured out that the twenty-five acres refers to fifteen acres that are under water. She would hardly consider that to be open space at that time. It may be open space, but it may be years down the road. This proposal clearly violates the downtown plan, the Comprehensive Plan, Willamette Greenway policies, and Goal 5. People have already addressed the issues as to the fact that a lot of these things are prohibited in the Comprehensive Plan, yet the City is suggesting this is where we should place it. One of the things she found interesting was that she was told the City does not plan on doing anything with that space, so let's just get rid of it. She found that interesting because the City purchased part of the site on the west side of the trestle as park and recreational area. It was acquired through funds from Metro's Open Spaces Parks and Streams and a bond measure that was approved by voters in 1995. That was actually purchased for that purpose. She found out that properties acquired with this funding have limitations of what is placed or developed on space adjacent to it. If the use is determined to be detrimental or harmful, then the City would have to refund Metro the money. She guessed it was partially purchased by the City and partially purchased by the Metro fund. If one could create a poster child for Kellogg Lake of what should never be considered for open space this would certainly be in the top five. She has not lived in Milwaukie that long, but it is apparent to her that Milwaukie has not always had a vision, and this is evidenced by poor planning, bad decisions that have had fairly negative consequences, and many of these decision were based on meeting regional needs rather than those of Milwaukie. We have already talked about some of them. The sewage treatment plant was a very shortsighted decision that we regret today. She has yet to meet someone who wants to take credit for that one. Everyone wants to be hands off. She did not realize the City at one time owned Crystal Lake Park, and apparently that was determined to be surplus and sold to a developer, and she thought that was very shortsighted also. Really what that leaves is Kellogg Lake and the riverfront park. She asked if we have learned from our past mistakes. She would hope we have. One of the things Cornell alluded to and several others that hundreds of resident have been interviewed in the community who are overwhelmingly opposed to this recommendation. One of the comments was this would never happen in Lake Oswego or Beaverton. Why would you put a transit center on

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waterfront property? What a waste. The one thing she found very interesting is we compare ourselves to Lake Oswego, and we use the excuse they have more money. That may be true. The question is more of having vision and determination to achieve that vision. That is where we need to go. When talking to all these people, her line was to ask them if they were from Milwaukie, if they knew about the transit center, and what they thought about it. 90% of the people were opposed to it. Many of them were opposed to light rail. Many were supportive of light rail. They all said Kellogg Lake was not the right place. The placement of a transit center and the light rail parking facilities are critical if we want the support of our community. It has taken years of planning to develop a downtown plan that will take years to complete, yet we are proposing we should just toss it; change everything so that it fits what we want to place on Kellogg Lake. Have our values and vision changed that much? If you ask the citizens of this community, she would think they would say "no." Kellogg Lake is a public resource, an asset that along with the riverfront could be a cornerstone to revitalizing and developing Milwaukie's downtown and attracting new residents to our community contributing to our economic growth. She urged the City Council to reject this recommendation and consider the other options that have been proposed at this meeting – primarily the ODOT site. This option offers a compromise that would appease the residents of Milwaukie as well as the business owners in the north industrial site.

Monroe Sweetland, via conference call. He provided his unhappy reaction to the proposed location of the transit terminus. He no longer has any economic interest in the property. Although he owns another house in Milwaukie he sold this one to a very good tenant, Marie Watkins, who appreciates the Lake and Milwaukie waterfront and the downtown area. We are on the verge of accomplishment. However, he thought the location of the terminus building – the 50-foot high construction – is going to be a great detriment and will considerably disfigure the entrance into Milwaukie from the south on McLoughlin Boulevard. He built that house over 50 years ago and always has loved it. He looked forward to the time it would be a park. He bought the house over 50 years ago and looked forward to the time when it would be a part of a beautiful, attractive, and useful downtown Milwaukie. He could not help but think the negotiations into which Milwaukie is about to enter will set back the hopes for this entrance to Milwaukie from the south. Instead of enhancing the beauty of Kellogg Lake which is a beautiful little lake and can be maintained and made very important in the reputation and reaction people will have to the importance of Milwaukie. Everybody complains they worked very hard as he did. They were concerned about the attitude of the owners toward the maintenance of the Lake, which is so dependent on the attitude of the people who live along it. Kellogg Lake or Kellogg Creek will be subject to improvements and maintenance. Building that facility at that spot will disfigure and mar the entrance. He was concerned about the unbeautiful and unattractive facility. It is not a well thought out project. It could be very good and would be considerably less if the City has to accommodate transit.

Marie Watkins, 12006 SE McLoughlin Boulevard, Milwaukie. Her property is adjacent to the proposed site. She did not think any mitigation had been mentioned for her, certainly nothing in any of the documents she read or any response to the testimony she gave before the Planning Commission. The property she owns is on Kellogg Lake.

It is a special property because it is a pioneer house built in 1879 by the Birkmeier family. It has been moved several times, once to make room for the railroad, and again in the early 1930's to make room for the Super Highway that is McLoughlin Boulevard. Now this is the last gasp of the transportation attack on the property. Part of the things that make it a special property is that it contains, in addition to an historic house which is one of the few remaining historic homes, remainders of the original plantings from the family. Old apple trees that must have come across by covered wagon. They are not obviously something you can put a dollar value on, but she personally thinks it is really nifty. The downtown framework talks about history being important to Milwaukie and important to preserve. There are not an awful lot of places where you find something that you can preserve that is a definite part of history. This house and the surrounding is one of them. There are about 1-½ to acres of land next to the site where the transit is going. Her neighbors and Milwaukie residents find her yard to be a park equivalent. They come and sit, and she has even had people picnic in her yard. To folks who say there is no value to putting a park this close to the freeway or that there is not interest in citizen access to the Kellogg Lake site -- her experience has been different. People are surprised the house is not a park. Clackamas County workers have said they did not think anyone lived there because it looks like a County park, City park, or museum. Even the first phase of the projected plan would negatively impact her personally. She pointed out her driveway on the light rail/transit center/bus stop map. When she purchased the property, she was told by more than one City source that it was an open space, and the land is not for sale. It is going to be a park. While she has lived there over the last 3 years, she has seen fox, herons, bald eagles, bats, and every kind of wildlife that would/could flourish in this kind of area does. It is not dead space; it is a flourishing ecosystem. It has been a privilege to watch the seasons change there in some senses. This site is something that is unique. You can have a different park somewhere else, but it will not be this beautiful Kellogg Lake area. It has blackberry bushes on it, but that is what happens in open spaces. In conclusion, she asked that people remember this is a unique area. She commented on something that was said before the Planning Commission by the city manager. He made some comment about how our City is perceived in the region and suggested other agencies will not respect Milwaukie if it turns down this option. She thought that everyone knows how seriously the process was taken. A negative vote would not lose face with those with whom the citizens deal everyday.

Ed Zumwalt, 10888 SE 29th Avenue, Milwaukie. He spoke representing part of the hysterical Milwaukie Neighborhood Association. He said he would try to knock this off in five minutes but give him a little leeway – act like he is on staff and give him an hour. He thanked Roger and Karen Cornell. He has never seen anything that magnificent in his life. Where he comes from that is a one round knockout. If you could listen to that data and think anything else -- sorry folks. Now he knows why Roger is so straight; he is married to a buzz saw and a smart one. He mentioned this to the Planning Commission to go out and go to the adult beverage places, restaurants, dry cleaners, and the stores and mention to someone what they think about a transit center on Kellogg Lake. Nine times out of ten they say, "they're going to what!" You better be careful because they are going to put a net over you. These guys don't believe anyone could be that crazy. Just ask around. Those 700 signatures attest to that. They have a

gut feeling about it that translates to common sense. They do not have their minds all cluttered up with book learnin'. They just think what in the heck are they doing something like that for. This is sort of a story but his dad told him for his well-being in life: do not eat in a place called Mom's, do not get in an argument with a guy called Rocky, and you never play poker with a man named Doc. When he got in the working group, there were a lot of guys named Doc, and he was way over his head. He was not going make fun of the working group; it was a magnificent experience. He would not make fun of the process because he did not realize it was such a sacred thing. Why is this process so much more sacred than the ones we went through between 1998 and 2003? All that time we spent, all these people. He bet there were thousands of hours, hundreds of people to get the downtown framework plan. There were a lot of people and open houses. The group met and met and met – every segment of the population. From 2001 to 2003, there was the alignment for the rail. That was another long, gut-wrenching process with people from Metro, TriMet, neighborhoods, the County, everyone was involved. The City process was from 1998 to 2000. He thought those processes were just as important as this last 5 to 6 month one. Why are we taking that away from people? Sure there were some flaws but not enough that had to go to Tijuana. A little smoke and mirrors were involved here he was afraid. When you get all the data from Karen and Roger, why has that not been brought out before? There is not dishonesty, but there are different ways to figure this. For the first time, we have a way to combat the figures that are given us by other officials. He is not saying anyone is lying; he is just saying that no one could ever dig far enough like this. We do not want to turn our downtown into an Indy 500 for buses. Did you hear the number of buses that are going to be running around down here? The old shell game – where is the transit center – where is the pea. Is it under this shell? Where is the transit center? Where is the transfer point? Kellogg Lake? Main and Jackson? Where is it? Because we have a transit center now. If this is developed, it seemed to him if he understood it right, it will do a lot of floating. You are not getting it off the streets. He was disturbed by the fluctuation in the money amounts to service, Milwaukie transit service, from ODOT. The figures go from \$400,000 to \$1.4 million. In between was \$600,000 at the last meeting. He asked the Mayor if he was given \$800,000 after he came back from Washington, D.C. Please tell him where it is. It is now \$400,000 from the \$1.4 million stated at the open house. That is quite a spread. Let's get the figures right. He and Roger reached out at the working group to the north industrial people. They let them know in open meetings and during breaks and expressed appreciation for what they did for us with the tax base and were with them. As things moved along, they were still with them, but the neighborhood got hit hard. They were not being NIMBYs. It went from wanting to work with them to where we are getting rammed pretty good. We have a history of losing important things like Crystal Lake, the Jr. High School, and now this. He has a deep, emotional attachment to the riverfront. He does not want to do anything more with the riverfront until someone says, "hey, in perpetuity that thing is safe from any hijacking like this." He does not want to see any more Greenspaces go. One last thing. We have a problem with the region thinking we are serious. We are not consistent. We are always promising things we can't keep to. The politicians make promises that the people will not let them keep. They say, "Here, we're going to do this; we're going to put a transit center here." The people say, "The heck you are. This is our town; let's do it right." They don't listen to the people. Now if they listened to the people and had

stayed north of town, we wouldn't even be here. They would not even be considering that we were not reliable. Everything that has broken from 1996 to now, has been done by the bureaucrats and politicians, not the citizens. You ask the citizens and they come up with an answer, but you don't like that, let's move it on. Who is inconsistent? It is not the folks. You just have to do what the folks say.

Eugene Schoenheit, 13780 SE Fern Ridge, Oak Grove. He was a fifteen-year resident until he moved to Oak Grove. He basically came here to talk about traffic patterns. There are a couple of things need to be looked at. If you drive McLoughlin Blvd. to Oak Grove Blvd., you will find out that during rush hour, traffic is backed up 500 – 1000 feet. This particular transit mall will increase traffic at River Road. You will have a four-way intersection plus left-turn lanes. You are going to start finding out you will be backing up traffic 500 feet to 1000 feet. Your traffic will actually be backing up to the sewer plant. What you are really doing is creating a bigger problem as far as traffic goes. The Oak Lodge Community Council sent a letter and hoped the City Council received it. One comment about Roger and the numbers of people. He has walked with the group and talked with people and businesses. One thing he did not mention was that the rate of people opposed were in the 98% range in some areas. He walked downtown, and he found about 75% of the business owners he talked to were flat out opposed, and about 25% had no opinion. The opposition is much greater than the City Council thinks. If you actually went out and talked to your citizens, they will tell you “no.” He referred to the report that went to the Planning Commission. Like Ed pointed out, when he called this smoke and mirrors. There was one report that showed a chart with bus counts. He looked at these numbers, and one did not look quite right. He went onto the Internet and checked the current TriMet bus schedules. He found the numbers represented here were totally wrong. You put a number of thirty-four buses per hour at peak time, but the number is closer to forty-one. You are putting out false numbers, and that is the current number. It does not say what it will be next year or the year after. What you have here is forty buses per hour or eighty trips. Each bus that goes into the center has to come back out. You are running about one bus every fifty seconds to make a left or right turn into the transit center. The next point he made about the report was that the picture of the parking garage is not the garage. The one shown is only a 3-level structure. The actual proposed garage is 4-1/2 stories. This is a fake picture.

Councilor Barnes confirmed the City Council got the letter from Oak Lodge Governing Board and asked Schoenheit if he was a member. This is very important to the City of Milwaukie and its residents. She asked specifically why he was taking this on since he does not live in Milwaukie.

Schoenheit said he is a member of the Governing Board. He is taking on as a regional issue. That is how Metro would put it. Traffic in and out of Oak Grove basically comes through Milwaukie. The letter from the Oak Grove Community Council that he drafted what really happens is the Board represents the Oak Grove neighborhoods. When you start looking at who is going to park at this transit center, you find these people are coming from outside Milwaukie. They are not really coming from Oak Grove. You will find they are coming from Oregon City and Clackamas. To get to the parking structure several routes they will be taking are Oatfield Road, McLoughlin Boulevard, Lake Road,

which is Milwaukie but to get to the transit center from Lake Road you have to make a left turn onto Oatfield, drive up to Park and make a right turn, and then come back. This basically affects Oak Grove too.

Blair Batson, attorney for Marie Watkins, who owns the property at 12006 SE McLoughlin Boulevard, which is directly south of the recommended Kellogg Lake site. The property is identified as a significant historic resource on the City's Historic Resource Map. It is designated as resource #24. One of the great things about being a property owner in Oregon is that you know what you are getting when you buy a piece of land. Oregon's land use laws require that every piece of private property in the state, both developed and undeveloped, is designated in a city or county comprehensive plan for a category of uses and zoned to allow only that type of use of the property. This gives the prospective land owner certainty not only about the uses that are allowed on his or her property but also on the type of development he or she can expect to occur in the neighborhood. When Ms. Watkins bought her property in 2001, the Comprehensive Plan showed that not only was her property protected as an historic resource but that the only remaining undeveloped property on the Lake which separated her from downtown was designated as open space for park development. That is the piece of property under discussion. Ms. Watkins inquired about purchasing this property and was told it was not for sale since the City planned to use it for a park. A lot of people have referenced the downtown plan, and she wanted to spend some time talking about what its vision was for this property and read some of the provisions. You are probably all familiar with this picture, which shows the green area designed as open space in the plan. So what is the City's vision for the property next to the property where Ms. Watkins invested? In September 2000, the City adopted the impressive Milwaukie downtown and riverfront land use framework plan. This plan contains the City's vision of how to revitalize downtown Milwaukie and make it a livable, economically thriving community. She noted anyone in the region would recognize this plan as a very impressive piece of work. The downtown plan was developed through a two-year process that allowed local citizens to live and work in the downtown area to provide their input in how the downtown area should be developed. The primary principle guiding the development of the plan was creating a livable community. That is stated on page 7 of the downtown plan. A primary component of livability was to "provide significant open spaces and connections to the riverfront." The downtown plan observed, "Milwaukie is fortunate to have a setting that inspires its citizens, that offers history, beauty and vitality. The Willamette River, Johnson Creek, and Kellogg Creek all provide beautiful natural borders to the downtown area. The Milwaukie downtown and riverfront framework capitalizes on these natural resources by restoring the creek and connecting the river to the historic blocks of downtown. Thus both the town and the natural areas are reinvigorated." That is stated on page 6 of the downtown plan. The downtown map shows recreation, pen spaces, and green. This property is a significant green spot. The Kellogg Lake site recommended by the working group for a transit center is the most prominent piece of green on the plan map. The property's downtown open space zoning is also shown on the downtown map and the City of Milwaukie Zoning Ordinance (figure 19.312-1, page 308-42). The Zoning Ordinance provides: "The downtown open space zone is established to implement the public designation of the Milwaukie Comprehensive Plan and to provide a specific zone to accommodate open space, park,

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and riverfront uses. The downtown open space zone is generally applied to land in a public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the downtown open space zone includes parkland, open space, and riverfront amenities.” The only thing standing in between this space being a park and just being an open space as it is now is some simple development. We know this is a funding issue. We know that the City of Milwaukie is struggling to fund a number of projects, but if you keep this space available, it can be a nice park. It can be a simply developed park without a lot – some walking trails, a few benches, keep it mowed, keep the blackberries down, and it can be a very attractive and accessible park keeping a lovely open space in the downtown area as is part of your plan. Even before this plan was developed, Kellogg Lake and the riparian areas were recognized as important natural resources. In 1987 Kellogg Lake was mapped as a natural resource site on the City’s natural resources map along with all the properties bordering Kellogg Lake. The site was retained in the City’s natural resources inventory even after the City dropped some sites revealing had important values. The Comprehensive Plan recognized that the natural resource areas along Johnson Creek, Kellogg Creek, and Kellogg Lake will be considered as open space of special importance to all City residents. This is the vision that was in place for the Kellogg Lake area when Ms. Watkins bought her home in 2001 and made substantial investment in the restoration and maintenance of this property in the following years. As far as she knows, the City has not voted to abandon this vision. A four-story, 50-foot parking garage and bus transit stop does not fit into this vision, and she urged the City Council to reject this alternative for siting the transit center.

Dolly Macken-Hambright, 12258 SE Grove Loop, Milwaukie. I hoped the City Council would carefully consider these items prior to making a very long-term decision affecting the fate of downtown Milwaukie. The process was not well planned or executed in that all the players were not on board from the very beginning. It does disservice to the folks who put in the time and due diligence from the start to have others added to the group as the time goes by – especially when the additional people missed the original reasoning and discussion at which the group had arrived by the time they joined. The appearance of a skewed result needs to be avoided in the future, and staff must be given more direction to make sure all players affected by a given proposal or plan are included from the very beginning. A transit center by definition is noisy and comes complete with exhaust fumes and the occasional automotive fluids dripping on a hard surface, which then becomes polluted runoff. Environmentally the close proximity to the Kellogg waters does not seem to be a good idea especially if reintroducing fish to the area is a long-term goal. If Greenspace is so easily given over this time, what is the real future of the riverfront park? Will the needs of the region foreshadow the development planned by Milwaukie citizens in that location also? Where is the guarantee that Greenspace actually remains Greenspace into the future if this plan is allowed to move forward? Downtown Milwaukie has a finite amount of land in which to be a downtown and the addition of transit center does not further enhance the ability of more people to come to the City from outlying areas to spend money, enjoy restaurants, shopping, and events. This just may not be the best location. Historical neighborhoods are not the best suited for major increases in commuter traffic driven by the ill-conceived placement of a transit center. We have a finite number of historical homes which we must take

care to preserve within the neighborhoods they are located, or to the detriment of the future, we will have sacrificed our own past. Typically transit centers become the hub of criminal activity unless they are accompanied by a very high level of technological and people visibility. With the close proximity of this proposed transit center location to the high school and residential areas, there most certainly will be an increase in police activity for which planning will be needed. Either we will need to add several officers for whom we Milwaukie taxpayers will have to pay or a well-thought out security package must become an integral part of this plan or any plan to move forward. She sincerely hoped that these points would be duly considered prior to any decision by Council.

Rosemary Crites, she is on the Planning Commission, and she was the one who voted down the Kellogg Lake transit site. It was her understanding that the transit center development at the Kellogg Lake site would include a sky bridge built over McLoughlin Boulevard to Island Station. Is this a priority over all the money and energy that went into the downtown plan? This is a 2-acre site bordering McLoughlin Boulevard. She cannot figure out how that tight of a site is going to accommodate a 4-story parking garage and the flow of the numerous buses and cars off and onto McLoughlin Boulevard. The question that came up today is, what has happened to the downtown plan? After two years the City is going ahead with the Peak development plan. How does the development of the transit center help revitalize downtown? The purpose of the transit center is to accommodate the movement of people throughout the metropolitan area. The people riding these buses are not coming into downtown Milwaukie to shop. Has anyone asked any of the passengers waiting for the buses why they are riding the bus? It seems from some of the discussion tonight there has been some interaction with the riders. If you did take a survey, you would know for sure whether the impact of the transit center near downtown Milwaukie would be an economic benefit to the redevelopment of downtown Milwaukie. She obviously was very concerned and interested in redevelopment and economic redevelopment of downtown Milwaukie. One of the major issues has been buses in the downtown. The citizens have spoken loudly on this issue. Let's get the buses away from City Hall and out of downtown. She understands the buses will still congregate around City Hall and there will even be more buses. The question is how is that a benefit for what we had planned. Has anyone talked to Chief Kanzler about the drug dealing and the disgusting behavior that presently occurs around the City Hall bus station? This will only increase with more buses in the downtown area. It does appear that moving the transit center from Southgate Theater north of 224 to the Kellogg Lake site has been spearheaded by the businesses in the north. She understands the City's concern about keeping these businesses happy due to the tax dollars that they bring in. The question is, is that the right decision to make at the expense of the citizens of Milwaukie? What if you had invested \$300,000 or more in a home bordering the Kellogg Lake site? How would you feel about your property's value plummeting at least \$100,000 because you are now situated next to a 4-story parking lot filled with cars and buses or looking at this structure across your back yard. What we should want is a win-win situation. What you just heard is a win-win situation. She is going back to Karen's and Roger's presentations. She was really impressed with it. Her background and education does not allow her give this kind of presentation. Now you have heard both sides of the issue substantiated with facts and figures. Take the time to look at the ODOT site. It is an 8-

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acre site, which is not in somebody's back yard. It is not going to interfere with the businesses north of 224, and it will not cause congestion for either parties. Both parties have a vested interest in this issue. Think about it. This is a very important decision in our future. It is a hard decision, but that is what she decided. It is in City Council's hands.

Craig Flynn, 12048 NE Fargo Ct. He is not a Milwaukie resident but purchased property on 27th street. His wife is well known in the area, and he bought the old Rowe house. His wife grew up in the neighborhood, so he knows a lot about it. He has worked in the neighborhood for about 20 years. He lives in the Gateway neighborhood, and he heard someone mention earlier about asking someone in Gateway what they think about their transit center. When he first moved into that neighborhood, his grandmother said, "Why would anyone want to live way the hell out here?" Progress comes and things change, but they change gradually. No one noticed that the farms slowly disappeared and became houses and schools, but people had big yards. Then one day light rail and the regional center came along. Things started changing really fast. It went from a sleepy little neighborhood to an urban renewal area. No one could figure out how Gateway became an urban renewal area, because there really wasn't any blight. They needed urban renewal to bring light rail in. So what they did was make the Gateway neighborhood – it is a big area that goes from Mall 205 to Halsey Street and then it goes all down to 162nd. It is a monstrous area. You know what happens when they make it an urban renewal area? They take the money that would have gone to police, fire, schools, and city and use it to rebuild light rail and subsidize certain developers. The problem with that is that the City of Portland is always complaining about not having enough money. So, Milwaukie will bring light rail into this neighborhood, and it is going to bring a couple of other things in. One of the things it will bring in – he handed out some newspaper articles. "Drugs, on the move on MAX" (Oregonian 4/2003); "TriMet pumps up security", "Neighborhood chimes in on light rail and crime" (2030). He found some old articles, "MAX sometimes drops off loads of trouble in Gresham" (1994), "Using common sense best bet for passengers who ride light rail and TriMet", "Gresham police gear up for gang problems" talks about how they come out from the Lloyd District in inner Portland out to Gresham, the gangs do ride the MAX (October 1992). He was looking through all these articles knowing how Gateway has changed from a sleepy little suburb to a very high crime area around the light rail. He was wondering why the City was embracing it. What are you thinking? The TriMet people say they are going to fix crime here, and that Milwaukie will not have the same problem they have everywhere else along the line. If they cannot fix the problems they have now, what makes you think they will make it better here? He was confused as to how they could say things that are totally untrue. He has a strange hobby. A couple of days ago, he was standing out on Interstate and Lombard with some friends and actually counted people that got on and off light rail. At Lombard and Interstate, most of the people who got on light rail got off buses. As he was standing there counting people that got on and off, he was talking to a safety officer who was there to make sure people do not get run over. He told Flynn later in the afternoon they have the gang liaisons hanging around because of the gang problem. Wachenhut comes in for security because of the problems they have with crime. Then he went to the Portland website, and that intersection is the highest crime rate right there at the Interstate MAX. Once

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you let this camel's nose in, you will get all the light rail and all the wonderful things that come along. There are lots of mandates that come in. They will outlaw vehicle repair shops. Commercial parking and maximum amount of parking next to a business. How will that attract businesses if you tell them they cannot have the parking they need to bring customers in. He found in Gateway that customers do not ride MAX and light rail; they drive their cars. What attracts businesses to light rail – it is not light rail, it is not transit – it is all the tax breaks they hand out. The 10-year tax abatements. The low interest loans. The urban renewal areas. If you want to attract businesses to Milwaukie just give them the tax breaks. Forget the transit center. Forget all the things that come along with it – the density, the congestion – because it will only get worse. There was a sign next to the trestle that said it was bought by Metro in 1995. What happened to that sign?

Richard Cayo, 4203 SE Johnson Creek Boulevard, Milwaukie. He has listened to people say the proposed site would be the greatest thing in the world. He has also listened to people say it would be the end of the earth if the City Council approves it. He suggested putting it on the September ballot. The City Council will not have to worry about voting, and no one would be mad. The Shadow knows how you people are going to vote. He still has a political action committee – Citizens for the Fiscally Responsible Management of Local Governments. If you do not like the way the City Council votes call him. We will get 1200 signatures, and we will decide what goes on.

Hyon S. Yi filled out a testimony card but was not present.

Roger Cornell read correspondence from Dick Jones, Oak Lodge Community Council, 3205 SE Vineyard Road, Oak Grove, into the record. What is interesting is listen to the things you have already heard tonight and how Jones repeats them. Jones wrote, please read this letter into the record, as I must be at the North Clackamas Water Commission meeting.

"The Oak Lodge Community Council would like to support the citizens of Milwaukie in opposing the Kellogg Lake transit center and park-and-ride facility for the following reasons:

1. Locating the transit mall at this location would substantially increase neighborhood traffic especially on Lake Road, Park Avenue and Oatfield Road.
2. The transit would cause major congestion near the intersection of River Road and McLoughlin because of the many buses and cars that would be making left turns in and out of this facility.
3. The buses that normally pass through Milwaukie going to other destinations other than McLoughlin Blvd. will be forced to go through downtown Milwaukie on to McLoughlin and south to the transit center only to return to downtown Milwaukie to continue their normal route. This additional routing will cause delays in bus travel times, increased congestion because of 80 bus trips per hour on McLoughlin and at the River Road intersection as well as through downtown Milwaukie.

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4. Allowing this green space to remain will enhance the beauty of Milwaukie while improving water quality of Kellogg Lake. As the region finalizes Goal 5 this facility would not be an allowable use.

Locating the transit center north of downtown Milwaukie next to both major highways (224/212 and McLoughlin) would reduce the traffic impact in both Milwaukie and Oak Grove neighborhoods in addition to cutting the buses travel time. Thank you for accepting our input.”

Perry Chambers, 11416 SE 27th Avenue, Milwaukie. He read a letter into the record. He commented on the location of the proposed transit facility. In his opinion, the logical place for a transit facility is a place that is easily accessed from both of the major roads that lead into Milwaukie. Commuters using Hwy. 224 could not easily access the Kellogg site without cutting through Milwaukie neighborhoods. The most direct way to cut through is Washington Street, and increased traffic could have dangerous consequences to their safety. His oldest son attends Milwaukie High School, and he thought the Kellogg Lake site was too close to the high school. He was familiar with the recent increase in contacts with known gang members by the Milwaukie Police Department. As far as he is concerned, the farther away the transit center from the high school, the better. He is also opposed to paving over any little Greenspace we have left in this community. The size of the proposed structure is very large and would be an unwelcome intrusion into our fine town. He attended the open house and viewed all the options. He favored an option that kept the transit facility north of downtown easily accessed from 224 and McLoughlin Boulevard. If the Kellogg Lake site becomes Milwaukie’s preferred site for a transit center, he will definitely oppose any light rail measure. He hoped when the City Council made the tough decision, it would keep in mind his concerns for the safety and livability of his family and neighborhood.

Greg Seagler, 2244 SE Lake Road, Milwaukie. He read his comments into the record. He thanked the Mayor and Council for the opportunity to express his thoughts regarding this recommendation. He highlighted some important portions of our city’s Comprehensive Plan he asked the Council to review one more time.

He continually refers to this document as it is our City’s Constitution and must be the touchstone we return to again and again. It reflects the highest-level values we hold for our community. Although it can be changed to reflect evolving values or needs, it was clearly designed to not make that process easy. Even when it addresses changes to the plan or zoning, it points us right back to itself by saying these changes must be consistent with the original intent of this plan – its goals, policies and spirit.

From the Introduction – one of the Overriding Management Policies states: “Existing natural resources and developments of character will be preserved, and new development will contribute to improving the quality of the living environment, and to a sense of citywide identity and pride.”

Some have said that Kellogg Lake is nothing more than a swamp. On the contrary Kellogg Lake is a spectacular ecosystem and wetland area, and Metro’s recent

Inventory of Regionally Significant Habitat designates many of its banks as class 1 riparian, highest-value habitat, and class 2 riparian, medium value habitat, some of which fall directly under part of this proposed project. (He included a map with an overlay).

The Comprehensive Plan does not think of Kellogg Lake is a swamp. As a matter of fact, it specifically refers to Kellogg Lake at least ten times, all emphasizing the need for protection of its of wildlife and open space – even views of it. From the Plan's open space policy section – "The natural resource areas along Johnson Creek, Kellogg Creek, and Kellogg Lake, will be considered open space of special importance to all city residents."

He did not have time to read all the many other references those who drafted the Plan chose to include regarding our waterways and open space. He was going to call attention to downtown zoning section that Mr. Kleinman already presented that specifically prohibits this use.

All of these things can be changed. Zoning can be changed. However, the framers of this Plan went to great effort to see the integrity of the Plan and our vision of city kept intact. The preponderance of references designed to protect our open spaces and waterways should give us great pause as we consider this site for our transit center. The City has asked to have the transit center moved from the blocks near City Hall as quickly as possible. However, no timeline can justify a rush on an action with implications of this magnitude. This project has irreversible consequences, whether good or bad, for our city and region, and should not begin until we know we will be able to complete it. The study of the feasibility of restoring Kellogg Creek is on hold at least until late 2005. Funding for light rail will likely require a vote that has failed in the past.

We have heard arguments here about greater good that can be served by sacrificing one Greenspace for enhancement of another, or to better connect underserved neighborhoods. But the number of things that have to come together for this full project, phases 1 and 2, to be fully realized is immense. And as much as he was unhappy about the idea of a 49-foot parking structure, to pave this open space simply for ground-level bus transit use would be unconscionable. He respectfully asked City Council not to authorize the implementation of phase 1 until studies for phase 2 are completed, and funding and permits secured.

When he chose to move to Milwaukie from Portland two years ago, he did so after learning that the city had recently developed a progressive and carefully planned vision for its future. He did inquire about the patch of land in question and was relieved to learn the city had seen fit to zone this land as open space. But more than that, he was encouraged to learn that the city had a new vision for itself and was excited to learn that one day light rail might extend here.

This was not just about his property. It is about this city. He moved to this city eager to become a part of it and encouraged by its desire to cherish its beautiful natural resources and unique setting. Now he perceives it is losing its direction. Now it

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appears the city is turning its back on everything it said it wanted to be. The 2.5 site is inconsistent with the city vision to honor its unique assets.

In addition to a strong tax base of thriving business and industry, a city prospers from citizens who love their community and enjoy its amenities. It is revitalized when people see it as a beautiful place to come, live, shop, play, and work. Citizens are part of the tax base as well.

From the Comprehensive Plan: "Milwaukie's future role will primarily be as a residential community with considerable employment opportunities. This future, however, is not incompatible with the conservation of the City's remaining natural resources of land, air, water, and the natural environment The protection of these [natural] resources is essential if residents are to experience the pleasure and amenities which can only be enjoyed when nature is close at hand." Waterways are our asset. Do not destroy what defines Milwaukie's uniqueness. Do not give up the vision of cherishing it for future generations.

Seagler read the written testimony of Doug Naef, property owner and 26-year business owner in downtown Milwaukie, into the record.

"I am unable to attend the hearing but would appreciate my opposition being heard regarding development not only on the Lake that could enhance the City's image, but also on such a busy thoroughfare as McLoughlin. The complications it will create traffic entering and exiting River Road will further degrade the access to our City. There are environmental impacts and restrictions on development near a stream or lake with major setback requirements based on slope of embankment as well. If homeowners cannot develop near a stream or lake, why should a concrete and asphalt covered transit center even with proper detention be allowed to be built? I would strongly encourage Milwaukie City Council and Mayor to consider another location north of town where traffic and environmental factors are not an issue."

Laurey Cook, 3808 SE Aldercrest, Milwaukie. This is right on the border she realized after looking at the map of the City of Milwaukie, but she would repeat a lot of the things she heard today. She rides the 32 bus. When you talk about how people feel about what is going on with the transit center and do they know and are they in favor of it. After reading the *Clackamas Review* and being shocked and awed, she went onto the bus and said, "Gee, have you heard what they're doing?" People said, "No - you're kidding. I thought it was going to go north of town." Everybody thought it was. There was someone from the Planning Commission from Milwaukie, and she said, "Well, ya, I voted in favor of it going on Kellogg Lake, but I don't think it will pass environmental, so don't worry about it." Cook looked into it to find out where the land came from. She found out it was either donated or purchased as a Greenspace. That surprised her. It surprised her that it would change. Living on Aldercrest, she lives along Kellogg Creek. It is beautiful and a Greenspace, so she had that concern. She had other concerns. She went on the bus and asked if anybody was in favor of it. No, except maybe the person on the Planning Commission, and she felt that it really was the only alternative, and it was not going to pass anyway. Then they started talking - "I ride the 32. How is

the 32 going to get to that transit center that is going to be on Kellogg Lake?" Either it is going to have to go all the way past town and then back up and around, or maybe it is going to cut over and not have her access. Who rides the 32? Is it people from outside the area? No, riders are people from inside and outside the area. As we go along Lake Road, we pick people up, so everyone meets at the same time. Everyone takes within about 15 minutes the same busses. You have people along Lake Road who live in Milwaukie, and then there are people like her who live on the fringes or maybe even further because Oak Grove was here talking about traffic problems. Then you talk about crime. Yes. Well, we thought about that. It is bad enough when you have your car out in the open, but now you are talking about a place that is not very visible. Already at the church parking lot, they've broken into the car; they've stolen the car. She has had people expose themselves to her. That is the kind of people you may draw in. It does increase crime because they know those cars are parked there, and there is nobody watching. She has concerns about her own safety riding the 32. Why? The 32 stops at 5:30 from downtown; she works downtown. That means she has to catch the 33 and then transfer to the 32. If you are talking about late at night, which is 5:30 – it is dark – you have women alone that will be in that area transferring. It sounds like a dichotomy. Increased crime from unsavory characters that ride the bus. At certain times of the day you probably have people who could increase your business. For our convenience having the bus transit center wherever north of town makes sense. She could not imagine how you can either not have the bus traffic going through town or you are cutting out routes and causing people that now can safely park to park in an area that will have an increase of crime. She initially became concerned about the fact that it is a Greenspace. It was donated for a Greenspace. There is some talk about the Army Corps of Engineers removing the dam to increase the likelihood of fish habitat. Instead, you are talking about paving it over. It is already filled – let's pave on top of it. It seemed to her the City has a beautiful asset, and it is not the place for a transit center, a parking space, and believe her she would love to have a lot of parking, but if it means paving over a green area, she does not think it is worth it.

Brendan Eiswerth, 11009 SE 28th Avenue, Milwaukie. He also owns property at 2725 SE Washington Street. Everything he had written was said numerous times. All were great, valid points. One thing about the Farmer's Market that has not been said is the effect that this will have on it, which is having a second transit center. He had photos showing what would happen to the parking lot across the street from City Hall. He has worked various farmers' markets and visited almost every single farmers' market in Portland area. What makes this market unique is that there are trees. The produce that sits out there in the middle of the day in July and August is not rotting, and the trees make that a unique space where people can commune and get together. There are a million great things about the vitality of the market bringing people together, bringing produce for people to buy – local produce for local people supporting local farmers, keeping the money in a circle. He did not see how this plan would help that. He worries that forty-one buses an hour, at rush time, will be moved through there. They are going to level the trees. They are going to pretty much disrupt what he has spent five, almost six years, making this a beautiful farmers' market. If that is wiped away, it is one of the few things this City has. He has lived here for five-plus years, and he has not seen anything else grow and flourish like this market has. If something happens to disrupt

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that, and it is ruined forever – which he has seen when markets try moving location, things happen, whatever. If that happens, it is going to be a really sad day for this City. He was really worried about that. One thing he could not reiterate enough is that it looks like there are going to be two transit centers here. That is something this spot, which he wished to focus on. Kellogg Creek, Kellogg Lake is obviously an open Greenspace. This spot across the street has beautiful, tall oak trees that are going to be leveled. That cannot, he is a landscaper, be done in a gentle way that is going to keep these trees. We will be putting little twigs, and the Farmers' Market is not going to have the same appeal it does now. He really worries about that. Also, he worries about losing sight of our vision. As someone who owns two properties with about an acre on Spring Creek, he got them for a decent price because they were overgrown. Blackberries sitting on what looked like swampy areas. He purchased those with the intention of making that a beautiful area, and that is what he has done. If he had wanted a parking lot to work on cars or something, he would have gone somewhere else. He would not have purchased it, and then decided to pave over it. He was looking at it for the long-term future of the value of what that will have in 10 – 20 years. If he were to pave over it because his hobby was working on cars, he would be ruining the value of that property, which would be really sad. He thought the City needed to stick with its vision – he went to those meetings five years ago – and there were great ideas. If someone had come up with the 2.5 idea back then – he believed Carolyn was the Mayor at that time – it would have been shot down. Why all of a sudden does that come up now, was beyond him. You just have to look north to figure that out. The businesses there who knew – some seem to be newer like Harder Mechanical – moved in within the past five years, so they know our vision. Iridio, who is a great neighbor, is fairly new. They know; we knew. Why is it changing all of a sudden? That worries him quite a bit. He talked to the gentleman from Harder Mechanical, and he threw out a number of \$4 million on the payroll to their employees. He says that won't be there if the company moves back to Washington. He asked how many people from Milwaukie were employed by Harder, and he did not know. How many people from Clackamas County? He did not know. How many people from the state of Oregon? He assumed probably so. He did not see those dollars being spent at the Farmers' Market or at the businesses around here. His money does. He owns two properties that he is working very hard to make beautiful places, open Greenspaces for the future.

Jack Brenneman filed out a form to testify, but he was not present.

Dion Shepard read a statement into the record by **Mary Mitchell**, 4400 SE Naef Road.

“If the Milwaukie city has hopes of selling Kellogg Lake property to get money for other beneficial local projects or as an aid to increase businesses of local merchants, these projects sadly will not be successful due to the deleterious effect on the entire area of the transit station located by Kellogg Lake. We urge that every viable location for a transit center be thoroughly reconsidered before any decision is made.”

Ron Rasch read a statement into the record by **Susanna Lundgren**, 2734 SE Lakeside Drive, Milwaukie.

"What is the greater issue at stake? What do we expect of our city and county leaders? We are looking to them for true leadership; we are looking for fair representation of citizens' greater interest, for a vision to build community, balancing several first-order needs. And we are trusting our leaders not to set up false oppositions among them. We need convenient, safe, efficient and well-designed urban services, one of the most important yet problematic of which is public transportation. But this must not exact an unnecessary high cost, neglecting an equally important need - the intelligent protection of open Greenspace: valuable resource which provides air purification, climate control, wildlife habitat, and natural beauty for the public to contemplate and enjoy.

In the late 19th and early 20th centuries, in a climate of unbridled consumption and over development, a few daring mavericks with power saved us from the irretrievable loss of important natural treasure. Without urban designer Frederick Law Olmstead, there would be no Central Park at the heart of New York City. Without the bold action of President Theodore Roosevelt, there would be no Yellowstone, nor indeed a national parks system. We must see that we are facing a similar challenge in miniature. In a township such as ours, Kellogg Lake plays the role of a small but vital Yellowstone, a water feature which has developed over the last century-and-a-half into a fully realized urban ecosystem, watershed and wildlife preserve. The essential character of the lake has proven itself remarkably durable against human disturbance, in particular, the silting-up of the eastern end over the last two decades from construction in Happy Valley. It has survived even the shock of overbuilding its boulevard side, recovering beyond expectation with a score of bird species populating its shores - even the rarely seen varied thrush and blue heron have returned.

In view of the facts, why are we allowing the subversion of language to confuse this urgent debate, giving in to cloudy, seductive terms such as mitigation, enhancement, and restoration offered by parties whose intent belies the apparent meaning of their well-chosen words? Even the more altruistic-sounding arguments promoting 'restoration' prove, upon closer inspection, ill-advised at best, at worst a masquerade disguising the pathway to a financially and environmentally ruinous boondoggle. To test the advisability of, for example, draining the lake to 'restore' the creek as habitat for cold-water fish I sought an informed and impartial opinion by consulting Chere DeForest Schwindt, environmental wastewater specialist, formerly of Concordia University and the Department of Environmental Quality at Portland State. She concurred with the benefits to be gained from restoration programs employed in favor of mountain lakes and other large wilderness areas. But with small inner-urban Greenspaces, she says, such efforts may expend a great deal of time and money destroying the successful warm-water system which has developed so gradually as to become virtually 'native,' while failing to replace it with a viable new cold-water system. Hardly the picture of 'restoration.'

Lake residents are understandably alarmed over this threat to their property, as well by the cavalier dismissal of their justifiable concerns from the governing bodies. Any characterization of residents as truculent and selfish, therefore, would be unwarranted, but in any case, a much deeper issue is at work here: residents have seen for themselves the lake's unique beauty and its value to the whole community so far

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beyond the monetary. Residents have been called upon as protectors of the region, never more than at this time of greatest peril to its integrity. They are forced to a level of stewardship belonging properly among the duties of our civic leaders. Is it right or wise that the local defenders should stand alone?

Will we let one of our chief natural treasures fall prey to community apathy and the kind of leadership that resorts to statistical manipulation to attain its ends, to backroom deals and secret alliances, to jargon, catchwords and demagoguery? We still have time not to make a tragic mistake. We have the opportunity to exercise true leadership. Let's not seal our reputation for shortsightedness, nor be known in the future as the outliers of Metro South who 'didn't know what we had 'til it was gone,' who couldn't wait to choose the worst location in the region to 'pave paradise and put up a parking lot.'"

Neutral Testimony

Matthew Bristow and **Stan Link** filled out testimony cards at the last meeting, but they were not present at this meeting.

Mayor Bernard noted it was 9:00 p.m. and asked if the Councilors wished to have staff comments at another meeting. All seeking to testify had done so.

Councilor Lancaster had one issue. There are several people who testified and after reviewing the information, he would like to ask some further questions of them.

Firestone said given no specific guidelines for this hearing, the Council may do what it wants. You should always be providing a fair process. You may close the hearing knowing that you will re-open it. You may leave it open. It was essentially the Council's choice. There would be nothing that would prevent you even if it were closed from re-opening it to ask questions. Arguably, even after testimony is closed, the City Council may always ask for answers to its specific questions.

It was moved by Mayor Bernard and seconded by Councilor Barnes to close the public testimony portion and go into the staff comments at the next date, which the City Council will determine. Motion passed unanimously.

The group agreed to set the next special meeting to continue consideration of the transit center location at the next regular Council meeting on June 1, 2004.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 9:03 p.m.

Pat DuVal, Recorder

CITY COUNCIL REGULAR SESSION – MAY 25, 2004

DRAFT MINUTES

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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: Oregon Department of Transportation Grant
Application for 43rd Avenue Sidewalk Project

Date: May 28, 2004, for June 15, 2004 City Council Meeting

Action Requested

Authorize the Mayor to sign an endorsement letter of support for the proposed 43rd Avenue Sidewalk Project. The letter will accompany the grant application being sent to the Oregon Department of Transportation (ODOT) Bicycle and Pedestrian Program.

Background

The Oregon Bicycle and Pedestrian Program, administered by ODOT, has grant money available for construction projects on local streets. The grant application is due by June 30, 2004, and grant recipients will be selected by November 2004. The maximum grant amount available is \$200,000. Although a 20% local match is no longer required, a voluntary match counts heavily in project scoring.

The first half of the grant amount will be available July 1, 2005, and construction or design must start by July 1, 2006. All projects must be completed within two years of initiation. The second half of the grant money will be made available at the completion of the project.

Staff is currently preparing the grant application for improvements on 43rd Avenue (between King Road and Howe Street) and Howe Street (between 43rd and 42nd Avenues). The 43rd Avenue project was chosen because it would bring connectivity to sidewalk projects, transit routes, parks, schools, and shopping centers. The scope of work includes construction of curb, sidewalk, and storm

improvements on both sides of 43rd Avenue (King to Howe) and Howe Street (43rd to 42nd).

With improvements under this grant and projects scheduled for construction later this summer (King Road Center, 42nd Avenue Improvements), a continuous sidewalk will be present between Johnson Creek Boulevard (at 42nd Avenue) and the King Road Center (at 43rd Avenue). Although the 43rd Avenue Sidewalk Project is not currently in the Capital Improvement Plan (CIP) for FY 2004-2005, it will be added to the CIP for FY 2005-2006.

Concurrence

Community Development, Planning, Engineering, and Neighborhood Services Departments all support applying for the grant.

Fiscal Impact

The total project cost is estimated at approximately \$489,000. If the project needs to be phased due to fiscal constraints, staff recommends constructing improvements on 43rd Avenue first (approximate cost \$405,000). A breakdown of the project costs follows:

Complete Construction: \$200,000 from ODOT
 \$ 14,000 from City Bike Fund
 \$100,000 from the Transportation SDC Fund
 \$175,000 from City Storm Fund

Staff projects that funds are available to match the grant amount from the Bike, Storm, and Transportation SDC Funds.

Work Load Impacts

If successful in obtaining the grant, the Engineering Department will manage the project with support from Neighborhood Services during the public involvement process.

Alternatives

The Council has the following alternatives:

- Support project, sign the letter of endorsement (Attachment A).
- Recommend a different project for the grant application.
- Do not sign the letter of endorsement.

Attachments

Attachment A – Signature Page

ATTACHMENT A – SIGNATURE PAGE

ODOT PEDESTRIAN OR BICYCLE IMPROVEMENT GRANTS

Endorsements

Complete all sections relevant to your project

Applicant: City of Milwaukie	
Contact person: Brion Barnett	
Project Name: 43 rd Avenue Street Improvements Project	
Question 7: Elected official support for project, & modification to accesses, driveways, or on-street parking <p>The Milwaukie City Council authorized this application at its June 15, 2004 regular session. We understand the work, which includes construction of curb, sidewalk, and storm improvements on 43rd Avenue (King Road to Howe Street) and Howe Street (43rd to 42nd Avenue), will result in some modifications to accesses, driveways, or on-street parking. The project will bring connectivity to recently constructed sidewalk projects, transit routes, parks, schools and shopping centers.</p>	
Name: Jim Bernard	Title: Mayor
Signature:	Date: June 15 th , 2004
Question 9a: Agency support if project is on right-of-way not owned by applicant (Region or District Manager for projects on ODOT Highways)	
Name:	Title:
Signature:	Date:
Question 9b: Agreement from appropriate agency to maintain the facility	
Name:	Title:
Signature:	Date:
Question 13: Concurrence from railroad and ODOT Rail Crossing Safety Unit if project includes a railroad crossing	
Name:	Title:
Signature:	Date:
Name:	Title:
Signature:	Date:

RESOLUTION NO. 2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS FOR FISCAL YEAR 2004 - 2005.

WHEREAS, the City of Milwaukie, by adopting Ordinance No. 1865 and Resolutions 8-2002 and 21-2002, has put into place purchasing procedures; and

WHEREAS, contracts for certain services which have projected annual expenditures in excess of \$25,000 require City Council review pursuant to purchasing procedures; and

WHEREAS, the City Council has reviewed the listed services and the projected annual expenditures for such services; and

WHEREAS, the City Council finds such services needed and vital to the operations of the City of Milwaukie;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board:

SECTION 1. The City Council authorizes the City Manager to execute purchase orders for the following services.

Vendor	Service Provided	Projected Amount
American LaFrance	Parts and Services-Fire Trucks	\$ 30,000.00
ASAP Software	Computer Software	\$ 28,857.20
City of Portland	Sewage Treatment Charges	\$ 300,000.00
City of Portland	Yearly Access Fees	\$ 15,523.00
City of Portland	800 KHz Repair & Maintenance	\$ 30,000.00
City of Portland	PPDS Access Fees	\$ 38,000.00
Clackamas Cable Access Board	Operation of Public Access Studio	\$ 30,000.00
Clackamas County Fire Dist. #1	Fire Protection Services	\$2,820,869.00
Clackamas County Service District #1/WES	Sewer Treatment Charges	\$1,300,000.00
Clackamas River Water	Annual Water Use per intergovernmental agreement	\$ 77,000.00
D & A Janitorial	Janitorial Services	\$ 85,000.00
David Evans & Associates	Consulting Services	\$ 172,000.00
Don Thomas Petroleum	Unleaded & Diesel Fuel & Oil Products	\$ 90,000.00

Goodyear Commercial Tire	Tires & Tire Repair	\$ 25,000.00
Grove, Mueller & Swank, P.C.	Annual Audit Services	\$ 30,000.00
Interactive Computer Designs	Incode Annual Software Maintenance	\$ 33,000.00
Les Schwab Tire Center	Tire Purchases for Fire Trucks & City Vehicles	\$ 25,000.00
Liberty Northwest Company	Workmen's Compensation Insurance Premiums	\$ 135,000.00
Marsh USA Inc	Insurance Premiums	\$ 208,270.10
Metropolitan Area Communication Commission	Comcast Franchise Administration	\$ 45,000.00
NW Natural	Gas for City Facilities	\$ 37,180.00
Office Depot	Office Supplies	\$ 7,000.00
Office Depot	Office Supplies	\$ 8,000.00
Office Depot	Copier Paper JCB, PSB, & City Hall	\$ 4,500.00
Office Depot	Office Supplies for RIM & NST	\$ 5,000.00
Office Depot	Office Supplies	\$ 10,000.00
Portland General Electric	Electricity for City Facilities	\$ 594,550.00
Printing Today	PILOT Printer	\$ 26,800.00
Qwest	Telephone Service	\$ 60,000.00
Ramis, Crew, Corrigan & Bachrach, LLP	City Attorney Services	\$ 140,000.00
Ramis, Crew, Corrigan & Bachrach, LLP	Stanley Works Litigation	\$ 15,000.00
State of Oregon	Small Energy Loan Program #L-499	\$ 35,292.00
State of Oregon	Small Energy Loan Program #L-499B	\$ 7,140.00
State of Oregon	Small Energy Loan Program #L-602	\$ 15,480.00
US Postal Service	Postage for Utility Billing	\$ 16,200.00
US Postal Service	Postage for PILOT, Other Permit #30 Mailings	\$ 25,000.00
Xerox Corporation	Rents & Leases for all Copiers	\$ 37,788.00
Xerox Corporation	Per Copy & Supplies Cost	\$ 11,000.00

SECTION 2. The effective date of this resolution is July 1, 2004.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on June 15, 2004.

Mayor James Bernard

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Ramis, Crew, Corrigan & Bachrach, LLP

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING SCOTT A. FEWEL AS MUNICIPAL JUDGE *PRO TEMPORE* FOR JULY 11, 2004, FOR THE PURPOSE OF PERFORMING A WEDDING CEREMONY.

WHEREAS, the City Council has the right and authority to appoint and remove Municipal Judges for the City of Milwaukie, including the right to appoint Municipal Judges *pro tempore*; and

WHEREAS, Scott A. Fewel, a lawyer in good standing with the Oregon State Bar (OSB # 71060) and a citizen and resident of the State of Oregon, has petitioned the City Council to be appointed as Municipal Judge *pro tempore* on July 11, 2004, for the purpose of performing a wedding;

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

Section 1: Scott A. Fewel is appointed Municipal Judge *pro tempore* for the City of Milwaukie City Municipal Court for one day, July 11, 2004, for the sole purpose of performing a wedding, with all the powers and duties necessary for that purpose.

Section 2: The resolution takes effect upon adoption.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on _____, 2004.

James Bernard, Mayor

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

ATTEST:

By: _____
City Attorney

Pat DuVal, City Recorder



To: Mayor and City Council

From: Mike Swanson, City Manager

Subject: Certifying that delinquent sewer charges against Robert V. Faulhaber were incorrectly applied because his property was not connected to the sewer system, and asking Clackamas County to correct tax bills accordingly

Date: June 3, 2004

Action Requested

Approve a resolution requesting that the Clackamas County Assessor remove the City's delinquent sewer charges of \$596.64 from 1987-88 and \$124.08 from tax year 1988-89, along with any accrued interest thereon, from Tax Account No. 00439163

Background

The City of Milwaukie certified delinquent sewer charges for property at 4370 SE Bowman Street to the Clackamas County Assessor for collection on the property tax roll in the amount of \$596.64 for the 1987-88 tax year and \$124.08 for the 1988-89 tax year

The property located at 4370 SE Bowman Street was not connected to the city sewer system at that time, and the sewer charges were assessed by mistake.

Concurrence

City Manager and the City Attorney concur with the purposed action.

Fiscal Impact

None

Work Load Impacts

None

Attachment

1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CERTIFYING THAT DELINQUENT SEWER CHARGES AGAINST ROBERT V. FAULHABER WERE INCORRECTLY APPLIED BECAUSE HIS PROPERTY WAS NOT CONNECTED TO THE SEWER SYSTEM, AND ASKING CLACKAMAS COUNTY TO CORRECT TAX BILLS ACCORDINGLY.

WHEREAS, Robert V. Faulhaber owns real property located at 4370 SE Bowman Street, for which the Clackamas County property tax account number is 00439163; and

WHEREAS, the City of Milwaukie certified delinquent sewer charges for this property to the Clackamas County Assessor for collection on the property tax roll in the amount of \$596.64 for the 1987-88 tax year and \$124.08 for the 1988-89 tax year; and,

WHEREAS, the property located at 4370 SE Bowman Street was not connected to the city sewer system at that time, and the sewer charges were assessed by mistake;

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

Section 1: The delinquent sewer charges assessed by the City in 1987-88 and 1988-89 tax years were incorrectly charged.

Section 2: The City Council requests that the Clackamas County Assessor remove the City's delinquent sewer charges of \$596.64 from 1987-88 and \$124.08 from tax year 1988-89, along with any accrued interest thereon, from Tax Account No. 00439163. A copy of this resolution shall be sent to the County for appropriate action.

Section 3: The resolution takes effect upon adoption.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on _____, 2004.

James Bernard, Mayor

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

ATTEST:

By: _____
City Attorney

Pat DuVal, City Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Alice Rouyer, Director of Community Development & Public Works

Subject: Wastewater Treatment Options Resolution

Date: June 4, 2004 for the June 15 meeting

Action Requested

The Council is requested to approve a resolution in support of regionalizing wastewater treatment services in North Clackamas County.

Background

On June 1 2004, the Council heard a presentation of the Wastewater Treatment Options Study results by Water Environment Services Executive Director Kent Squires and Capital Projects Manager Ted Kyle. At that meeting, Council supported a regional approach to wastewater treatment services in North Clackamas County. Council unanimously agreed that Study Option #5 offers the best approach to regional wastewater treatment. Option #5 assumes that the Kellogg and Oak Lodge plants are both decommissioned and all existing and future flows are transported to and treated at the Tri-City plant in Oregon City. Council agreed that the long-term cost considerations and savings realized by economies of scale make this option the most attractive at this time. The option also supports Milwaukie's long-term goal of revitalizing the riverfront and downtown.

Council asked staff to forward the attached resolution for consideration at the June 15 regular session. The intent is to make an early commitment to the Study, Option #5 and a regional approach. Council hopes to use this resolution to communicate support to other governmental partners.

Concurrence

Staffs in the City Manager's office, Community Development and Engineering have worked with the CCSD1 study coordinators and consultants since 2003.

Fiscal Impact

At this time, the study has not resulted in any fiscal impact to the City. Rate impacts will be studied in more detail as the study progresses.

Attachment

1. Resolution supporting a regional approach to Wastewater treatment

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING A REGIONAL APPROACH TO WASTEWATER TREATMENT IN NORTH CLACKAMAS COUNTY.

WHEREAS, the City Council heard a presentation of the Wastewater Treatment Options Study results at a work session on June 1, 2004; and

WHEREAS, the City of Milwaukie entered into an Intergovernmental Agreement with Oak Lodge Sanitary District, Clackamas County, Clackamas County Service District #1, Tri-City Service District, and the Surface Water Management Agency of Clackamas County; and

WHEREAS, said Intergovernmental Agreement required the participating jurisdictions to perform a wastewater study to determine the likely costs of consolidating and/or relocating wastewater treatment at fewer locations, the likely costs of expansion or construction of appropriate facilities to accommodate the redirected flows, and the likely cost to construct additional capacity necessary to serve future growth in the North Clackamas area; and

WHEREAS, the study included a rate and economic analysis designed to assess the probable impacts on customers served by the facilities; and

WHEREAS, the study has been performed and presented to a joint meeting of elected officials representing Oak Lodge Sanitary District, Clackamas County, Clackamas County Service District No.1, Tri-City Service District, and the cities of Gladstone, Happy Valley, Milwaukie, Oregon City, and West Linn; and

WHEREAS, the study finds that the continuing to operate, maintain, and reinvest in the three existing wastewater treatment facilities in the North Clackamas County area (Oak Lodge, Kellogg Creek, and Tri-City) is the most expensive for rate payers in the long-term; and

WHEREAS, the study finds that the option to regionalize wastewater treatment at a single facility provides the greatest opportunity to reduce ratepayer costs over the long-term; and

WHEREAS, the City Council adopted the Downtown Riverfront and Land Use Framework Plan in 2000 anticipating the eventual removal of the Kellogg Sewage Treatment Plant from Milwaukie's riverfront in an effort to revitalize the downtown and riverfront area;

NOW, THEREFORE, BE IT RESOLVED that the City Council by this resolution endorses the concept of regionalization of wastewater treatment services at a single location as the apparent best long-term strategy for providing wastewater treatment services to the customers of the City of Milwaukie. Further, the Council endorses Option #5. Option #5 assumes that the Kellogg and Oak Lodge plants are both decommissioned

and all existing and future flows are transported to and treated at the Tri-City plant in Oregon City; and

BE IT FURTHER RESOLVED, that the Council by this resolution directs the study partners with Clackamas County, Clackamas County Service District No.1, Oak Lodge Sanitary District, Tri-City Service District, and the cities of Gladstone, Happy Valley, Oregon City, and West Linn, to begin a process of public information dissemination, stakeholder involvement, and citizen involvement designed to elicit citizen interest and community values; and

BE IT FURTHER RESOLVED, that the Board by this resolution directs the study partners with Clackamas County, Clackamas County Service District No.1, Oak Lodge Sanitary District, Tri-City Service District, and the cities of Gladstone, Happy Valley, Oregon City, and West Linn, to develop an implementation plan for regionalization of wastewater treatment services that further defines processes, schedules, rate projections, and related information, and incorporates consideration of the community interests and citizen values determined through the public involvement processes; and

BE IT FURTHER RESOLVED, that the Board by this resolution directs the study partners with Clackamas County, Clackamas County Service District No.1, Oak Lodge Sanitary District, Tri-City Service District, and the cities of Gladstone, Happy Valley, Milwaukie, Oregon City, and West Linn, to attempt to complete this work by December 1, 2004 and to provide a report to the Council.

Introduced and adopted by the City Council on June 15, 2004.

This resolution is effective on June 16, 2004.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder

City Attorney



To: Mayor Bernard and Milwaukie City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police
Date: May 24, 2004
Subject: **O.L.C.C. Application – Roswell Market – 8929 S.E. 42nd Avenue**

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Roswell Market – 8929 S.E. 42nd Avenue.

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
Subject: Resolutions Regarding FY 2004 - 2005 Budget
Date: June 7, 2004

ACTION REQUESTED

The action requested is adoption of the attached resolutions. They are required in order to complete adoption of the FY 2004-2005 Budget.

Individual motions can accomplish this as follows:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES DURING FY 2004-2005; and
2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CERTIFYING SERVICES PROVIDED FOR STATE REVENUE SHARING.
3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON TO ADOPT THE BUDGET, MAKE APPROPRIATIONS, AND DECLARE AND CATEGORIZE THE AD VALOREM TAX LEVY FOR FISCAL YEAR 2004 - 2005;

It will be necessary to introduce the approved budget and to seek public input on it. ORS 221.770(1)(b) requires an opportunity to comment orally or in writing on the possible uses of state shared revenues, "including offset against property tax levies by the city . . ." Examples of state shared revenues include, but are not limited to, the cigarette and liquor taxes.

The actions adopting the budget and certifying services require a motion and majority approval of the Council.

BACKGROUND

The Budget Committee approved the FY 2004-2005 budget in the amount of \$44,692,244.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES DURING FY 2004-2005

WHEREAS, the City of Milwaukie elects to receive a share of state revenues apportioned and distributed to the cities of the state during FY 2004-2005 as provided in ORS 221.770; and

WHEREAS, ORS 221.770(1)(a) requires that any city electing to receive a distribution must enact an ordinance or resolution expressing that election and file the same with the Oregon Department of Administrative Services not later than July 31; and

WHEREAS, ORS 221.770(1)(b) requires than any city electing to receive a distribution must hold at least one public hearing at which citizens have the opportunity to provide written or oral comment to the authority responsible for approving the proposed budget of the city on the possible uses of the distributions, including offset against property tax levies by the city for the fiscal year; and

WHEREAS, the City must certify its compliance with the said public hearing provisions to the Oregon Department of Administrative Services no later than July 31.

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

Section 1. That the City of Milwaukie, pursuant to ORS 221.770(1)(a), hereby expresses its election to receive distributions of certain state revenues during FY 2004-2005 under ORS 221.770.

Section 2. That the City Council hereby certifies that it conducted a public hearing, after public notice, on June 15, 2004 and called for written and oral comment on the possible uses of the distributions during FY 2004-2005, including offset against property tax levies by the City, and that the hearing complied with ORS 221.770(1)(b) and (c).

Section 3. That the City Clerk is directed to file a copy of this resolution certifying compliance with the public hearing requirements with the Oregon Department of Administrative Services by July 31, 2004.

Section 4. This Resolution takes effect upon passage.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on June 15, 2004.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
CERTIFYING SERVICES PROVIDED FOR STATE REVENUE SHARING**

WHEREAS, ORS 221.760(1) provides that “[t]he officer responsible for disbursing funds to cities under ORS 323.455, 336.785 to 366.820 and 471.805 shall disburse such funds in the case of a city located within a county having more than 100,000 inhabitants, according to the most recent federal decennial census, only if . . . the city provides four or more of the following services:

- (a) Police protection,
- (b) Fire protection,
- (c) Street construction, maintenance and lighting,
- (d) Sanitary sewers,
- (e) Storm sewers,
- (f) Planning, zoning and subdivision control,
- (g) One or more utility services;” and

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milwaukie, Oregon hereby certifies that it provides all of the above enumerated municipal services.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 15, 2004.

This resolution is effective upon adoption.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney

MILWAUKIE, CLACKAMAS COUNTY, OREGON

RESOLUTION NO. _____ - 2004

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON TO ADOPT THE BUDGET, MAKE APPROPRIATIONS AND DECLARE AND CATEGORIZE THE AD VALOREM TAX LEVY FOR FISCAL YEAR 2004-2005,

WHEREAS, the Budget Committee of the City of Milwaukie met and approved the Proposed Budget on May 17, 2004; and

WHEREAS, the City subsequently published the Notice of Budget Hearing together with Financial Summary as required by ORS 294.416 in the Oregonian on June 3, 2004; and

WHEREAS, on June 15, 2004, a public meeting was held, testimony taken, and deliberations made by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Milwaukie, Clackamas County, Oregon that:

Section 1. On June 15, 2004, The City Council of The City of Milwaukie hereby adopts the budget for fiscal year 2004-2005 in a total sum of \$44,692,244. A copy of the budget document is now on file in City Hall, 10722 S.E. Main Street, Milwaukie, Oregon.

Section 2. For the fiscal year beginning July 1, 2004, the amounts shown below are hereby appropriated for the purposes indicated within the funds listed:

<u>FUND</u>	<u>APPROPRIATION CATEGORY</u>	<u>APPROPRIATION</u>
GENERAL FUND	Personal Services	\$3,756,888
	Materials & Services	6,470,570
	Capital Outlays	55,700
	Transfers	1,192,669
	Contingency	2,110,240
	TOTAL GENERAL FUND	
ADMINISTRATIVE SERVICES	Personal Services	\$1,481,448
	Materials & Services	1,198,077
	Capital Outlays	64,400
TOTAL ADMIN SERVICES		<u>\$2,743,925</u>

COMPUTER RESERVE	Contingency	<u>\$74,915</u>
		\$74,915
LIBRARY SERVICES	Personal Services	\$842,687
	Materials & Services	595,835
	Capital Outlays	<u>90,128</u>
TOTAL LIBRARY SVCS		\$1,528,650
NEIGHBORHOOD GRANTS	Capital Outlays	<u>\$95,234</u>
TOTAL NEIGHBORHOOD GRANTS		\$95,234
PUBLIC SAFETY FACILITY DEBT SERVICE	Debt Service	\$455,640
	Reserves for Debt Service	<u>420,560</u>
TOTAL PUB. SAFETY FAC DEBT		\$876,200
PARKS ACQUISITION	Capital Outlays	<u>\$24,000</u>
TOTAL PARKS ACQUISITION		\$24,000
STRUCTURAL SAFETY	Personal Services	\$170,125
	Materials & Services	105,236
	Transfers	53,038
	Contingency	<u>6,058</u>
TOTAL STRUCTURAL SAFETY		\$334,457
STATE GAS TAX/ STREET REPAIR	Personal Services	\$383,775
	Materials & Services	764,563
	Capital Outlays	648,300
	Transfers	309,638
	Contingency	<u>9,952</u>
TOTAL STATE GAS TAX		\$2,116,228
TRANSPORTATION SDC	Capital Outlays	\$10,200
	Transfers	\$2,000
	Contingency	<u>540,733</u>
TOTAL TRANS. SDC		\$644,733
BIKE PATH	Contingency	<u>\$36,145</u>
TOTAL BIKE PATH		\$36,145

WATER	Personal Services	\$454,282
	Materials & Services	1,270,186
	Capital Outlays	618,700
	Transfer	480,386
	Contingency	182,946
TOTAL WATER		<u>\$3,006,500</u>
WATER SDC	Transfer	\$184,000
	Contingency	252,000
TOTAL WATER SDC		<u>\$436,000</u>
WATER CAPITAL RESERVE	Transfers	\$200,000
	Contingency	2,184,831
TOTAL WATER CAPITAL RES.		<u>\$2,384,831</u>
SEWER	Personal Services	\$328,230
	Materials & Services	2,681,958
	Capital Outlays	588,500
	Transfer	1,962,192
	Contingency	325,565
TOTAL SEWER		<u>\$5,886,445</u>
SEWER SDC	Transfer	\$4,000
	Contingency	951,000
TOTAL SEWER SDC		<u>\$955,000</u>
SEWER CAPITAL RESERVE	Contingency	\$2,682,687
TOTAL SEWER CAPITAL RES.		<u>\$2,682,687</u>
STORM SEWER	Personal Services	\$268,395
	Materials & Services	495,167
	Capital Outlays	481,300
	Transfer	446,549
	Contingency	168,820
TOTAL STORM SEWER		<u>\$1,860,231</u>
STORM SEWER SDC	Transfers	\$76,000
	Contingency	83,000
TOTAL STORM SEWER SDC		<u>\$159,000</u>
STORM SEWER RESERVE	Contingency	\$321,290
TOTAL STORM CAPITAL RES.		<u>\$321,290</u>

COMM. DEV. ADMIN.	Personal Services	\$484,160
	Materials & Services	292,672
	Capital Outlays	3,000
TOTAL COMM. DEV. ADMIN.		<u>\$779,832</u>
ENGINEERING	Personal Services	\$446,571
	Materials & Services	252,403
	Capital Outlays	3,500
TOTAL ENGINEERING		<u>\$702,474</u>
FLEET SERVICES	Personal Services	\$404,317
	Materials & Services	661,228
	Capital Outlays	5,000
	Transfers	150,772
TOTAL FLEET SVCS		<u>\$1,221,317</u>
FLEET SERVICES RESERVE	Capital Outlays	\$282,000
	Reserve	850,981
TOTAL FLEET RES.		<u>\$1,132,981</u>
FACILITIES MANAGEMENT	Personal Services	\$180,725
	Materials & Services	718,220
	Capital Outlays	111,000
	Transfers	50,257
TOTAL FLEET SVCS		<u>\$1,060,202</u>
KNUTSON CEMETARY TRUST	Materials & Services	\$3,000
	Contingency	32,500
TOTAL KNUTSON CEM. TRUST		<u>\$35,500</u>
FORFEITURE TRUST	Contingency	\$7,400
TOTAL FORFEITURE TRUST		<u>\$7,400</u>
TOTAL APPROPRIATIONS		<u>\$44,692,244</u>

Section 3. The City Council of the City of Milwaukie hereby imposes the taxes provided for in the adopted budget at the permanent rate of \$6.5379 of assessed value for operations and in the amount \$300,000 for bonds; and that these are hereby levied upon all taxable property within said City as of 1:00 A.M. on July 1, 2004; and that the allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy:

	SUBJECT TO GENERAL GOVERNMENT LIMIT	NOT SUBJECT TO GENERAL GOVERNMENT LIMIT
GENERAL FUND TAX BASE	\$ 6.5379	
PUBLIC SAFETY DEBT		\$300,000
SERVICE LEVY		

Section 4. On June 15, 2004, The Council of The City of Milwaukie hereby adopts the City of Milwaukie 2005-2009 Capital Improvement Program (CIP) for fiscal year 2004-2005. A copy of the CIP document is now on file in City Hall, 10722 S.E. Main Street, Milwaukie, Oregon.

Introduced and adopted by the City Council on June 15, 2004.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

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

City Attorney



To: Mayor and City Council

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

From: Paul Shirey, Engineering Director

Subject: Adoption of the 2005-09 Capital Improvement Plan

Date: June 3, 2004 for the June 15, 2004 meeting

Action Requested

Approve the attached resolution adopting the City of Milwaukie 2005-2009 Capital Improvement Plan (CIP).

Background

The CIP is a five year plan that is updated annually with the current years' projects funded through the formal budget process. The Engineering Department leads the effort to produce the CIP and works with public works operations, finance, and local neighborhood associations to prepare the annual update. Work was started on this year's plan in November and a final draft document was presented to the Citizen Utility Advisory Board (CUAB) for their consideration in May. The Budget Committee has approved the document.

The projects and improvements in the CIP go beyond essential facility maintenance, are needed to improve system reliability (replacing old, worn out components), enhance safety and efficiency, and sometimes serve new development by providing new capacity. Projects are designed to serve the anticipated needs of the community into the foreseeable future. Projects are defined in master plans that are prepared and updated periodically for each of the utilities. Funding for implementing the CIP comes from utility rates, gas tax revenue for street projects and grants from a variety of sources. Projects are prioritized based on public health and safety, operating efficiency, growth and projected life expectancy.

Concurrence

Engineering, Public Works Operations, Fleet/Facilities and Community Development Administration staff were all involved in preparing portions of the CIP. The Citizen Utility Advisory Board (CUAB) recommended approval of the document on May 12, 2004. The Budget Committee recommended approval on May 17, 2004.

Fiscal Impact

Projects outlined in the first year of the CIP are included in the proposed 2004-2005 budget and will be covered by existing utility rate and property tax revenue.

Work Load Impacts

Projects in the first year of the CIP are incorporated into the work plans for the affected departments.

Alternatives

1. Adopt the CIP as proposed.
2. Modify the proposed CIP.
3. Do not approve the proposed CIP.

Attachments

1. CIP Summary Sheets
2. Resolution

2005-2009 CIP - FACILITIES DIVISION SUMMARY

06/08/2004

Department	Project #	Neighborhood	Project Name	2004	2005	2006	2007	2008
Facilities	#02-04	N/A	Window Film - Library	\$ 5,000				
Facilities	#05-04	N/A	Treat Exterior Brick-City Hall	\$ 8,000				
Facilities	#06-04	N/A	Treat Roof Area Around AC units-City Hall	\$ 5,000				
Facilities	#07-04	N/A	Remodel 1st Floor Restrooms - City Hall	\$ 10,000				
Facilities	#08-04	N/A	Carpet Rim Area - City Hall	\$ 8,000				
Facilities	#10-04	N/A	Paint Interior - PSB	\$ 5,000				
Facilities	#11-04	N/A	Treat Exterior Brick-PSB	\$ 9,000				
Facilities	#12-04	N/A	Paint Exterior Metal Work-PSB	\$ 10,000				
Facilities	#13-04	N/A	Paint CMU wall-PSB	\$ 10,000				
Facilities	#14-04	N/A	Carpet Interior Offices-JCB	\$ 15,000				
Facilities	#15-04	N/A	Treat Roof-JCB	\$ 21,000				
Facilities	#16-04	N/A	Paint Interior Doors and Frames-JCB	\$ 5,000				
Facilities	#17-04	N/A	Construct New Ops Building-JCB	\$ 350,000	Funded by Operations			
Facilities	#01-05	N/A	Remodel Office Area-Library		\$ 20,000			
Facilities	#02-05	N/A	Paint Interior - Library		\$ 15,000			
Facilities	#03-05	N/A	Roof Treatment-JCB		\$ 20,000			
Facilities	#04-05	N/A	Paint East Exterior Wall-PSB		\$ 15,000			
Facilities	#05-05	N/A	Basement Staff Restroom-City Hall		\$ 10,000			
Facilities	#01-06	N/A	Remodel Downstairs - Library			\$ 40,000		
Facilities	#02-06	N/A	Reading Nooks - Library			\$ 30,000		
Facilities	#03-06	N/A	Self Check Out Kiosk - Library			\$ 10,000		
Facilities	#04-06	N/A	Replace Roof-Library			\$ 6,500		
Facilities	#05-06	N/A	Paint Exterior Trim-City Hall			\$ 10,000		
Facilities	#06-06	N/A	Replace Carpet-JCB			\$ 10,000		
Facilities	#07-06	N/A	Treat Roof-PSB			\$ 10,000		
Facilities	#08-06	N/A	Upgrade Security System-PSB			\$ 50,000		
Facilities	#01-07	N/A	Paint Interior-JCB				\$ 13,000	
Facilities	#02-07	N/A	Paint Exterior Trim-PSB				\$ 10,000	
Facilities	#03-07	N/A	Paint Interior-PSB				\$ 20,000	
Facilities	#04-07	N/A	Refinish Woodwork-PSB				\$ 10,000	
Facilities	#01-08	N/A	Site Selection and Land Acquisition-Library					\$ 750,000
Facilities	#02-08	N/A	Paint Interior-City Hall					\$ 10,000
Facilities	#03-08	N/A	Replace Interior Carpet-City Hall					\$ 5,000
Facilities	#04-08	N/A	Replace Roof-Library					\$ 22,000
Facilities	#05-08	N/A	Paint Exterior-JCB					\$ 21,000
Facilities	#06-08	N/A	Paint East Exterior Wall-PSB					\$ 5,000
Facilities	#07-08	N/A	Paint Exterior - Library					\$ 21,000
			Total Facilities	\$ 111,000	\$ 80,000	\$ 166,500	\$ 53,000	\$ 834,000
			Ops Building Funded in Operations Budget	\$ 350,000				

CIP 2005-2009		SEWER DIVISION SUMMARY							
					YEARS				
Dept	Project Number	Nbrd	Project Name	Page	04/05	05/06	06/07	07/08	08/09
Sewer	1740	His Mil	Eton Lane Sewer		\$ 162,000				
Sewer	0910	Lk Rd	Lakeside Apartment Sewer*			\$ 12,000	\$ 67,200		
Sewer	0940	Lwlng	Brookside Sewer Trunk*			\$ 24,000	\$ 177,600		
Sewer	0920	Arden	Filbert Street Sewer Trunk Improvement*				\$ 48,000	\$ 378,000	
Sewer	0285	His Mil	Jefferson Street to Kellogg Street Interceptor*						\$ 30,000
Sewer		Lwlng	Hill Street Sewer Extension		\$40,000				
The following projects began in 2004, but are being carried over into 2005									
Sewer	1550	Bus Ind	37th Avenue Replacement		\$ 90,000				
Sewer	1665	Bus Ind	18th Avenue Sewer Replacement		\$ 200,000				
Sewer	1660	All	Sanitary Sewer Master Plan		\$ 5,000				
Sewer	1590	All	SDC Project Plan Contribution		\$ 4,000				
The following project began in the 03/04 - 07/08 CIP and will completed during FY 2004-05.									
The following CIP sheet is located in the Facilities section.									
Sewer	1004		Ops Bldg. - JCB		\$ 87,500				
Total Sewer					\$ 588,500	\$ 36,000	\$ 292,800	\$ 378,000	\$ 30,000
Projects Currently Not Funded									
Sewer	0820	Lwlng	Johnson Creek Boulevard Unsewered Area/Pump Station			\$ 748,800			
Total Sewer						\$ 748,800			
*SDC Funding									

CIP 2005-2009		STORM DIVISION SUMMARY							
Dept	Project Number	Nbrd	Project Name	Page	04/05	05/06	06/07	07/08	08/09
Storm	1425	Linwood	Plum and Apple Storm Improvements			\$ 120,000			
Storm	1615	Lewelling	Brookside Storm Improvements Ph IV			\$ 180,000			
Storm		Hist Mil	North Main Bio-Swale			\$ 45,000			
Storm	1010	Hist Mil	Upsize Washington Street Outfall			\$ 10,000	\$ 18,000		
Storm	1050	Hist Mil	Washington Street Storm Improvements			\$ 18,000	\$ 18,000	\$ 216,000	\$216,000
Storm	1435	Lewelling	Regents and Rainbow Storm Improvements				\$ 180,000		
The following project began in the 03/04 - 07/08 CIP and will completed during FY 2004-05.									
Storm	0317	Ardenwald	Meek Street*		\$240,000				
Storm	1590	Milwaukie	SDC Project Plan Contribution**		\$4,000				
Storm	1430	Milwaukie	Storm Master Plan Update		\$20,000				
The following project began in the 03/04 - 07/08 CIP and will completed during FY 2004-05.									
The following CIP sheets are located in the Streets Division section.									
Storm	0600	Ardenwald	CDBG - King-37th Ave.-40th Ave. Street and Storm Improvements		\$ 59,800				
Storm	0660	Ardn/Lwlg	42nd Avenue Street Improvement - JCB to Olsen Street		\$ 70,000				
The following project began in the 03/04 - 07/08 CIP and will completed during FY 2004-05.									
The following CIP sheet is located in the Facilities section.									
Storm	1004		Operations Building - JCB		\$ 87,500				
				Total Storm	\$ 481,300	\$ 373,000	\$ 216,000	\$ 216,000	\$ 216,000
Projects Currently Not Funded									
The Following Unfunded CIP Sheets are located in the Streets Division section									
Storm	0580	HC	STSP-Llewellyn Street-Franklin Street Sidewlks		\$ 42,000				
Storm	0304	Lewelling	Logus Road Street Improvements						\$ 48,000
				Total Storm	\$461,300	\$415,000	\$216,000	\$216,000	\$264,000
20% Contingency included above									
* 50% SDC Funding									
**SDC Funding									

CIP 2005-2009			STREETS DIVISION SUMMARY						
Dept	Project Numer	Nbrd	Project Name	Page	04/05	05/06	06/07	07/08	08/09
Street	1590	N/A	Transportation SDC Update		\$ 2,000				
Street	0660	Ard/Lwlg	42nd Ave. Street Improvements		\$ 198,900				
Street	0735	Arden	Lake Road/International Way Traffic Signal Improvements		\$ 6,400				
Street	???	N/A	Pavement Management System (Phase I)		\$ 10,000				
Street	0600	Arden	CDBG - King-37th Ave.-40th Ave. Street and Storm Improvements*		\$ 59,800				
Street	0700	N/A	Match for Springwater Corridor Three Bridges Project		**	**			
Street	0318	Hist Mil	McLoughlin Blvd. Improvements Project		\$ 172,000				
Street	????	Hist.Milw.	Downtown Traffic Calming Priority Projects		\$ 40,000	\$ 25,000			
Street	????		TSP Update		\$ 26,400				
Street	????		NILUS Update		***				
Street	1795	HC	King Road Shopping Center Improvements		****				
Street	???	N/A	Pavement Management System (Phase II)			\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Street	????	Hist.Milw.	21st Avenue Extension Project			\$ 57,000	\$ 342,000		
Street	????	Hist.Milw.	Main St. & Harrison Street Improvements Project			\$ 60,000	\$ 540,000		
Street	0610	Multiple	2005-2006 Overlay Projects			\$ 200,000			
Street	0415	Multiple	2006-2007 Overlay Projects				\$ 200,000		
Street	0650	HC	37th Avenue Sidewalks				\$ 3,000	\$ 30,000	
Street	1555		2007-2008 Overlay Projects					\$ 190,000	
Street	????		2008-2009 Overlay Projects						\$ 190,000
The Following CIP Sheet is located in the Facilities Division section									
Street	1004	Lwelling	Operations Building-JCB		\$ 87,500				
Total Streets					\$ 603,000	\$ 347,000	\$ 1,090,000	\$ 225,000	\$ 195,000
Projects Currently Not Funded									
Street	1545	Lwlg/HC	King Road Pavement Rehabilitation, 44th Ave. to Hollywood Street		\$ 420,000				
Street	????	Hist.Milw.	Jefferson Street Improvements Project		\$ 110,000				
Street	0590	ALL	2004-2005 Overlay Project		\$ 200,000				
Street	???	Linwood	Linwood Ave. School Crossing Improvements		\$ 14,000				
Street	0580	Arden	Lewellyn St - Franklin St Improvements			\$ 135,000			
Street	0620	Linwood	STSP - Cedercrest Drive Sidewalks			\$ 5,000	\$ 48,000		
Street	0720	LR/HM	Lake Road Multimodal Improvements			\$ 816,000	\$ 834,000	\$ 1,045,000	\$ 1,970,000
Street	0015	Is Sta	21st Ave. and Bluebird Railroad Crossing Improvements				\$ 2,000	\$ 54,000	

Dept	Project Numer	Nbrd	Project Name	Page	04/05	05/06	06/07	07/08	08/09
Street	????	Milw. Bus. & Indust.	Advanced Railroad At-Grade Crossings					\$ 72,000	\$ 72,000
Street	0304	Lewelling	STSP - Logus Road Street Improvements					\$ 156,000	\$ 1,620,000
Street	0730	H C/Lin	Railroad Ave. Multi-Modal/ Reconstruction					\$ 1,500,000	\$ 2,500,000
Street	0740	H C/Lwlg	Monroe Street Reconstruction						\$ 1,800,000
			Total Streets		\$ 744,000	\$ 956,000	\$ 884,000	\$ 2,827,000	\$ 7,962,000

* Additional City match of approx. \$59,800 for construction in 04/05 comes from Storm Fund.

** Total City match of approx. \$28,700 for construction comes from the General Fund

*** Total City match of approx. \$5,000 comes from the Community Development Fund

CIP 2005-2009		WATER DIVISION SUMMARY						
Dept	Project Number	Nbrd	Project Name	04/05	05/06	06/07	07/08	08/09
Water	0790	Arden	Siesmic Upgrade of Elevated Tank	302,500				
Water	1605	McL Ind	Clatsop St. & McLoughlin Blvd. Waterline*	180,000				
Water	1270	His MIw & Lake	Lake Rd./Oatfield Rd. (Main to Guilford)		328,100			
Water	1180	Arden	Sand Filter - Wells 5 & 7				60,000	
Water	0760	Lake	Well #8 Rehab	8,000	95,000			
Water	1230	HC,Lnwd,BI	Rio Vista, Waymire, International Way WL*		16,000	193,300		
Water	1260	Ard & LIw	40th Ave. & Howe St.(Harvey to 43rd)*	12,000	135,400			
Water	1280	LIwlg	43rd Ave. (Rhodesa to King)*	4,700	47,000			
Water	1290	McL Ind	17th Ave. & Ochoco*	20,000		214,300		
Water	0780	LIwlg	CRW Intertie			12,000	120,000	
Water	1190	Lnwd	54th Pl. and Woodhaven St. Waterline*		6,200	73,800		
Water	1300	Lnwd	55th Ave (King to Monroe)*		6,700	80,500		
Water	1310	Arden	38th Ave. and Drake St.*		4,800	57,000		
Water	1565	LIwlg	44th Ave/Howe Ln./46th Ave.*			6,700	80,500	
Water	1570	Arden	Balfour St. (29th to 32nd)*			4,000	47,600	
Water	1575	Arden	Malcolm St. (29th to 32nd)*			4,000	47,600	
Water	1580	Arden	Olsen St. (29th to 32nd)*			4,000	47,600	
Water	1585	Arden	Llewellyn St. (32nd to 34th)*			3,200	37,600	
Water	1785	Lnwd	Storage Tank*				75,000	3,000,000
			TOTALS:	527,200	639,200	652,800	515,900	3,000,000
			* - Eligible for SDC funds					

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,
OREGON ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR 2005-2009.**

WHEREAS, on May 12, 2004 the Citizen Utility Advisory Board of the City of Milwaukie met and recommended that the City Council approve the 2004-2008 Capital Improvement Plan (CIP); and

WHEREAS, on May 17, 2004 the Budget Committee met and recommended approval of the 2005-2009 CIP; and

WHEREAS, on June 15, 2004, a public meeting was held, testimony taken, and deliberations made by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the 2005-2009 Capital Improvement Plan.

Introduced and adopted by the City Council on June 15, 2004.

This resolution is effective on June 15, 2003.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder



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: May 28, 2004 for the June 15 meeting

Action Requested

Endorse a revised cross-section to build improvements on McLoughlin Boulevard by expanding the existing right-of-way to the west.

Background

Staff presented options for improving McLoughlin Boulevard at the May 4, 2004 Council meeting. At that meeting, Council endorsed shifting the roadway to the west (Alternative 1), but was sensitive to the Riverfront Board's concerns about encroachment into the park. As a result, they directed the project team to go back to the PAC and consider reducing the sidewalk width on the east side of the roadway by 2 feet, from 10-feet to 8-feet. Council also indicated a desire to look at options to preserve or salvage the Kroll Building.

Staff committed to research these issues and determine whether the requested change in cross-section would jeopardize the project's ability to:

- Acquire west side properties (Vic's or the Antique Mall).
- Remain eligible for federal reimbursement.

At the May 21 PAC meeting, the project team presented the PAC with Council's feedback. The project team consultant, David Evans and Associates (DEA), confirmed that Council's recommendation would change the location of the east curb line, the centerline of the roadway, and require redesign of the storm sewer system. These

actions would set the project schedule back approximately two months and cost approximately \$40,000.

Staff also shared with the PAC that the Oregon Department of Transportation (ODOT) and Metro staff and confirmed that the narrower cross-section and sidewalk would not impact the project's ability to acquire west side properties or impact eligibility for federal reimbursement. ODOT also confirmed that since Vic's/Kroll Building was not deemed historic on a federal or state level, project monies can't be used to salvage the building.

The PAC engaged in discussions on options to preserve park greenspace that wouldn't require a major change in the project plans. Dave Green, Chair of the Riverfront Board (RB), indicated that the RB is in favor of the Trolley Trail coming into the park more along the river and connecting the area south of the park with Harrison. Dave indicated the RB would likely support an option that didn't preclude the Trolley Trail from going along the river at a later date.

Dave Green suggested the Trolley Trail could travel north across the bridge at Kellogg Creek, continue in its 12-foot width along McLoughlin, and drop down into the existing parking lot and terminate there. The parking lot could serve as the jumping off place for Trolley Trail users. Dave Green felt the Riverfront Board would support leaving the existing asphalt multi-use path in place and running an 8-foot sidewalk along McLoughlin north of Jefferson Street.

The PAC members discussed the following options:

- Option #1 - Narrow the sidewalks along the west side of McLoughlin to 8 feet north of Jefferson, with the Trolley Trail going through the park from Jefferson to Harrison.
- Option #2 – Taking the Trolley Trail along McLoughlin at 12 feet to Jefferson, then tapering down to 8 feet from Jefferson to Harrison. Under this option, the existing multi-use path west of Vic's would be left in place.

Metro staff on the PAC indicated that they didn't support moving the path closer to the river (Option #1) because there could be limitations due to Title 3 restrictions and the lack of a master plan for the park. After considering both options, the PAC voted unanimously on Option #2. A revised plan view and cross-section are shown in Attachment's A and B, respectively.

Under Option #2, there is a net gain in park greenspace of 13,400 square feet (compared with existing park conditions). It was also noted that this option would require the City to assume responsibility for the continuation of the Trolley Trail along the river at some time in the future.

Concurrence

The Project Advisory Committee (PAC) endorsed the revised cross-section shifting the roadway to the west at their May 21, 2004 meeting. Dave Green, a PAC

member and Chair of the Riverfront Board, also supports the revised cross-section. Staff in Community Development, Neighborhood Services, and the City Manager's office all support of the PAC's decision. Metro submitted a letter of support too (see Attachment C).

Fiscal Impact

None, if Council endorses the PAC's revised cross-section. This option would also require the City to assume responsibility for the continuation of the Trolley Trail along the river at some time in the future.

If Council endorses a narrower east side sidewalk, the cost to redesign the project and change the existing plans will be approximately \$40,000. Staff won't know what impact \$40,000 will have on the overall budget until the project is put out to bid for construction.

Work Load Impacts

None, if Council endorses the PAC's revised cross-section. If Council endorses a narrower east side sidewalk, the City's consultant (DEA) will need two additional months to redesign the construction plans.

Alternatives

The Council has the following alternatives:

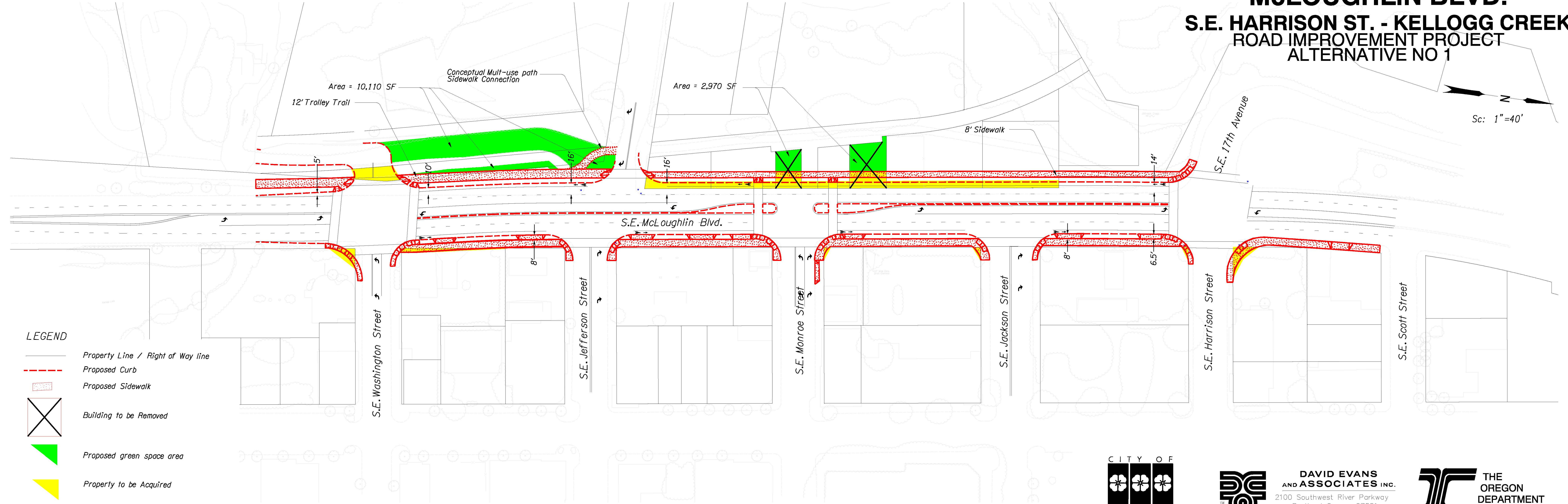
- Endorse Revised Cross-Section for Alternative #1
- Recommend a different cross-section.

Attachments



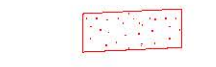
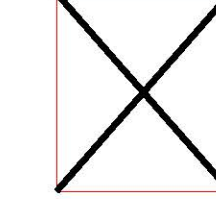


- Attachment A – Plan View, Revised Alternative #1
- Attachment B – Cross-section, Revised Alternative #1
- Attachment C – Metro Letter of Support

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

Sc: 1"=40'



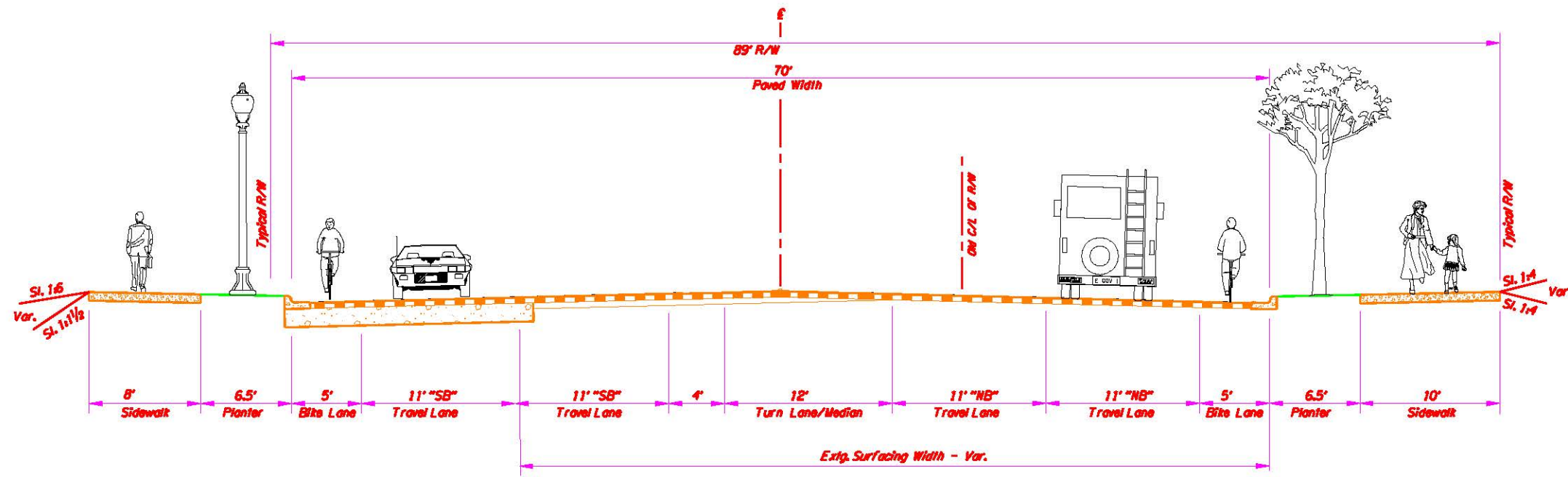
LEGEND

-  Property Line / Right of Way line
-  Proposed Curb
-  Proposed Sidewalk
-  Building to be Removed
-  Proposed green space area
-  Property to be Acquired

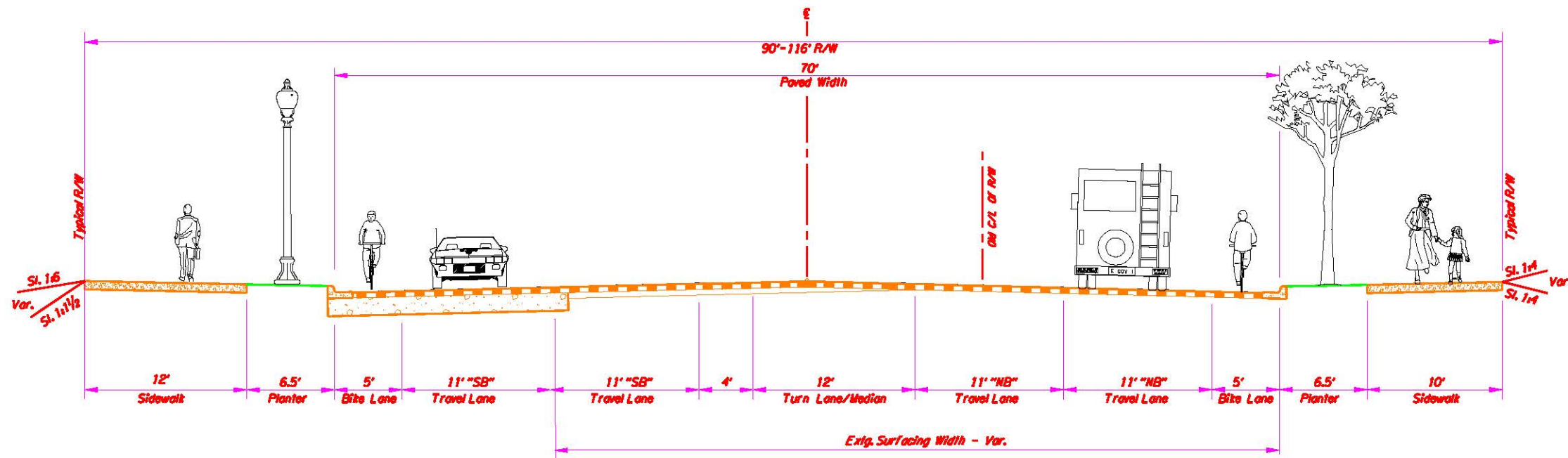


**DAVID EVANS
AND ASSOCIATES INC.**
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663





Typical Section North of Jefferson Street



Typical Section South of Jefferson Street



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



THE
OREGON
DEPARTMENT
OF TRANSPORTATION

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

ATTACHMENT C

500 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2734
TEL 503 797 1700 | FAX 503 797 1797

VI. C. 6



METRO

RECEIVED
MAY 28 2004
CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

May 27, 2004

Paul Shirey, Director of Engineering
City of Milwaukie
6101 SE Johnson Creek Boulevard
Milwaukie, Oregon 97206

Re: McLoughlin Boulevard Improvement Project

Dear Paul:

During the past six months, Metro has worked closely with you and your staff to coordinate our regional planning goals with design of McLoughlin Boulevard. I am pleased to support the cross section option recommended by the Project Advisory Committee (PAC) last week. The option recommended by the PAC strikes a balance between minimizing the encroachment of McLoughlin Boulevard into Riverfront Park and improving bicycle and pedestrian access along McLoughlin Boulevard in coordination with the Trolley Trail Master Plan.

The new option represents an important change to the design of McLoughlin Boulevard that creates a more bicycle and pedestrian-friendly street and supports the City's vision to reconnect downtown and nearby neighborhoods to the Riverfront Park with improved crossing opportunities. Future planning efforts for Riverfront Park and the Milwaukie transit center will also benefit from this project.

The project team has done an excellent job addressing the issues raised throughout the planning process and working to build consensus among all the PAC members. I look forward to working with the City and the PAC as the plans for McLoughlin Boulevard are finalized. If you have any questions, please call me at (503) 797-1617 or email me at ellisk@metro.dst.or.us.

Sincerely,



Kim Ellis, AICP
Senior Transportation Planner



To: Mayor and City Council

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

From: John Gessner, Planning Director

Date: June 4, 2004 for the June 15, 2004 Regular Session

Subject: Title 7 Reporting

Action Requested

Authorize the Mayor to sign the attached letter to Metro Chief Operating Officer Michael Jordan detailing the status of city efforts to comply with Metro Functional Plan provisions for regional affordable housing.

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.

- a. 5-year voluntary affordable housing production target.
- b. Reporting on consideration of specific affordable housing strategies.
- c. Adopt comprehensive plan and code provisions that ensure a diverse range of housing types, measures to maintain existing affordable housing, and increase opportunities for households of all income levels.

The Mayor received notice from Metro by letter from Chief Operating Officer Michael Jordan dated May 10, 2004, reminding Milwaukie of the need to submit outstanding reports by June 30, 2004. Progress on completing the City's Title 7 requirements has slowed due to resource constraints. Staff recommends that the

Council authorize the Mayor to sign the attached letter that details the extent of progress on Title 7 Compliance.¹

Key elements of Title 7 compliance includes the following:

- Audit the Comprehensive Plan and Zoning Ordinance for policies and regulations that implement support affordable housing.
- Report on consideration of adopting Metro's recommended five-year affordable housing target of 102 units for households making less than 30% of area median household income.
- Consideration of seven specified affordable housing land use strategies.

Progress on Title 7 Compliance to-date:

- Meetings with the Planning Commission and City Council to review Title 7 requirements and seek direction for staff action.
- Meetings with Planning Commission and City Council to detail a existing policies and implementation measures and to confirm a strategy for completing Title 7 requirements.²
- Staff has met with Northwest Housing Alternatives, a non-profit housing organization located in Milwaukie for the purpose of gaining information on stakeholder issues and challenges to providing affordable housing.

Concurrence

None needed at this time. City Attorney concurrence will be needed at the time the report is issued if the Council authorizes the project.

Fiscal Impact

There will be no fiscal impact associated with completing the reporting project.

Work Load Impacts

The project will require approximately an additional 20-40 hours of staff time to complete. This estimate includes the following staff: Planning, City Attorney, Neighborhood Services, and Administrative Services.

Alternatives

The City Council has the following decision-making options:

1. Authorize the Mayor to sign the letter.

¹ Title 7 requires three reports. This proposed letter addresses all three reports. This will be the first formal submission to Metro from the City.

² On May 4, 2004 the Council accepted the proposed compliance strategy described in the proposed letter for the Mayor's signature.

2. Do not authorize the Mayor to sign the letter.
3. Take no action.

Attachment

1. May 10, 2004 letter to Mayor Jim Bernard from Michael Jordan, Metro COO,
2. Proposed letter and supporting documents.

DRAFT

Date

Mr. Michael Jordan
Metro Chief Operating Officer
600 NE Grand Avenue
Portland, OR 97232

Re: Title 7 Reporting

Dear Mr. Jordan:

This letter is in response to yours of May 10, 2004 and details Milwaukie's progress with meeting Functional Plan Title 7 reporting requirements. Although, the City will not meet all reporting requirements by June 30, 2004 as required by Title 7, we continue to make progress towards that end. On May 4, 2004, the City Council adopted a strategy for completion of remaining tasks, which you will find attached. Also attached you will find a detailed identification of existing city policies and implementing regulations in support of affordable housing.

Below is a summary of compliance efforts to date:

- Public meetings were held with both the Planning Commission and City Council to review Title 7 requirements and provide direction for staff to proceed with compliance tasks.
- Public meetings to review and adopt a strategy for completing Title 7 reporting requirements, see attached.
- Continuing research and stakeholder outreach as needed to ensure formulation of informed policy alternatives and public participation.
- Audit of city policies and codes that support affordable housing, see attached.

The City has completed research on city demographics, housing characteristics, and historical housing production and the Title 7 compliance task of identifying existing affordable housing policies and implementation measures. Work yet to be completed includes public consideration of the 5-year affordable housing target and the specified Title 7 affordable housing measures and related reporting to Metro on these Tasks. The remaining two tasks will be completed by November 2004.

Please feel free to contact Milwaukie Planning Director John Gessner at 503-786-7652 should you have any questions.

Sincerely,

James Bernard, Mayor

copy: Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director
John Gessner, Planning Director

Strategy for Completing Title 7 Compliance Work by November 1, 2004

Adopted by City Council May 4, 2004

1. Examine the City's population trends, housing stock, market values, existing affordable housing supply, and new housing production rates to help address whether the City should adopt the voluntary affordable housing production goal.
2. Identify and examine the City's existing affordable housing policies and codes and assess their effectiveness.
3. Identify housing assistance efforts that are already being used by the County and others.
4. Develop a public information and outreach plan to ensure adequate stakeholder representation.
5. Develop a task schedule for completion of the project.
6. Answer the question: "*Why is affordable housing important to Milwaukie?*"
7. Identify policy and implementation alternatives. This will include the required report on consideration of the 5-year voluntary affordable housing target and specified affordable housing measures.

Milwaukie Comprehensive Plan Policies in Support of Affordable Housing

The Residential Land Use and Housing Element of the Comprehensive Plan broadly describes the City's housing policy to ensure the preservation of existing housing and creation of adequate new housing to meet the needs of city residents and larger metropolitan housing market, while preserving neighborhood quality and identity.

The Plan notes that at the time of its adoption in 1987, the ability of the average Milwaukie household to purchase a home had been increasing as incomes were rising faster than housing costs. It is not presently known whether this remains true today. Additionally, the Plan supports providing the purpose of providing a choice of different housing types, tenure, and costs, and that the needy are provided adequate housing.³

Specific policies regarding affordability, range of housing types, and special needs include the following:

³ Chapter 4 Residential Land Use and Housing Element, Goal Statement, Background & Planning Concepts.

1. The City will work with the private sector to provide a diverse range of affordable housing in the Town Center.⁴
2. Density Bonuses and transfers of development rights are encouraged to realize full development potential on individual parcels.⁵
3. The City encourages an adequate and diverse range of housing types and seeks to meet the housing needs of all segments of the population including the following specific measures:⁶
 - a. While single family housing is expected to be the dominant housing type, multifamily, manufactured homes, and mobile homes are encouraged in the appropriate locations.
 - b. Infill housing that uses innovative development techniques that reduce housing costs is encouraged.
 - c. Planned Unit Developments are eligible for density bonuses up to 10% for units that are priced 25% below average new single family housing cost.
4. Policies directed to assisting low and moderate income households in obtaining adequate housing including the following:⁷
 - a. City participation in regional and county programs aimed at identifying housing need, administering state and federal monies, and participating in area programs.
 - b. Identify and assist individuals and neighborhoods in obtaining funds for housing rehabilitation, neighborhood parks, and rental assistance.
 - c. Encourage provision of senior and handicapped housing at reasonable cost. Provide incentives for senior and handicapped housing.
5. Programs to assist needy homeowners in rehabilitating and maintaining their property are encouraged.⁸

⁴ Chapter 4 Residential Land Use and Housing Element, Objective #2 Residential Land Use: Density & Locations. Chapter 4, Neighborhood Element. Objective 12.

⁵ Chapter 4 Residential Land Use and Housing Element, Objective #3 Residential Land Use: Design. This objective is balanced against minimizing neighborhood impacts. Planned Unit Developments are encouraged to minimize environmental impacts and increase potential residential densities.

⁶ Chapter 4 Residential Land Use and Housing Element, Objective #5 Housing Choice.

⁷ Chapter 4 Residential Land Use and Housing Element, Objective #6 Housing Assistance.

6. The City will encourage housing for elderly and moderate-income families to be located close to public transit and services.⁹
 7. The Milwaukie Town Center should embody diverse housing types and a range of affordable housing.¹⁰
-

Milwaukie Code Provisions that Promote Affordable Housing

1. The City encourages Accessory Dwelling Units for the purpose of providing affordable housing while providing homeowners with alternative financial resources.¹¹
2. The City allows a density bonus of one additional housing unit for every unit priced at 25% below the average cost of new single family homes. The overall project density may not exceed the allowable density plus 10%.¹²

⁸ Chapter 4 Residential Neighborhood Element, Objective #2 Neighborhood Needs, Neighborhood #2 (Linwood), Guideline #1.

⁹ Chapter 5, Transportation/Public Facilities/Energy Conservation, Transit Goal Statement #1, Objective #3.

¹⁰ Town Center Plan, Regional Center Steering Committee Objectives, 12/2/97

¹¹ Zoning Ordinance Section 404, Type 1 Accessory Dwelling Unit.

¹² Zoning Ordinance Section 419, Density and Housing Cost.

**North Clackamas Parks and Recreation District
Milwaukie Center/Community Advisory Board
Minutes of April 9, 2004**

Members present: Kim Buchholz, Sharon Phillips, Jim McCready, Jane Hanno, Joan Staley, Katie Rudfelt, Eleanor Johnson, Chuck Petersen, Molly Hanthorn

Members excused: Janet Witter, Ben Tabler, Joan Newman

Guest Present: Abi Croisant, prospective member

Staff Present: Joan Young, Cheryl Nally, Charlie Ciecko, Tina Johnson (introduced as the Recreation Services Program Aide)

Call to Order: Kim called the meeting to order at 10:00 am. Eleanor moved and Jim seconded a motion to approve the minutes as printed.

Special Topic/Discussion: Joan presented the staff recommendations for updating the Action Plan. Board members agreed to study the document and be prepared to discuss at the May meeting. Charlie asked that special thought be given to all aspects of recruiting, training, using and supervising volunteers. Chuck Petersen referenced two county-wide studies of unincorporated parts of the county and sewer and water management. He offered to bring relevant information to the board.

Correspondence: None.

Action Item: Joan Staley and Sharon Phillips were recommended to be reappointed to a three year term on the C/CAB by Eleanor's motion and Jim's second and the unanimous vote of the members. The recommendations will be passed on to the City of Milwaukie.

Board/Committee Reports

Executive Committee: Did not meet.

NCPRD Board: Eleanor praised Joan and other staff for all their hard work to prepare for and present the budget material at the past two meetings. The budget proposal was thoroughly discussed and approved with the addition of more hours for front desk personnel at the Aquatic Park. The duplication of programs study showed some programs are available from other providers and were recommended to be eliminated from the District offerings. Charlie said an effort would be made to build partnerships with public, non-profit and private providers.

Budget & Finance: Did not meet.

Programs and Services: No meeting. Molly did comment on the first meeting of the Aquatic Park Task Force and will continue to report on this to the Board.

Nutrition & Transportation: Did not meet.

Building Review: Jim reported that the facility has been inspected and noted two heating/cooling units will be replaced in the 04-05 fiscal year, a window which is failing will be replaced, access to the handicap-accessible restroom is difficult for handicapped patrons and automatic doors would help. The roof is not leaking but has some soft spots, there is some dry rot in the soffits and trees were trimmed to provide more light in the back parking lot. This committee meets on the 2nd Wednesday of January, April, July and October.

Friends of the Milwaukie Center: Eleanor reported on upcoming events. She urged people to attend the Dinner Casino on May 15.

Director's Report: Joan reported Spring classes had started. Several classes did not fill and were cancelled. Nutrition rummage sale netted \$1600. May is Older Americans Month. Volunteer Recognition is April 23, 2-4 pm. Chuck asked how the Milwaukie Center compares with other Senior Centers in the area. Joan replied we were the largest in Clackamas County and the Board decided we were the "best in the west."

Agenda for next meeting: Discussion of the Action Plan. Election of officers is in June so nominations could be made at the May meeting.

Meeting adjourned at 11:10 am.

m. hanthorn, secretary

North Clackamas Parks and Recreation District
MILWAUKIE CENTER DIVISION
Monthly Report for April, 2004

Mission: to be a link to resources for older adults and their families – and a place for the community to gather, grow and contribute.

Programs & Services:

Milwaukie Center has a healthy spring class term with 382 registrations for over two dozen class offerings in fitness and dance, computers, language and writing, arts and crafts. In addition, 19 different sessions of activity and interest groups bring people together regularly to play pool, bridge, pinochle, wood carve, quilt and other options.

Tax Aide volunteers completed another year of amazing service for low income people in our community. This service, co-sponsored with AARP, IRS and Oregon Department of Revenue, completed 966 state and local returns and clocked over 2,000 volunteer hours. In addition, the Friends of the Milwaukie Center received donations of \$9,300 from grateful Tax Aide recipients.

The Milwaukie Center receives several hundred requests for legal help from older adults each year. Staff schedules appointments for these individuals at the Center or refer them to other resources in the community. Local attorneys have been seeing individuals at the Center at no cost for almost 20 years with 6 attorneys currently taking turns meeting with and providing free counsel to older adults.

For those able to come to the Center, we offer the same meal at noon that is provided in the home-delivered Meals on Wheels, or people can choose soup and sandwich de jour from the Bistro. At the Center, people enjoy socialization and entertainment, which research shows help enrich people's appetites. The Milwaukie Center has talented volunteer entertainers from piano performers and vocalists to a full big band on Friday. Occasional special entertainment such as a Hawaiian dance and preschool ballet and tap performances are a plus!

Fund-raising:

"One person's junk is another person's treasure" – the Nutrition Program's Annual Rummage sale was held the first weekend in April, netting \$1,600 to support Meals on Wheels for homebound people in our community. Many thanks to Safeway for supplying the trailer to collect the items, and to Milwaukie Lumber for supplying the plywood for sales tables.

Milwaukie Center's Transportation Program has been awarded a \$5,000 grant from the Collins Foundation. This \$5,000 is the match requirement for a new lift bus that the program has ordered. 90% of the \$55,000 bus has already been awarded through state STF (Special Transportation Fund) discretionary process. Combining these two grants allows us to receive a new bus without any direct cost to the program.

The See's Easter Candy fund-raiser infused \$400 into the Transportation Program to assist older adults and people with disabilities in the community with mobility needs.

PUBLIC SAFETY ADVISORY BOARD MEETING NOTES

April 22, 2004

Present:

Karen Martin, Chair – Campbell Neighborhood Association

Larry Kanzler – Police Chief

Ray Bryan – Historic Milwaukie Neighborhood Association

Dolly Macken-Hambright – Linwood Neighborhood Association

Paul Shirey – City Engineer Director

Brion Barnett – City Engineer

The meeting was called to order at 6:00 p.m.

Karen asked if everyone had read the minutes from the last meeting. Dolly made a motion to accept the minutes. Ray had not read the minutes so it was decided to wait until the next meeting to approve them.

Traffic Management Plan – Karen did not have any notes/changes yet. Dolly said she shortened the document considerably. She combined the goals and objectives since they were very similar. 4D – Traffic Diversion – she didn't understand. Brion said that if you have a project you want to limit diversion on local or neighborhood streets that are not within the area of the project. Dolly tried to simplify the document – make it more user friendly. She doesn't feel that the point system is understandable. She said the traffic speeds were confusing. Larry said there is a new definition for urban speed zones now under ORS. Larry said we also need to build in an area for enforcement action. He added that the photo radar program could be very helpful in this area. Ray asked if there could be a list of locations where speeding has been a problem and have the radar trailer rotated among those. Larry said that would be the procedure. Ray feels the "250 average" cars number may be different on different streets. Larry suggested using the traffic counter equipment and place it on various streets to get a count – Dolly said we should make sure the definitions of the various streets fit (collector, neighborhood, etc.). Brion said that would mean changing Metro's classifications. Dolly argued that this is Milwaukie and we should have our own plan – and that some of the streets may have been arbitrarily labeled and that may affect the future of those streets. Larry asked Paul and Brion to provide them with the classification definitions of our streets. Paul said they would mail those out soon. The group will go over both the new and old documents at the next meeting and Jill will make notations/changes in it so that Brion and Paul can go over it at the June meeting.

Letter to Senator Brown – the legislature is meeting in June – the photo radar may be on the agenda. Currently photo radar enforcement is only allowed in cities with a population of 30,000 or more. Larry is asking for an amendment to allow smaller cities to use photo radar since Milwaukie has a high volume of commuter traffic and limited funds for enforcement.

Transient camps – Larry shared the letter he wrote to Sheriff Detloff regarding the transient camps that are located just outside the city limits. The Sheriff's Department hasn't done anything to clean them up. We have had an increase in crime (cars broken into, etc.) in Milwaukie and the suspects are transients. Karen asked how the committee could let people know about this situation. Larry said they could spread the word at their neighborhood meetings. Dolly suggested writing a letter to the editor. Karen agreed. Ray feels that something else should be done besides running the groups off into another area.

Ray asked what the status of the Public Safety Service District plan was. Larry said it was in limbo until after the elections. The Sheriff does not support it.

Budget – Larry handed out copies of the current budget and the proposed budget for next fiscal year. He explained how the budget process works. There were some major budget cuts that were done in error – they will be corrected. We won't have any additional police positions included.

The meeting was adjourned at 7:55 p.m.
Next meeting is scheduled for May 27th.