

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
APRIL 17, 2001**

Oath of Office

Municipal Court Judge Ron Gray administered the Oath of Office to Mayor James Bernard.

Call to Order

The 1860th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King

Larry Lancaster

Staff present:

Mike Swanson,
City Manager Pro Tem
Tim Ramis,
City Attorney
Martha Bennett,
Assistant City Manager

Larry Kanzler,
Police Chief
Alice Rouyer,
Planning Director
John Gessner,
Associate Planner

PLEDGE OF ALLEGIANCE**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

Mayor Bernard noted the passing of Sam Radow who helped with Festival Daze for a number of years.

He expressed his appreciation to Councilor King for serving as Council presiding officer from January to April.

CONSENT AGENDA

It was moved by Councilor King and seconded by Councilor Lancaster to adopt the Consent Agenda consisting of:

- A. City Council Minutes of April 2 & 3, 2001;**
- B. Resolution No. 11-2001: A Resolution of the City of Milwaukie, Oregon, Recording the Certified Election Results for the March 13, 2001, Special Election;**
- C. Resolution No. 12-2001: A Resolution of the City of Milwaukie, Oregon, Authorizing the Mayor to Sign and Renew the Intergovernmental Agreement with Clackamas County for a Grant to Maintain the Juvenile Crime Diversion Program;**
- D. Intergovernmental Agreement with Clackamas Education Service District for Park Use, 4011 SE Lake Road; and**
- E. Request for Proposals for Public Access Studio Operation**

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

Joe Loomis, 3610 SE Filbert, Milwaukie, congratulated Mayor Bernard on behalf of Kids First and thanked him and Zumwalt for their efforts to preserve the Milwaukie Jr. High School property for the community. He supported the recent endeavors to incorporate the site into a light rail stop along the Tillamook Branch line.

David Bragdon, Metro Presiding Officer, and **Mike Burton**, Metro Executive Director, congratulated Bernard on his election. They look forward to addressing Milwaukie neighborhood proposals related to the South Corridor Study.

PUBLIC HEARING -- None scheduled.

OTHER BUSINESS

Status Report on Clackamas Education Service District, 4011 SE Lake Road

Gessner introduced Education Service District (ESD) representatives, David Campbell, Superintendent, and Vern Hess, Assistant Superintendent. **Hess** provided a status report on the 27 conditions of approval for CSO-99-06 and TPR-99-09 for the property located at 4011 SE Lake Road. The final site and development plans have been approved.

Renee Harber, instructor, and students **Shawn Snodgrass** and **Chris Greeley-Roberts** of the Sabin Skill Center Nursery/Landscaping Program described the plans for the 2-acre park on the property required as one of the approval conditions. The objective is to develop a pleasant usable site for ESD employees and neighborhood residents that is low maintenance and enhances security. Amenities include a frog pond, trails, picnic area, vegetative buffer along the Hwy 224 side of the property, native plantings, temporary irrigation system, and an unobstructed view of Mt. Hood.

James H. Thorpe, 6145 SE Eastbrook Drive, Milwaukie, announced the Fleet Reserve applied for a Veteran's Day Parade in Milwaukie for May 10th or 11th. Roger Haar, Bill Wilson, and Danny Gumm accompanied Thorpe.

ADJOURNMENT

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

Mayor Bernard adjourned the meeting at 6:30 p.m.

Pat DuVal

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
APRIL 17, 2001**

MILWAUKIE CITY HALL
10722 SE Main Street

1860th MEETING

REGULAR SESSION - 6:00 p.m.

**OATH OF OFFICE FOR MAYOR JAMES BERNARD ADMINISTERED BY
MUNICIPAL COURT JUDGE RON GRAY**

- I. CALL TO ORDER**
Pledge of Allegiance
- II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
- III. CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
 - A. City Council Minutes of April 2 & 3, 2001**
 - B. Certification of March 13, 2001 Election Results -- Resolution (DuVal)**
 - C. Renew Intergovernmental Agreement with Clackamas County for Juvenile Diversion Program -- Resolution (Kanzler)**
 - D. Intergovernmental Agreement with Clackamas Education Service District for Park Use, 4011 SE Lake Road (Gessner)**
 - E. Request for Proposals for Public Access Studio Operation (Herrigel)**
- 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.)*

None Scheduled
- 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.)*

Status Report on Clackamas Education Service District, 4011 SE Lake Road (Gessner)

VII. INFORMATION

- A. Water Conservation Program (Saatkamp)**
- B. Advisory Board and Commission Minutes**
 - 1. Center/Community Advisory Board, February 9, 2001**
 - 2. Park & Recreation Board, February 26, 2001**
 - 3. Planning Commission, March 13, 2001**

VIII. ADJOURNMENT

EXECUTIVE SESSION -- *At the end of the regular meeting, the Council may hold an Executive Session under the authority of Oregon Revised Statutes 192.660 as needed.*

For assistance/service per the Americans with Disabilities Act (ADA), dial TDD 786-7555.

The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

MILWAUKIE CITY COUNCIL
WORK SESSION
APRIL 2, 2001

The work session came to order at 5:30 p.m. in the City Hall Conference Room.

City Council present: Council President King and Councilors Lancaster, Marshall, and Newman.

Staff present: City Manager Pro Tem Swanson, Assistant City Manager Bennett, Neighborhood Services Manager Gregory, and Program Specialist Wachs.

Information Sharing

1. Councilor Lancaster provided information on the upcoming Natural Step Conference on Sustainability.
2. Council agreed to schedule its retreat for May 19.

Government Education Series and Youth Involvement

Wachs reported on several locally available community leadership courses including those offered by the League of Oregon Cities and Chamber of Commerce. He found these to be rather broad and recommended staff develop an in-house education series designed for interested residents who want to learn about their city. The Neighborhood Association Leadership group is supportive of the concept and feels it might increase trust between citizens and local government. City departments reported they could gather necessary material in about one month. He sought Council direction on beginning the series of weekday classes in the fall and asked the level of elected official participation.

Councilor Marshall recommended offering the series more than once a year. The group discussed scheduling evening and weekend classes, and Wachs suggested taping the sessions for replay on the government channel as well.

Councilor Marshall suggested a scaled-down version of the earlier Land Use Committee training to temper some of the frustrations people feel when dealing with land use issues. He further recommended each department explain how it interfaces with the community.

Councilor Lancaster felt each department should relate how its activities accomplish the Community Goals.

Council President King thought training should include guidelines on how to access city departments directly, the city code and charter, and how the democratic process

III. A. 2

works. She hoped once trained, people would act as point persons in their neighborhoods.

Councilor Newman felt new councilor orientation would be helpful and suggested highlighting the benefits of being an active Neighborhood District Association (NDA) participant.

Councilor Marshall recommended explaining "confusing jargon" in understandable terms.

Council President King thought any local business giving its employees time off to attend these classes should be publicly honored.

The group agreed a three-day education series should be held three times a year. The City Council directed staff to schedule the first session in early September.

Wachs has also been working with North Clackamas School to Careers staff to involve youth with neighborhood leaders. This type of preliminary work will help determine if a youth advisory council is needed.

Councilor Newman discussed the feasibility of a youth summit to determine if an actual board is needed.

Council President King volunteered to participate with the Milwaukie High School staff in program development.

The group discussed the Langford Team's success and agreed it is important to recognize the members for any ideas that are implemented.

South Corridor Study Update

Bennett gave an overview of the South Corridor Study process. Metro is the lead agency and is partnering with the Cities of Milwaukie, Oregon City, and Portland, Clackamas County, Tri-Met, and Oregon Department of Transportation (ODOT). Originally, 7 non-light rail alternatives were considered for high capacity transit options in the area. In December, the policy group narrowed the options to 3: busway, bus rapid transit (BRT), and high occupancy vehicle lanes (HOV). Light rail was added as a fourth option. She discussed potential advantages and disadvantages of each option.

The option of a new, less expensive light rail alignment between Portland and Milwaukie uses the Hawthorn Bridge and runs along Main Street. Finding a suitable stop that would support rather than negatively impact downtown Milwaukie businesses is a challenge. This option is estimated to cost about \$360 million and, with additional funding, either BRT or busway to Oregon City and the Clackamas Town Center could be added easily. Light rail is the most expensive of all options but has strong support for Portland neighborhoods.

Gregory gave a report on March 28 quarterly Neighborhood District Association (NDA) Leadership meeting at which attendees discussed the South Corridor Study. She noted David Aschenbrenner, Hector Campbell NDA chair and Corridor Study participant, provided a lot of input on the process. Peter Koonce, Ardenwald Chair, offered relevant technical information.

At the request of the NDA leadership, Gregory prepared a statement for the City Council. The first part of the discussion was venting at the way the Study unfolded. Next, the NDA group gave its opinions on the 4 options. These were: (1) HOV does nothing for Milwaukie; (2) busway is expensive and requires elevated structures; (3) BRT seems to be a short term fix; and (4) light rail will not be acceptable until its advocates are willing to do something for Milwaukie. The terms for accepting the light rail alternative include no light rail in the neighborhoods; no station community planning or social engineering; consider future connectivity; no Harmony/Linwood park-and-ride; and no station or bus transfer at Safeway.

The group also discussed what actions regional partners could take to make things better for Milwaukie such as McLoughlin Boulevard improvements and Southgate park-and-ride. Another idea was to have the light rail station at Southgate with an extension to the Jr. High site while continuing to explore circumferential rail to Lake Oswego and eventually Beaverton. Some participants want the City to purchase the Safeway property for development as the downtown catalyst project. Others want to maintain focus on the I-205 corridor and not unnecessarily move all of the traffic west. Gregory added the NDA leadership felt strongly about having a broader community discussion.

Bennett recommended dropping HOV and asked for direction on what to pursue with the 3 remaining options.

Teresa Bresaw and **Rob Kappa**, Lake Road NDA, supported the Neighborhood Leadership statement. They were in favor of revisiting the Southgate/Hanna site for parking, bus transit, and light rail station. The impact to the downtown would be too great because the Safeway site is too small. There is no support light rail in residential areas.

Dave Aschenbrenner, Hector Campbell NDA, urged all the parties to stop bickering and work together on the issues. He was in favor of moving the regional transit center to Southgate because of the connectivity to Hwy 224, McLoughlin Boulevard, and downtown. A limited bus station at the Jr. High site is feasible. In response to earlier comments, Metro staff was clear in trying to direct the working groups away from light rail during the study. He was a member of the Milwaukie - Clackamas Town Center group, and its final comments only had to do with cost comparisons between bus and light rail. Busways with dedicated lanes could be used in a limited fashion.

Councilor Newman asked, for clarification, how Clackamas County's plan of elevated busways was generally accepted.

III. A. 4

Aschenbrenner said people questioned elevating the busway except in the most congested areas.

Bennett explained station siting does not take place until the draft environmental impact statement (DEIS).

Aschenbrenner believed the regional hub should be on a sufficiently large site to support a parking structure as well as allow for growth. He discussed circumferential rail and connectivity to Lake Oswego via the old railroad bridge. The Jr. High site would offer connectivity.

Councilor Newman summarized: people would prefer transfers north of Safeway with light rail continuing to the Jr. High site for the southern terminus.

Bennett said staff recommends identifying and telling the regional partners what the potential community impacts are.

Councilor Newman was interested in the idea of the regional partners buying the Jr. High property for a light rail station and donating the remainder to the City.

Zumwalt said \$15 million has been spent on getting light rail into Milwaukie. Regional partners need Milwaukie as the hub, so they should pay for it.

Aschenbrenner was willing to spend time on this project to bring collaboration and trust back into the community. Safeway is too small, and he recommended a focused regional center that could be expanded.

Donald Hammang, Hector Campbell NDA and Planning Commissioner, said revitalizing Milwaukie's north industrial area has been a concern for many years, and he felt Tri-Met and Metro could help. Milwaukie never asks for enough, and he urged getting something with a definable benefit to the City. He is concerned about including the Jr. High site in transit planning. Safeway, in reality, is too small.

Tracy Cook, Linwood NDA and Planning Commission Chair, added people have spoken eloquently about impacts to the Masonic Lodge and Ledding Library. She supported focusing transit efforts on the north end of Milwaukie.

Kappa expressed concerns with creeks, the riverfront, and water quality. He encouraged the City Council and NDA leadership to have conversations with SE Uplift. All the residents he contacted unanimously supported the NDA leadership's recommendations.

Councilor Marshall commented it sounds as if people want Tri-Met and Metro to buy off Milwaukie. How will the alternative proposals help redevelop downtown Milwaukie? At one time, the community did accept light rail until it was shoved into the

neighborhoods. Light rail will have to be sold to the community with assurances plans will not change.

Councilor Lancaster said regional partners need to compensate Milwaukie for its sacrifices. Other agencies will have to talk to the City not work around it.

Bennett said staff needs direction on all of the alternatives. Milwaukie should have a strong position on all of the modes as they advance through the process.

Aschenbrenner added a Southgate regional hub works with each of the alternatives.

Councilor Newman noted Milwaukie has a reputation for knowing what it does not want but not what it does want. This project should be done on Milwaukie's terms. He was confident the community could solve the problems, and each point should clearly reflect what Milwaukie wants to see happen. The City should be concerned about both the unoccupied industrial land as well as the downtown. At the end of the day, he wants to ensure an excellent connection to downtown.

Bennett urged resisting the temptation to look only at Southgate because there are other sites.

Aschenbrenner said the main regional hub needs to be north.

Council President King pointed out that Gresham did not want light rail in its downtown and suffered for that decision.

The group commented on all the options:

1. HOV -- No.
2. Busway -- concerned with blight of elevated structures and ramps going into neighborhoods; concerns with noise and exhaust; if region is willing to spend that much money, support light rail.
3. Park-and-ride -- explore K-Mart location; adamantly against Harmony/Linwood site.
4. BRT -- additional bus impacts would have to be mitigated; no bypass lanes in Milwaukie that would widen streets; concerned that pedestrians would not be able to cross Hwy 224 at Oak; least expensive option, but question if this option really accomplishes anything long-term; want dedicated route so buses do not get stuck in traffic; might give leverage to underground pedestrian crossing to riverfront. BRT is not the total answer but supports other solutions.

Zumwalt thought Metro should just forget the public outreach and get down to business.

Bennett suggested getting transfers out of downtown Milwaukie and pushing them to Tacoma. Make sure there is adequate parking so it does not spill over into the neighborhoods. Make all possible connections, but make it clear the high capacity route is not between the Clackamas Town Center and Milwaukie.

III. A. 6

The group discussed people coming from Damascus and Happy Valley to work downtown. There are other options than bringing these commuters into Milwaukie. Councilors were unanimous that light rail should not go through neighborhoods, and they will demand mitigation for any impacts. Council President King had concerns about Johnson Creek Boulevard.

The group discussed parking structures, pass through traffic, and Milwaukie's willingness to absorb a second parking structure when Tacoma, if that site is selected, is full.

Bennett asked if Council wanted to look at the Jr. High site as a transit center option. Is light rail contingent upon a Jr. High stop.

Councilor Newman did not believe bus transit was compatible with the Jr. High and felt light rail was the only option for a stop at that site.

Swanson suggested there were linkages between light rail and the Jr. High site that could be explored. The group discussed a terminus at that location and link to commuter rail. They believed the transit station should be moved north.

Councilor Lancaster said it is important to make it clear there have been no reasonable proposals.

Council President King wants to express a willingness to be at the table to discussion the options.

Councilor Marshall wants the City Council to meet with the NDA leadership at its next quarterly if not before.

Adjournment

It was moved by Councilor Marshall and seconded by Councilor Newman to adjourn the meeting. Motion passed unanimously.

The work session ended at 7:45 p.m.

Pat DuVal, Recorder

CITY OF MILWAUKIE
CITY COUNCIL MEETING
APRIL 3, 2001

III. A. 7

Call to Order

The 1859th meeting of the Milwaukie City Council was called to order by Council President King at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Larry Lancaster
Jeff Marshall

Brian Newman

Staff present:

Mike Swanson,
City Manager Pro Tem
Gary Firestone,
City Attorney
Martha Bennett,
Assistant City Manager
Alice Rouyer,
Planning Director
Cynthia Sturgis,
Senior Librarian

Michelle Gregory,
Neighborhood Services Manager
Paula Mishaga,
Senior Librarian
JoAnn Herrigel,
Program Specialist
Sharon Bradshaw,
Library Aide

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS
Public Safety Telecommunicators Week Proclamation

Council President King read a proclamation naming the week of April 7 as Public Safety Telecommunicators Week.

Ledding Library Long Range Plan

Sue Trotter, Ledding Library Board Chair, introduced the Plan. The updated Plan reflects changes in increased usage and technology and the City Council goal of downtown development. Several members of the Long Range Planning Committee were present: Pat Healy, Chair, Mary Angerman, Sharon Bradshaw, Molly Hanthorn, Paula Mishaga, Diane Saulsbury, Cynthia Sturgis, Dave Wells, and Ed Zumwalt.

Healy reviewed the process and believed the recommendation was based on the input of a good cross section of the community. The Committee looked at what needs the Library could fulfill and defined its service role. Members met with the Neighborhood District Associations (NDA) and the Milwaukie Downtown Development Association (MDDA) to share its results and gather additional suggestions. The Plan is designed to guide the Ledding Library for the next 5 years.

III. A. 8

Hanthorn summarized the recommendations relating to facilities, collections, funding, and operations and staffing. She read the Mission Statement into the record:

The Ledding Library of Milwaukie upholds the principles of intellectual freedom and the public's right to know by providing people of all ages with access and personalized guidance to information technology and collections that reflect all points of view. The library supports pursuit of education and personal goals by providing informational, recreational, and cultural materials and services including those utilizing advancing technologies.

Councilor Lancaster referred to the recommendation relating to expansion or relocation of the current facility. He asked if the Committee had considered a site or the necessary size of a new facility.

Hanthorn said the Board has not begun a site search. It has discussed developing a funding strategy and hiring a consultant. In the short term, the Board will be creative in identifying businesses or service organizations willing to host literary events or provide a venue.

Councilor Newman referred to the chart on staff report page 37 which indicates the Ledding Library receives a large city contribution compared to other libraries in the network. He asked if this was due to low circulation.

Sturgis said the data was collected in 1998 - 1999 so is somewhat outdated. Current figures show higher circulation and lower city contribution.

Councilor Newman suggested expanding the facility or opening a branch to bolster circulation and increase county funding.

Sturgis said there is a cost to increasing the collection and expanding the facility.

Trotter added one possible strategy is to increase circulation by being open to the public more hours.

Councilor Newman asked if the Board had a funding strategy it would recommend.

Healy said, at this point, there are several options to be investigated. In addition, the Library Futures Committee makes reference to a countywide strategy.

Hanthorn added there is discussion about a foundation.

The group discussed collecting fees for library materials checked out to Multnomah County and Portland residents.

The City Council directed the Library Board and staff to move forward with the project outlined in the Long Range Plan.

CONSENT AGENDA

It was moved by Councilor Newman and seconded by Councilor Lancaster to adopt the Consent Agenda consisting of:

- A. City Council Minutes of March 19 & 20, 2001;
- B. FY 2000 – 2001 Waterline Phase 1 Construction Bid Award
- C. Park Naming Request -- Hector Campbell Neighborhood District Association
- D. Job Classifications

Motion passed unanimously.

AUDIENCE PARTICIPATION

Dave Aschenbrenner, Hector Campbell NDA, thanked the City for purchasing the property at Home Avenue and Monroe Street for Homewood Park.

Ray Polani, 6110 SE Ankeny, Portland, Citizens for Better Transit Co-chair. He supported the grassroots movement to move the proposed transit center from the Safeway site. He felt, with proper planning, light rail could be truly useful to Milwaukie and work well with the recently adopted downtown redevelopment plan.

PUBLIC HEARING

Appeal of Planning Commission Decision, File AP-00-01, 12005 SE 19th Avenue

Rouyer requested the City Council move the hearing to a date uncertain in order to allow time to work on a mitigation plan for the subject site.

Firestone said the appellant understood the hearing would be postponed and is not present. If the Council chooses not to move the hearing date, there might be a due process issue.

Rouyer said staff supports the applicant's efforts to meet the Planning Commission's conditions of approval and reach a satisfactory conclusion.

Councilor Lancaster wanted to make certain the appellant came to an understanding with staff and did not simply chose not to appear at the hearing.

Firestone understood the applicant is seeking a 30-day extension but would agree to a further continuance based on city scheduling.

Councilor Lancaster was willing to extend to a date uncertain if staff worked it out with the community.

III. A. 10

It was moved by Councilor Newman and seconded by Councilor Lancaster to continue the appeal to a date uncertain. Motion passed unanimously.

Comprehensive Plan Amendment Relating to Transportation Corridor Policies, File CPA-00-04 -- Ordinance

Council President King called the public hearing on the legislative Comprehensive Plan Amendment, File No. CPA-00-04, "Corridors", initiated by the City of Milwaukie, to order at 6:40 p.m.

The purpose of the hearing was to consider an ordinance to adopt proposed text amendments to Comprehensive Plan Chapter 5 relating to "corridors" in order to implement Functional Plan Title 1.

The legislative Council decision would be based on these standards: the state wide planning goals; applicable federal or state laws or rules; any applicable plans and rules adopted by Metro; applicable Comprehensive Plan policies; and applicable provisions of implementing ordinances.

Council President King reviewed the order of business. The City Council decision will be the final decision of the City. All testimony and evidence must be directed toward the applicable substantive criteria. Failure to address a criterion or raise any issue with sufficient detail precludes an appeal based on that criterion or issue. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board. Persons with standing are those who submit written comments or testify and sign the City Council Attendance sign-up sheet on the information table in the hall.

Conflicts of interest: None.

Challenges to any Council member's ability to participate in the decision: None.

Staff report: **Rouyer** presented the staff report in which the City Council was requested to adopt an ordinance amending the Comprehensive Plan transportation corridor policies to designate 17th Street (from Harrison Street to the northern city limits) and Johnson Creek Boulevard (east of the intersection with Springwater Trail) as "corridors."

Staff brought this issue to City Council in an October work session, and the Planning Commission heard it in November. The amendment will bring the Milwaukie Comprehensive Plan into compliance with the Metro Functional Plan and consistent with the Metro 2040 Concept Map. Corridors are major streets that serve as routes to housing and jobs. This is a relatively minor amendment in that it adds these two to existing corridors. The proposed ordinance is not a land use regulation change, and the effect is minimal. The "corridor" designation may help fund future improvement for these 2 streets.

In response to a question from **Councilor Newman**, **Rouyer** explained McLoughlin Boulevard is designated an expressway north of Harrison Street. In that section, it serves a higher function than a corridor.

Councilor Lancaster asked if this amendment, Functional Plan compliance aside, made sense in Milwaukie's Comprehensive Plan.

Rouyer said the proposal makes good sense in that both streets provide access to industrial area jobs.

Correspondence: None.

Testimony in support: None.

Testimony in opposition: None.

Neutral testimony: None.

Staff recommendation: Adopt the ordinance amending the Comprehensive Plan transportation corridor policies.

Close public hearing: It was moved by **Councilor Newman** and seconded by **Councilor Lancaster** to close the public hearing. Motion passed unanimously. **Council President King** closed the public testimony portion of the hearing at 6:50 p.m.

Council decision: It was moved by **Councilor Marshall** and seconded by **Councilor Lancaster** to read the ordinance amending Comprehensive Plan Chapter 5 relating to "corridors" for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by **Councilor Newman** and seconded by **Councilor Lancaster** to read the ordinance amending Comprehensive Plan Chapter 5 relating to "corridors" for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by **Councilor Marshall** and seconded by **Councilor Lancaster** to adopt the ordinance amending Comprehensive Plan Chapter 5 relating to "corridors." Motion passed unanimously.

III. A. 12

ORDINANCE NO. 1886:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 5, GOAL STATEMENT 1, OBJECTIVE #1, POLICY #3 OF THE COMPREHENSIVE PLAN RELATING TO "CORRIDORS" IN ORDER TO IMPLEMENT METRO FUNCTIONAL PLAN TITLE 1 (FILE #CPA-00-04)

OTHER BUSINESS

Department of Environmental Quality School House Grant

Herrigel presented the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager Pro Tem to sign an agreement with the Oregon Department of Environmental Quality (DEQ). The City will receive \$4,400 from the Oregon Solid Waste Grant Program to establish a Schoolhouse Office Supply Waste Exchange.

The goal of the project is to create an internet site that connects businesses having surplus materials with teachers whose students have class project needs. It provides a service to the partners by both reducing waste and providing supplies to schools at no cost.

Councilor Lancaster congratulated **Herrigel** on doing a good job in her expanded role in the community.

It was moved by Councilor Newman and seconded by Councilor Lancaster to adopt the resolution authorizing the City Manager Pro Tem to sign an agreement with DEQ for grant funds. Motion passed unanimously.

RESOLUTION 10-2001:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER PRO TEM TO SIGN AN AGREEMENT WITH THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) PROVIDING THE CITY WITH A \$4,400 GRANT UNDER THE OREGON SOLID WASTE GRANT PROGRAM TO ESTABLISH A SCHOOLHOUSE OFFICE SUPPLY WASTE EXCHANGE.

Code Amendment Relating to Automatic Sprinkler Systems -- Ordinance

Clackamas County Fire Marshall Norm Whitely and Deputy Fire Marshall Ernie Badeau presented the staff report in which the City Council was requested to amend the municipal code by requiring fire sprinklers in new multi-family housing greater than one story in height, or having more than 16 units on a single floor or building.

Whitely provided the background on the amendment and noted it is supported by builders.

Badeau explained, although sprinkler system installation does increase square footage construction costs, when amortized over the life of the building, the cost is not significant. Annual insurance premiums are reduced by about 25%, so the system is paid off in 10 years. He discussed the issue of exiting residents from upper floors. The 16-unit number is based on existing building code and does not impact builder's expectations.

Whitely added individual safety in multi-family housing is dependent on one's neighbor, so this amendment can make a very positive impact on fire-life safety. The work on this amendment was done by building officials, water purveyors, homebuilders, and fire services. It does not apply to existing buildings, but there is a bill before the legislature that would offset taxes for those who do retrofit and install sprinklers. He was not aware of any affordable housing providers' comments or opposition to the amendment.

Badeau commented, economically, the sprinkler system pays for itself in a relatively short time.

It was moved by Councilor Newman and seconded Councilor Lancaster by to read the ordinance approving a local amendment to the State Uniform Building Code to require automatic sprinkler systems in all multi-family occupancies over one story in height for the first time by title with the amended language. Motion passed unanimously. The ordinance was read for the first time by title with the amended language.

It was moved by Councilor Newman and seconded by Councilor Lancaster to read the ordinance approving a local amendment to the State Uniform Building Code to require automatic sprinkler systems in all multi-family occupancies over one story in height for the second time by title with the amended language. Motion passed unanimously. The ordinance was read for the second time by title with amended language.

It was moved by Councilor Marshall and seconded by Councilor Lancaster to adopt the ordinance approving a local amendment to the State Uniform Building Code to require automatic sprinkler systems in all multi-family occupancies over one story in height as amended. Motion passed unanimously.

ORDINANCE NO. 1887:

AN ORDINANCE OF THE CITY OF MILWAUKIE APPROVING A LOCAL AMENDMENT TO THE STATE UNIFORM BUILDING CODE TO REQUIRE AUTOMATIC SPRINKLER SYSTEMS IN ALL MULTI-FAMILY OCCUPANCIES OVER ONE STORY IN HEIGHT.

III. A. 14

Metropolitan Transportation Improvement Program Update

Bennett provided the staff report in which the City Council was requested to apply for \$100,000 in additional grants available under the Metropolitan Transportation Improvement Program (MTIP). The City would apply directly for additional funds for the McLoughlin Boulevard project. Additionally, she requested the City Council authorize Milwaukie's listing as interested parties for the Springwater Corridor and Johnson Creek Boulevard Phase IV projects.

The additional funds for the McLoughlin project would be for the third traffic signal as identified in the downtown plan. The Springwater Corridor project is for 3 bridges between Milwaukie and Portland for the Corridor to cross the Union Pacific rail line, McLoughlin Boulevard, and Johnson Creek. The partner agencies are Metro and the Cities of Happy Valley, Milwaukie, and Portland. Milwaukie's commitment would be between \$12,000 and \$25,000.

The other project is Johnson Creek Boulevard. There were cost overruns in Phase II, the stormwater project, so additional funds are needed for Phase IV. The local match will be about \$50,000.

It was moved by Councilor Newman and seconded by Councilor Lancaster to authorize staff to apply for funds from the list of projects from the Metropolitan Transportation Improvement Program. Motion passed unanimously.

Other Items

1. **Council President King** acknowledged Boy Scout Troop 144 in the audience.
2. **Councilor Newman** sought Council support on documenting the Neighborhood District Association (NDA) specific points relating to the South Corridor Transportation Study and sending them to Metro elected officials and Executive Director Burton. These would be requests for further study rather than specific proposals. He hoped this would lead to a meeting with Metro officials.

Councilor Lancaster wanted it to be clear the process was initiated by the City of Milwaukie and move away from the generally negative characterization of the City. Secondly, he wanted it not unlike the 1998 21-point document prepared in 1998.

Councilor Newman wanted to make sure the requests were seen by the elected officials so feedback can come from the top rather than stopping at the staff level.

Councilor Marshall wanted the full Council to approve anything sent to Metro.

Staff was directed to prepare a letter to Metro elected officials and executive director for City Council review and approval. This letter will include specific points about the 4 transportation alternatives, mitigation, community goals, public process, and partner agency expectations.

3. **Council President King** urged people to attend the Festival Daze Event Planning meetings.
4. **Councilor Lancaster** thought code compliance should fall under the purview of the police department. The City should have a proactive approach rather than having a complaint driven process. This will be considered in the budget process.

ADJOURNMENT

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

Council President King adjourned the meeting at 7:50 p.m.

Pat DuVal, Recorder



III. B. 1

To: Mayor and City Council
Through: Mike Swanson, City Manager Pro Tem *MS*
From: Pat DuVal, City Recorder *PD*
Subject: Certification of March 13, 2001, Election Results
Date: April 4, 2001

Action Requested

Adopt a resolution certifying the results of the March 13, 2001, Special Election.

Background

The proposed resolution fulfills the Milwaukie Charter Section 13, *Election Returns*, requirement that election results be a matter of record in City Council proceedings. The City received the statement of votes for the March 13, 2001, Special Election on March 28, 2001. These results are certified by the Clackamas County Clerk and attached as Exhibit A to the proposed resolution.

III. B. 2

RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON, RECORDING THE CERTIFIED ELECTION RESULTS FOR THE MARCH 13, 2001 SPECIAL ELECTION.

WHEREAS, Section 13 of the Charter requires the certified elections results be made a part of the record of proceedings of the City Council; and

WHEREAS, the election results from the November 7, 2000 have been certified by the County Elections Officer; now, therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON THAT:

Section 1: The certified election results, attached hereto as Exhibit "A" and incorporated herein, are hereby made a part of the record of proceedings of the City Council.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on April 17, 2001.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Ramis, Crew, Corrigan & Bachrach, LLP

RESOLUTION NO. ____

Statement of Vote - Clackamas County Special Election - March 13, 2001
 ** City of Milwaukie - Mayor **

Page Number 1.001.001

III. B. 3

	REGISTERED VOTERS	TURNOUT	Larry Lancaester City of Milwaukie Mayor	Jeff Marshall City of Milwaukie Mayor	Jim Bernard City of Milwaukie Mayor	BLANKS	OVERVOTES
CONSOL PREC NO 051	1345	326	103	41	171	10	1
CONSOL PREC NO 053	1140	337	102	94	135	6	0
CONSOL PREC NO 054	1086	265	92	62	107	4	0
CONSOL PREC NO 056	950	246	79	50	110	5	2
CONSOL PREC NO 057	1364	420	132	47	233	8	0
CONSOL PREC NO 058	885	342	112	40	181	7	2
CONSOL PREC NO 060	1332	421	123	112	175	11	0
CONSOL PREC NO 062	1347	402	140	59	198	5	0
CONSOL PREC NO 063	1292	319	92	70	154	3	0
CONSOL PREC NO 064	1294	325	87	70	160	7	1
**** TOTALS ****	12035	3403	1062	645	1624	66	6

CITY OF MILWAUKIE - MAYOR

MISCELLANEOUS WRITE-INS 5

CERTIFIED COPY OF THE ORIGINAL
 JOHN F. KAUFFMAN, COUNTY CLERK
 BY: *Debbie*
 Deputy
 3-26-01



Memorandum

To: Mayor Bernard & Milwaukie City Council
Through: Mike Swanson, City Manager Pro-Tem *MS*
From: Larry R. Kanzler, Chief of Police
Date: April 6, 2001
Subject: Intergovernmental Agreement – Juvenile Crime Diversion Program

Action Requested:

Pass the attached resolution authorizing the Mayor to sign an Intergovernmental Agreement (IGA) between the City of Milwaukie and Clackamas County to renew the existing Juvenile Crime Diversion Program. The Intergovernmental Agreement will renew the existing agreement between the City of Milwaukie and Clackamas County for \$20,000 to implement and administer the Juvenile Diversion Program from July 1, 2001 to June 30, 2002.

Background:

During the last several years, the resources of the Clackamas County Juvenile Department have been depleted by the increasing demand for juvenile intervention of criminal offenders. In the past, police departments throughout Clackamas County could arrest a juvenile for a crime and refer that juvenile to the Juvenile Department of Clackamas County, knowing full well that there would be some timely sanction imposed by the Juvenile Court. That condition no longer exists.

Prior to this year, when a Milwaukie police officer arrested a juvenile criminal offender, and the report of the criminal behavior was referred to the Juvenile Department, routinely there was no sanction levied against the juvenile for their criminal conduct. The Juvenile Diversion Program is filling that gap by addressing, through a diversion panel comprised of local citizens, first time minor offenders.

The purpose of the panel is to listen to the offender's reasons for committing the crime and then negotiate a restitution agreement. This is the first year that the City of Milwaukie has used diversion panels to address criminal behavior by first time offenders. Although first year results for Milwaukie are not yet compiled, historical data from the Clackamas County Juvenile Department reports that 80% of the first time juvenile offenders that are held accountable for their criminal behavior never re-offend.

The Juvenile Diversion Program:

The Juvenile Department will continue to identify juveniles who have committed minor criminal violations and refer those offenders to a representative of the Milwaukie Police Department. The Police Department's representative will schedule the juvenile offender to appear before one of two citizen diversion panels, comprised of citizens from the Milwaukie community, to explain their criminal behavior. Once the juvenile has addressed the issues of their involvement in the crime charged the citizen panel will

negotiate a sanction that usually consists of some type of restitution or community service. In the case of "victimless" crimes such as *minor in possession of alcohol*, restitution will frequently be in the form of community service. However, when the crime involves damaging personal or public property the sanction can also include financial restitution for damages and community service.

The goal of the program is to get juvenile offenders to acknowledge their involvement in the crime charged, and be held accountable for their conduct. That self acknowledged responsibility serves to dissuade future misconduct.

CC: File

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE MAYOR TO SIGN AND RENEW THE INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY FOR A GRANT TO MAINTAIN THE JUVENILE CRIME DIVERSION PROGRAM.

WHEREAS, the City of Milwaukie is developing strategies to provide high quality livable communities; and

WHEREAS, the City Council has directed city staff to develop cost effective programs to improve community livability; and

WHEREAS, first time juvenile criminal offenders need immediate intervention to discourage continued criminal activity;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Mayor to sign and renew the intergovernmental agreement with Clackamas County to receive a grant in the amount of \$20,000 to provide juvenile crime intervention for the City of Milwaukie Oregon.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on April 17, 2001.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Ramis, Crew, Corrigan & Bachrach, LLP



To: Mayor and City Council

Through: Mike Swanson, City Manager Pro Tem *MS*
Martha Bennett, Assistant City Manager, CD *MB*
Alice Rouyer, Planning Director *AR*

From: John Gessner, Associate Planner *JG*

Subject: Clackamas Education Service District
Intergovernmental Agreement for Park Use
4011 SE Lake Road

Date: April 17, 2001

Action Requested

Authorize the City Manager to sign the intergovernmental agreement with Clackamas Education Service District for public use of designated park areas at 4011 SE Lake Road.

Background

On September 19, 2000, the City Council approved land use applications of Clackamas Education Service District authorizing office use of the former Seventh Day Adventist Church. Through a mediated settlement, Clackamas Education Service District agreed to designate 2 acres of the property for public use. The Council's final order requires the applicant to submit for city adoption, an intergovernmental agreement that executes the Council's final order including rules of use, and other conditions contained in the order as follows:

1. Public use of on-site parking and walkways for park access;
2. authorization for Police access and enforcement;
3. posting of signs giving notice of hours of use and use-restrictions;
4. maintaining visibility of the picnic area; and
5. obligations to maintain the site for park use.

The proposed agreement is attached in Exhibit 1.

III. D. 2 Education Service District Council I.G.A.

Page 2 of 2

Concurrence

The Police Department, City Attorney, Planning Department, Neighborhood Services/Code Compliance and staff liaison to North Clackamas Parks and Recreation Board have reviewed and approved the agreement.

Fiscal Impact

Fiscal impacts will vary depending on the actual responses to complaints and unauthorized activities in the park.

Workload Impacts

Workload impacts will vary depending on the actual responses to complaints and unauthorized activities in the park.

COOPERATIVE INTERGOVERNMENTAL AGREEMENT

This Agreement is made and entered into by and between the City of Milwaukie an Oregon Municipal Corporation (hereinafter "Milwaukie") and Clackamas Education Service District, an Education Service District created pursuant to ORS Chapter 334, (hereinafter "ESD").

RECITALS

A. The ESD applied to Milwaukie for a Community Service Overlay and Transportation Planning Review for property located at 4011 S.E. Lake Road, Milwaukie, Oregon (CSO-99-06; TPR-99-09); and

B. The Milwaukie City Council (hereinafter "Council"), on February 15, 2000, upheld an Appeal reversing the Planning Commission's approval of the applications; and

C. The ESD filed a Notice of Intent to Appeal that decision with the Land Use Board of Appeals on March 16, 2000; and

D. Milwaukie and ESD entered into mediation resulting in an amendment of the ESD's application to include a two-acre neighborhood park; and

E. On September 19, 2000, the Council approved the modified application and adopted a final Order setting forth Findings and Conditions of Approval authorizing the ESD to occupy the premises at 4011 S.E. Lake Road, Milwaukie, Oregon; and

F. The Final Order required the entry into a Cooperative Intergovernmental Agreement between Milwaukie and the ESD concerning certain of its terms and conditions; and

G. Pursuant to ORS Chapter 190, the parties are authorized to enter into intergovernmental agreements pertaining to functions and activities, which either unit of government is authorized to perform.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **Park Regulations and Enforcement.** The Park Rules set forth in Exhibit "A" attached hereto and incorporated herein by reference, shall govern public use of the Park premises and on site Park walkways and private access roadways. The rules shall be enforceable by the City of Milwaukie law enforcement and code compliance officers and ESD personnel, as set forth herein. ESD grants to the City and the City's law enforcement officers the authority to act for ESD to exclude persons from ESD's property for violation of ESD's rules. As owner, ESD has the authority to exclude persons from the property.

2. **Visibility of Picnic Areas.** All portions of picnic areas located within the Park identified in the Park area identified in Exhibit "B" shall be in full and open view from the adjacent

III. D. 4

vehicle parking area and street. Prior to approval of temporary occupancy of the facilities approved by the Council in CSO-99-06 and TPR-99-09, Milwaukie will confirm in writing to ESD that all picnic areas conform with this standard.

3. **Exclusion of Park as Lot Area for Zoning Purposes.** Condition 24 of the final Order of the City Council in CSO-99-06; TPR-99-09 states:

“The two-acre park shall not be included as lot area for zoning purposes.”

Exclusive of the Park area, the net lot area of the remainder of the site (“Remainder”) is 7.69 acres. There is presently 156,548 sq. ft. of building footprint and impervious area on the Remainder. Under current standards, 117,242 sq. ft. of the site must be covered in vegetation. The actual vegetated area is 171,391 sq. ft. Under current standards, the Remainder could accommodate an expansion of the total building footprint and impervious service by 54,000 sq. ft., if such expansion was subsequently approved by Milwaukie pursuant to applicable land use criteria.

4. **Obligation to Maintain Park.** ESD has an obligation to maintain the Park and public access along Park site walkways pursuant to the terms of this Agreement and the Council’s final Order in CSO-99-06; TPR-99-09 as long as the subject community service overlay designation applies to the property.

5. **Notices.** Notices shall be deemed sufficient if deposited in the United States mail, postage prepaid, to the following addresses:

City of Milwaukie
Attention: City Manager
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206

Clackamas Education Service District
Attention: Superintendent
P. O. Box 216
Marylhurst, OR 97036-0216

6. **Severability.** In the event any provisions of this Agreement shall be held to be impossible, invalid or unenforceable, the remaining provisions shall be valid and binding upon the parties hereto. One or more waivers by either party of any provision, term, condition or covenant shall not be construed by the other party as a waiver of subsequent breach of the same by the other party. Both parties have fully participated in negotiating and writing this Agreement; therefore, it shall not be construed against the party preparing it, but shall be construed as if both parties have prepared it.

7. **Acts of Nature, Emergency, Etc.** Performance or delay in performance of the

obligations stated in this Agreement shall be reasonably excused when performance or timely performance is impossible or impracticable because of the occurrence of unforeseeable events such as emergency, catastrophe, disaster, labor disputes or acts of Nature.

8. **Disputes: Attorney's Fees.** If a dispute arises between the parties regarding breach of this Agreement or interpretation of any term of this Agreement, the parties shall first attempt to resolve the dispute by negotiation, followed by mediation if negotiation fails to resolve the dispute, and pursuant to the following steps:

Step One:

The Milwaukie City Manager and the ESD Superintendent, or other person designated by the governing bodies of the parties, will negotiate on behalf of the entities they represent. The nature of the dispute shall be reduced to writing and shall be presented to each manager who shall then meet and attempt to resolve the issue.

If the dispute is resolved at this step, there shall be a written determination of such resolution, signed by each party's representative and ratified by each governing body, which shall be binding upon the parties.

Step Two:

If the dispute cannot be resolved within ten days under Step One, the parties shall submit the matter to non-binding mediation. The parties shall attempt to agree on a mediator. If they cannot agree, the parties shall request the Presiding Judge of Clackamas County Circuit Court to appoint a mediator. The dispute shall then be heard by the mediator. The mediator's fees shall be shared equally by the parties.

If the issue is resolved at this step, there shall be a written determination of such resolution, signed by each party's manager and ratified by each governing body, which shall be binding upon the parties.

Step Three:

Disputes that are not resolved after exhausting Steps One and Two shall be submitted to mutually agreeable arbitration or be resolved by proceedings in Clackamas County Circuit Court. If arbitration, suit or action is commenced, the prevailing party shall be entitled to its reasonable attorney's fees as may be awarded by the arbitration panel, trial court or upon appeal.

9. **Binding Effect and Amendment.** The covenants, conditions and terms of this Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns, unless amended by the parties. Any amendment by Milwaukie shall require the consent of its Council.

10. **Full Agreement.** This document is the entire, final and complete agreement of the parties and supersedes and replaces all prior or existing written and oral agreements between the

III. D. 6.

parties or their representatives.

CITY OF MILWAUKIE

By: _____

Its City Manager

Date: _____

**CLACKAMAS EDUCATION
SERVICE DISTRICT**

By: _____

Its Superintendent

Date: _____

APPROVED AS TO FORM:

Timothy V. Ramis
Milwaukie City Attorney
Date: _____

John H. Hammond, Jr.
Attorney for Clackamas
Education Service District
Date: _____

U:\GESSNER\JAA LAND USE APPS\99 APPLICATIONS\CSO-99-06 ESD\GAIIGA MILWAUKIE-ESD 4-5-01.DOC

**CLACKAMAS EDUCATION SERVICE DISTRICT (ESD)
RULES FOR PARK FACILITIES LOCATED AT
4011 S.E. LAKE ROAD, MILWAUKIE, OREGON**

I. AREA OF APPLICATION.

These rules shall apply to all areas within designated park boundaries located at 4011 S.E. Lake Road, Milwaukie, Oregon ("the Park"), which boundaries are more specifically set forth at Exhibit "A", attached hereto and incorporated herein by reference.

II. POLICY AND PURPOSE.

The purpose of these rules are to establish regulations adopted by the ESD for park activities and to provide for legal remedies for violation of said rules, in order to protect the Park and to protect the health, safety and welfare of the public using such area and to insure the best use and benefits from such area.

III. DEFINITIONS.

- A. "ESD" means the Clackamas Education Service District and its employees.
- B. "The Park" means the Park area located at 4011 S.E. Lake Road, Milwaukie, Oregon, the boundaries of which are more specifically set forth in Exhibit "A", attached hereto and incorporated herein by reference.

IV. GENERAL RULES.

- 1.1 The ESD, with the consent of the City of Milwaukie is hereby authorized to close, to the public, use of the Park and/or any maintained facility or portion thereof, to restrict the times when any Park facility shall be open to use, limit or prohibit a use whenever such action is necessary to protect the health of safety or the public or the safety of the Park area or its facilities.
- 1.2 Any person who violates any of the Rules herein may be ordered to leave the Park.
- 1.3 No person who is ordered to leave the Park shall remain therein.
- 1.4 The ESD may refuse to admit into the Park any person who has been previously ordered to leave the Park.
- 1.5 No person other than City of Milwaukie law enforcement and code enforcement officers or authorized ESD personnel shall enter or remain in the Park area except for prescheduled activities, or leave a vehicle parked there after the closing time (1/2 hour after sunset) and before the daily opening time (1/2 hour before sunrise)

III. D. 8

and such hours of operation and relevant Park regulations shall be posted at all entrances to the Park area. Vehicles in violation of this regulation are subject to towing in accordance with ORS Chapter 819.

2.0 FIRES.

No person shall build, light or maintain any fires so as to constitute a hazard to any pile of wood, grass, tree, underbrush or other flammable material.

3.0 FIREWORKS AND WEAPONS.

No person shall do the following in the Park area:

3.1 Hunt, pursue, trap, kill, injure, molest any bird or animal;

3.2 Discharge any firearm, pellet gun, bow and arrow, slingshot, or other weapon capable of injuring any person, bird, or animal;

3.3 Possess any loaded firearm; or

3.4 Possess or use fireworks or other explosives.

4.0 ALCOHOLIC BEVERAGES.

No alcoholic beverages will be possessed or consumed in the Park.

5.0 PARK PROPERTY AND PROPERTY DESTRUCTION.

No Person shall - in the Park area:

5.1 Mutilate, deface, damage, or remove any table, bench, building, or other Park area amenity.

5.2 Dig up, deface, or remove any dirt, stones, rock, or other substance whatever, make any excavation, quarry any stone, lay or set off any blast, roll any stones, or other objects or cause or assist in doing any of said things.

5.3 Erect temporary signs, markers, or inscriptions of any type without permission from ESD and in compliance with the Milwaukie Sign Code.

5.4 Setup or use a public address system or amplified sound enhancing equipment without the permission of ESD and in accordance with applicable Milwaukie Codes pertaining to special events and noise.

5.5 Use abusive or threatening language or gestures, create any public disturbances, or engage in riotous behavior.

5.6 Operate or use any noise-producing machine, vehicle, device, or instrument in a manner that is disturbing to other Park area visitors or adjoining residences.

5.7 Pick, cut, mutilate, or remove any flowers, shrubs, foliage, trees, or plant life or

products of any type.

III. D. 9

6.0 CONCESSION AND SOLICITATIONS.

No person shall in any Park area:

- 6.1 Operate a concession, either fixed or mobile, without being permitted by ESD;
- 6.2 Solicit, sell or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services without being permitted by ESD;
- 6.3 Advertise any goods or services, without being permitted by ESD;

7.0 ANIMALS.

No person in any Park area shall:

- 7.1 Bring any dog, cat, or other animal of any kind into, or kept in the Park area, unless confined or controlled on a maximum 6-foot long leash. ESD may undertake, or require the person keeping the animal to undertake any measures, including removal of the animal from the Park area, deemed by ESD necessary to prevent interference by the animal with the safety, comfort and well-being of Park area users, or the appearance or sanitary condition of the Park area.
- 7.2 Allow any animal in his or her custody or control to annoy, molest, attack, or injure any person or animal in the Park area.
- 7.3 Tie up any animal in his or her custody or control and leave such animal unattended.
- 7.4 Permit the deposit of animal fecal matter within the Park area unless it shall be collected and put in a bag or contained and left in a designated waste receptacle.

8.0 MOTOR VEHICLES.

No person shall in the Park area:

- 8.1 Operate any vehicle in violation of the State Motor Vehicle Code and other laws.
- 8.2 Operate any motor vehicle at a speed in excess of 10 miles per hour unless otherwise designated.
- 8.3 Park a vehicle at any place other than in designated areas.
- 8.4 Operate a motor vehicle on any trail that is not constructed or designated for motor vehicle use, that is posted as closed to the public, or on which signs have

III. D. /0 been placed by authority of the Superintendent, prohibiting the driving of motor vehicles. Exempted from this prohibition are maintenance and utility vehicles.

9.0 WASTE DISPOSAL.

- 9.1 All bottles, cans, ashes, waste, paper, garbage, sewage and other rubbish or refuse shall be left only in receptacles designated for that purpose.
- 9.2 No person shall litter or bring into the Park area any trash, refuse, garbage, litter, waste material or vehicles for the purpose of leaving them there.

10.0 VIOLATIONS/ENFORCEMENT/PENALTIES.

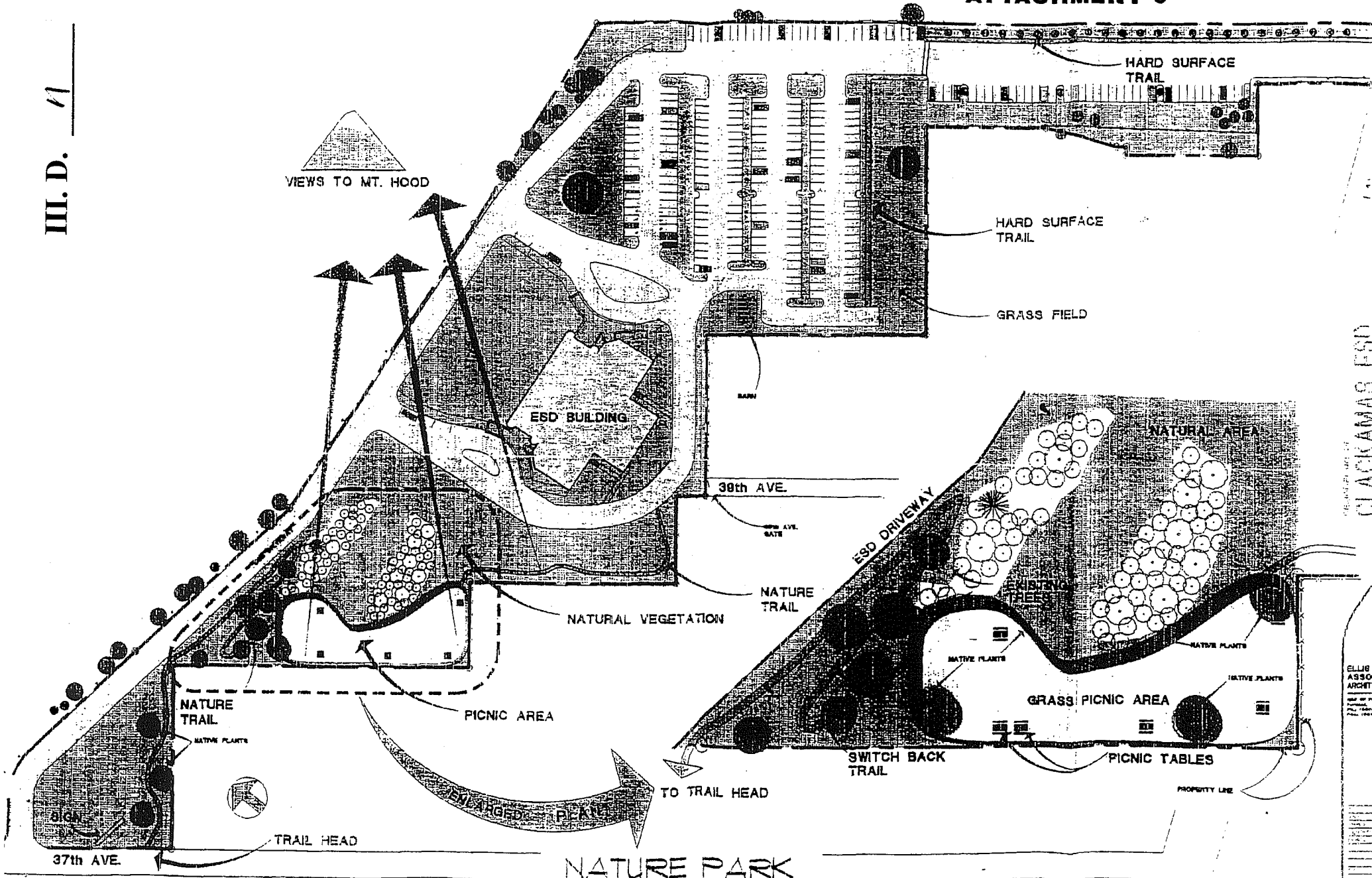
- 10.1 Any ESD employee and any City of Milwaukie law enforcement officer or code enforcement officer may enforce these Rules and order any person violating these Rules to leave the Park area.

11.0 TRESPASS EXCLUSION.

- 11.1 In addition to other measures provided for violation of this Agreement, any ESD employee or any City of Milwaukie law enforcement officer may exclude from the Park area, excluding public right-of-ways, any person who violates any provision of this Agreement.
- 11.2 Exclusion under this section may be for a period of not more than 30 days.
- 11.3 Written notice shall be given to any person excluded from the Park area. The notice shall specify the dates and places of exclusion. It shall be signed by the issuing party. Warning of consequences for failure to comply shall be prominently displayed on the notice.
- 11.4 A person receiving a notice of exclusion may request a hearing in Municipal Court to have the exclusion rescinded or the period shortened. Written notice of the appeal must be filed with the City Manager within five (5) days of receipt of the exclusion notice. Failure to file written notice of appeal within five (5) days will be deemed a waiver of further action. Appeals will be processed by procedures established in the Milwaukie Municipal Code.

ATTACHMENT 9

III. D. 1



CLACKAMAS ESD

ELLIS ASSO ARCHT

NATURE PARK



April 3, 2001

TO Mayor and City Council

Through: Mike Swanson, City Manager, Pro Tem *MS*

From: JoAnn Herrigel, Program Services Coordinator *JH*

Re: Request for Proposals for Public Access Studio Operation

Action Requested

Authorize staff to advertise for bids on the operation of the Milwaukie's Public Access Television studio.

Background

On January 1, 2001, AT+T's obligation to operate the City's public access program for the City expired. In February of 2001, the City established a Public Access studio at a building owned by Fire District #1, located at 6596 SE Lake Road. The City now has a signed intergovernmental agreement with the District that allows us to occupy the site for one year (ending February 2002) rent-free. The City covers the cost of utilities and insurance for the facility. The facility has production and editing capacities but direct broadcast is not possible at this time. Tapes are currently transported to city Hall for broadcasting.

The City also has a six-month contract with Videobeck for the development and on-going operation and maintenance of the Public Access studio and program. This contract expires July 1, 2001. In anticipation of the July 1 expiration date, staff has prepared a Request for Proposals (RFP) for a non-profit organization to take over the operation and maintenance of the Public Access television program.

The RFP will state that, pending approval of the fiscal year 01-02 budget for the Public Access Program by the Budget Committee and City Council, \$ 62,000 is allocated to staffing the studio, \$7,000 is allocated to materials and other expenses and \$20,000 is allocated to capital expenses related to the studio.



To: Mayor and City Council

Through: Mike Swanson, City Manager Pro Tem →
Martha Bennett, Assistant City Manager, CD → MMB
Alice Rouyer, Planning Director → ACR

From: John Gessner, Associate Planner → JM

Subject: Status Report on Clackamas Education Service District
4011 SE Lake Road

Date: August 17, 2001

Action Requested

None requested; for information only.

Background

On September 19, 2000, the City Council approved land use applications of Clackamas Education Service District (ESD) authorizing office use of the former Seventh Day Adventist Church. The final order requires that the ESD report the status of compliance with conditions of approval to the Council no later than April, 2001.

The ESD will present a status report at the Council meeting.



To: Mayor and City Council

Through: Mike Swanson, City Pro Tem *MS*
Martha Bennett, Assistant City Manager, CD *MAB*

From: Jay Saatkamp, Operations Supervisor *JS*

Subject: Water Conservation

Date: April 6, 2001 for April 17, 2001 City Council Meeting

Action Requested

None. This memo is for information only.

Background

Staff has begun a multi-phase water conservation program for the City because we are anticipating that our dry-winter will result in a regional water shortage this summer.

The first phase will be bill stuffers. The information is "25 Things You Can Do To Prevent Water Waste". This information went out in the March 30 billing and will go out again in the April 30 billing to ensure that we hit all of our customers because the billing cycle is bi-monthly.

The second phase is to run a 13-minute video "A Consumer's Guide to Water Conservation" on cable television. The video is currently being shown two times a day on the City public and government cable access channels. It will run through the summer months. The American Water Works Association developed this video.

The third phase will be to put the information from the "25 Things You Can Do To Prevent Water Waste" on the City web page beginning the middle of April. The fourth phase will be an article in the May issue of the Pilot that will give tips on how to conserve water. City staff will draft monthly water conservation articles for the Pilot.

Concurrence

This project has been made possible with the help of JoAnn Herrigel, Michelle Gregory, Grady Wheeler, and Richard Beck with VideoBeck.

North Clackamas Parks and Recreation District
Milwaukie Center
Center/Community Advisory Board
Minutes of February 9, 2001

VII. B. 1-1

Members present: Dolly Macken-Hambright, Vice Chairperson, Molly Hanthorn, Eleanor Johnson, Karen Kasserman, Hillary Kenney, Joan Newman, Mary Siberz, Alice Neely, Marc Burnham, Joan Staley, Ben Tabler, Janet Witter and Jim Young

Excused: Kim Buchholz, Carol Storment, Jim McCready, Stan Keltz

Staff: Joan Young, Suzanne Bader, Pat Kennedy, Cheryl Nally

CALL TO ORDER: The meeting was called to order at 10:02 am by Dolly Hambright.

MINUTES: The minutes of the previous meeting were approved as presented.

GUESTS: Harley Potampa, Kimberly Patterson, Molly Diaz, Patrick Ward and other students from Clackamas High School

CORRESPONDENCE: No correspondence received.

BOARD/COMMITTEE REPORTS:

North Clackamas Parks and Recreation District Board – Jim Young reported that the Parks District does not have enough general fund money to maintain any more new parks. SDC funds can be used only for construction and acquisition. Aquatic Park revenues are down. Warranties on equipment are over and maintenance costs are up. Neighborhood Associations can possibly provide grant money via City of Milwaukie for park programs and possibly help with maintenance. Metro is working with Union Pacific on Portland Traction Line potential acquisition.

Regarding the dog problem in North Clackamas Park, there is no leash law in Clackamas County.

Presentation – Clackamas High School teacher, Harley Potampa, and 10 students presented plans for the Milwaukie Center therapeutic garden, including raised beds, improved watering and a small shelter. The high school students are fund-raising to be able to build the project. The Board voted unanimously to recommend the DAB support this project.

Budget/Finance – Joan Young reported that staff is getting numbers in order to report. All Board members are welcome to the Budget Committee meetings on February 21 at 11 am and February 28 at 10 am.

Program/Services Committee – Molly Hanthorn reported that a close look at class loads and pre-registration process is being done. Classes with minimum numbers will need to be cancelled in the future.

On February 27, the Grandparents Raising Grandchildren Conference is to be held at Clackamas Community College

A monthly Hearing Aid Clinic will be held at the Center through the Hearing and Speech Clinic.

The Travel group is doing fine with more charter trips planned.

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IRS supplied lap top computers for all volunteers doing income tax assistance. We do about 1,000 returns per year.

Nutrition/Transportation – Jim Young reported the Transportation Program's candy sale is still going. The Sunday Dinner is February 11th. Meals on Wheels is sending out about 230 meals a day. Envelopes are being attached to the meals for contributions.

Building Committee – The committee revised Nutrition Committee's recommendation to limit parking during peak Meals on Wheels needs. They recommended to the Board that Meals on Wheels parking areas be re-stripped and the 3 closest parking spaces be 15 minute loading zones from 10 am-1 pm. The motion passed. In Stan Keltz's absence, Joan Young reported carpet in the south side of the facility needs replacing in the near future and a heating and air conditioning unit also needs replacing.

History Committee – Janet Witter reported they will be putting a packet of material together they've collected for a final project.

Friends of the Center – Hillary Kenney reported Annual Campaign contribution envelopes are being sent out in the March newsletter. The Spaghetti Dinner is March 31. They are selling business card areas on place mats to raise funds for the dinner. They are also soliciting larger donors for sponsors. BINGO on Thursdays 6:30-10 pm needs better attendance and volunteer help. Rose Garden bricks are being sold year round and put in once a year in the summer.

ANNOUNCEMENTS:

Kim Buchholz was excused from this meeting as he was busy with the Willamette View Convalescent Center grand opening. Daisa Lawson, who is on the Governor's Commission for Senior Citizens, encourages input on the state budget. Suzanne Bader, Public Relations Coordinator for the Parks District, reminded everyone of the community forums where staff is discussing budget status, the updating of the Comprehensive Master Plan and eliciting community concerns and input.

Budget will be discussed in length at next month's meeting. Meeting adjourned at 11:30 am.

Programs and Services:

On Feb. 23, the Nutrition Program's Meals on Wheels (M.O.W.) Service and On-site Dining Service set a new record for meals served in a single day--400. The meal total was comprised of 234 fresh hot meals for M.O.W, 105 frozen meals for M.O.W. and 61 on-site hot lunches for folks eating in the dining room.

Winter Term classes at the Milwaukie Center provided nearly 60 offerings in arts and crafts, dance and music, fitness, language and writing and education. This term, we have enrolled 480 students, grossing approximately \$14,400 in revenues from the classes.

One in ten grandparents have been the primary support of a grandchild at sometime in their lives. The Milwaukie Center held a national satellite video conference called, Grandparents Raising Grandchildren: Legal and Policy Issues on February 27. Community partners in this project include: North Clackamas School District, Whitcomb Interagency Services, Oregon State University Extension Service, Adult and Family Services, Clackamas Community College and AARP. Our local conference featured local author, Joan Callander and attorney in family law, Mark Kramer, as keynote speakers. Over 60 persons, mostly grandparents who are raising their grandchildren registered for the conference, held at Clackamas Community College.

A Place at the Center, a ½ day respite program for people with memory loss or confusion issues, is filled to capacity on both Wednesdays and Fridays. The mix of participants is 9 men, 9 women (some of whom attend both days). The program provides creative, interactive and active options for participants while their caregivers are able to "take a break" from their demanding caregiving roles.

Fund-raising:

On Feb. 11, 2001 the Nutrition Program held their quarterly "Famous Sunday Dinner". 174 community supporters attended the roast beef dinner. The Program received generous donations from Columbia Empire Meat Co. and Food Services of America. With the contributions of our suppliers and ticket sales, the Program netted over \$1,100 to help with our growing Meals on Wheels service.

The Transportation Program's annual Valentine Candy sales were a success, selling every last chocolate morsel for a net of \$1,224. This income helps fund scholarships for people who are unable to pay for their fare on the Center's busses.

Staffing:

Twilla Hayden successfully competed for the position of Meals on Wheels Program Aide. Twilla has been serving temporarily in the position since August, 2000. She brings with her rich experience in volunteer program management.



Park & Recreation Board PARB

Monday, February 26, 2001

7:00 PM to 8:40 PM

City Hall Neighborhood Services Office

MINUTES

Attendees: Mart Hughes, Kathy Buss, Don McCarty, Thom Kaffun, Joe Loomis, ,
Darlene Walsh, Edie Kerbaugh (late arrival)
Absent: Sharon Van Horn
Staff: JoAnn Herrigel

Meeting called to order by Chair Hughes at 7:00 PM

Buss moved approval of minutes, second by Van Horn, approved 4-0 (Hughes abstained).

City Update:

Herrigel noted the following:

- Lewelling Community Park name approved by Council
- Expect Homewood Park name proposal at next meeting
- Herrigel facilitated a meeting of Island station neighbors to discuss future actions re: Spring Park/Elk Rock Island
- Meeting held to develop master plan concept for Home and Monroe site – plan drawn up by volunteer landscape architect to be distributed to abutters for input
- Riverfront Board met in February and will meet again March 12. Mike Swanson to provide update on Klein property and Boat ramp options

District Update:

- Bids on Summerfield Rd came in – low bid was Caribou (at \$100,000)
- North Clackamas Park dog run area creating problems for some users. Herrigel will meet with Bader and Henley and Michelle Gregory to discuss enforcement issues, including dog control.
- District staff prepping for budget season. Internal drafts due March 1
- District has sprayed at Spring Park recently
- Kaffun met with Tim Groth (Americorps) and Don McCarty regarding volunteer maintenance projects at parks for school kids. Hughes asked if this effort might include restoration as well as maintenance.

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Follow-Up on District Meeting:

Herrigel noted data sent by Rachel Tiege regarding Milwaukie kids using Fun & Sun program. There was a question about what the cost per child was.

Herrigel also noted that information about sponsorships for kids for summer programs was in the program guide and also was available by calling Don Trotter at 503-659-5678.

Budget cycles:

Herrigel said she was discussing budget with Mike Swanson the following day and that she'd keep the PARB posted on budget proposals for Parks for the City and the District.

PARB member ideas:

Herrigel reminded members that Darlene Walsh's position on the PARB was now vacant and asked all to think of potential candidates. Members suggested Herrigel write up a description of PARB activities and get it to members for circulation. They also suggested notifying the NDAs and maybe getting an article in the Clackamas Review.

Meeting Time Change:

Herrigel requested that the group change the day of their meeting to accommodate her Tuesday through Friday work schedule. The group voted 5-0 to change the meeting time to the third Wednesday of the month. Then, they reconsidered that vote due to a conflict VanHorn had with Festival Daze meetings. Buss motioned to try the fourth Tuesday and McCarty seconded. The group voted 5-0 to meet March 27th and Herrigel agreed to see if this would present a conflict with Planning Commission work sessions.

Trails Plan Discussion:

Herrigel described some issues that she felt the PARB needed to think about with respect to the Trails Plan:

- Plan as it is now is conceptual only
- Input at this point is rather benign
- In order to formalize it, the plan would have to be adopted as part of the comprehensive plan. (It was noted that the new Trails Plan differs significantly from the Walkways Network Master Plan already in the Comp Plan)
- To move forward the PARB would have to request that Council make the adoption of the plan a priority goal (this should not be done until June/July when Council members and new City Manager were in place)
- A thorough public input process should be conducted to assure buy-in (or at least input) by all interested parties

Herrigel said she would discuss the trails plan process with Department Heads in case Council established it as a high priority within this next fiscal year. She also said she would bring a map to the next meeting which showed the Trails Plan developed by PARB overlaid on the Walkways Network Master Plan for group to review and discuss.

Hughes asked if perhaps Planning Director might attend a PARB meeting to discuss comp plan amendment process.

Next Meeting Agenda :

- Trails map
- City/District Budget review
- Community Outreach project Discussion (Loomis)
- Homewood Park Name Proposal

Van Horn motioned to adjourn, seconded by McCarty. Vote 6-0. Meeting adjourned at 8:40 pm.

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, MARCH 13, 2001

VII. B. 3-1

COMMISSIONERS PRESENT

Tracy Cook, Chair
Judith Borden
Barbara Cartmill
Mike Miller
Howard Steward

STAFF PRESENT

Alice Rouyer,
Planning Director
Ken Kent,
Associate Planner
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

Donald Hammang
Doug Ouderkirk

1.0 CALL TO ORDER

The meeting was called to order at 6:32 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 PLANNING COMMISSION MINUTES -- February 27, 2001

Barbara Cartmill moved to approve the minutes of February 27, 2001, as presented. **Judith Borden** seconded the motion. MOTION CARRIED 5-0.

Ayes: Cook, Borden, Cartmill, Miller, Steward; Abstentions: None; Nays: None.

4.0 INFORMATION ITEMS

4.1 City Council Worksession Minutes

4.2 City Council Minutes

5.0 PUBLIC COMMENT -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: City of Milwaukie

Owner: City of Milwaukie

Location: Near the Springwater Corridor and Johnson Creek Blvd

VII. B. 3-2

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Proposal: Install three precast concrete vaults and associated telemetry for a metered water intertie with the City of Portland.

File Numbers: CSO-01-01

NDA: Lewelling

Chair Cook opened the public hearing to allow the construction of three precast underground vaults for the Milwaukie/Portland Metered Water Intertie. The criteria to be addressed are found in Sections 314, Manufacturing Zone; 321, Community Service Overlay Zone; and 1011.3, Minor Quasi-Judicial Review.

Chair Cook asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. **Chair Cook** asked if any member of the Planning Commission visited the site; three hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the staff report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Ken Kent reviewed the staff report with the Commission. This is a proposal by the City of Milwaukie in cooperation with the City of Portland for a metered water intertie facility to provide a connection between the water systems of both cities. The project involves the installation of three precast underground vaults about 19 feet below grade. The panels will be spaced 5 feet apart, two in a row. The vaults will be on the east side of Johnson Creek Blvd., on the south side of the Springwater Corridor. The telemetry is located on the west side of Johnson Creek Blvd. On the south side of the Springwater Corridor in two separate panels, one for Portland and one for Milwaukie. A control panel will be installed to monitor the activity of the intertie facility. The City of Portland Parks Bureau has requested to do the landscaping. The purpose of this facility is to provide quality water sources for both cities. Water can be transferred both to and from Portland. The proposed facility contributes to the City goal of providing alternative reliable water sources.

Staff is recommending additional conditions to minimize impact. An Addendum to the staff report was submitted which recommends a new Condition #7 and Finding #7.

Staff finds this proposal is in the general public interest and that benefits outweigh the possible adverse impacts of the use.

Several comments have been received. The Lewelling Neighborhood District Association Land Use Committee has submitted support for project. The Public Works Department has provided additional comments regarding the proposal in Exhibit 5. Comments were also received from the Johnson Creek Watershed Council expressing concern with the location.

Alice Rouyer stated that the last finding and condition on this proposal has been added because of the Endangered Species Act regulations. It has become a standard condition for proposals in the vicinity of fish-bearing streams.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED -- None.

APPLICANT PRESENTATION

Speaking: Paul Roeger, Civil Engineer, City of Milwaukie

Mr. Roeger stated the City of Milwaukie and the City of Portland have had an Intergovernmental Agreement (IGA) since 1998 for emergency supply water. Each can supply the other with water; Portland to Milwaukie by gravity and Milwaukie to Portland by pumping.

In 1986, the City of Milwaukie took over the Wichita Water District. This resulted in a connection with the City of Portland. The old intertie for the City of Portland was located in a vault in the northbound traffic lane in Johnson Creek Blvd. at the Springwater Corridor. This was an unsafe location as it caused traffic backups. This was only a one-way connection to Milwaukie from Portland.

This new construction will allow Portland to pump water from Milwaukie to the Portland system in an emergency. The City of Portland Parks Bureau owns the Springwater Corridor and has given the City of Portland Water Bureau rights to the placement of the metered intertie at the site. The IGA grants Milwaukie the right to place its part of the facility on the site also. The vaults will be buried underground with access at ground level. The telemetry, on the West Side of Johnson Creek Blvd., will allow both cities to monitor the intertie without visiting

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the site. When it is necessary to visit the site, parking is available in the trailhead lot on the west side of Johnson Creek Blvd.

City staff has worked extensively with the City of Portland Parks Bureau regarding the landscaping. The City of Portland Parks Department decided that they would re-landscape; so this item was eliminated from the bid. Staff is confident that the City of Portland Parks Bureau will provide the correct vegetation in and around the riparian area.

Other location alternatives were reviewed and evaluated. It was decided that there were comparable additional costs associated with locating on the other side of Johnson Creek Blvd. Both the Portland and Milwaukie water lines are on the east side of Johnson Creek Blvd. Electrical power is located on the west side of Johnson Creek Blvd. and would require additional piping. There will be erosion control required; they are very conscious of protecting the stream.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller noted that in the letter from the Watershed Council it indicated that this was for drinking water and sewer lines. He asked if this is true? **Paul Roeger** assured him that this was an error.

Mike Miller asked if the City of Portland gets into an emergency situation and ops to take water from Milwaukie, what guarantee is there that Milwaukie will not have a shortage of water because Portland is using the water? **Paul Roeger** read a section from the IGA that addressed water shortages and emergency needs. "...neither party may be held liable to the other if the request for water is not met or not met in full. In addition if one party begins to supply emergency or back-up water to the other, the provider may cease or reduce the supply upon 24-hour notice to the purchaser if the provider determines that the cessation is necessary for protection of its own system and entire supply obligations."

TESTIMONY IN FAVOR -- None.

QUESTIONS FROM THE COMMISSIONERS -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION

Speaking: Dave Green, 5431 SE Willow, Milwaukie

Mr. Green asked if there are alternatives to locate the vaults outside the Springwater Corridor? He would not like to see the trail and the corridor being used for development. He suggested that the intertie be placed in the street. **Paul Roeger** stated that the pipes were taken out of the street because of unsafe conditions.

Other concerns expressed were:

- What is the frequency of maintenance for equipment in the vaults?
- Has staff reviewed the option of putting the vault in the parking lots of the now empty office building to the south of existing vault location.
- Concerned that the vaults may be preventing landscaping or a planted corridor in the industrial area.
- He asked if the proposed concrete structures would be an encroachment on the corridor? He is concerned that concrete structures can be placed in the corridor; are there any restrictions from a natural resource standpoint.
- Is this site a natural resource area and does the City of Milwaukie protect this area from this type of development or any type of development?
- Will this aesthetic issue set a precedent for corridor use?

Mr. Green stated that he was surprised that this project could go so far in design without public comment. He urged the Planning Commission make sure that all alternatives have been researched for re-location.

QUESTIONS FROM THE COMMISSIONERS -- None.

APPLICANT'S CLOSING COMMENTS

Speaking: Paul Roeger, Civil Engineer, City of Milwaukie

Mr. Roeger stated that in addition to the street being unsafe, there were other utilities in the street. The only visibility of the vault will be a 30-inch lid. By the time the vegetation is in place, it will not be visible. The Parks Bureau was also concerned about the aesthetics of the site and the proposed landscaping has eliminated their concerns. The Portland Parks Bureau is charged with connecting and preserving this corridor. They are making sure that any development in this corridor is protected by restrictions and regulations.

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Alternatives for placing the intertie across the street was reviewed and found to be an economic problem. The Parking lot on the south side is owned by Associated Chemists and is private property.

Jay Saatkamp, Water Operations Supervisor stated that the frequency of maintenance would be minimal. Most of the monitoring will be done by the telemetry. Maybe the site will have to be visited once a year to do minor maintenance. All activity of the intertie facility will be done by computers from City offices.

Mr. Roeger stated that the neighborhood associations were sent letters and comments were received. All notice requirements were met. The City of Milwaukie has been working on this project for three years.

ADDITIONAL COMMENTS FROM STAFF

Ken Kent stated that this corridor crosses Johnson Creek that is designated as a natural resource area under the Milwaukie Natural Resource Overlay Zone. This site is not required to go through a Natural Resource Overlay process. In reviewing this project, there were natural resource issues addressed; setbacks from the banks of the Creek and providing appropriate landscaping. The landscape plan will include more plantings that now exist on the site.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked what jurisdiction is over the Watershed Council? **Alice Rouyer** stated that there are watershed councils all over the state. This watershed council covers Johnson Creek and it is a cooperative effort between several jurisdictions. They have their own directors and have some oversight over this watershed.

Mr. Green stated that he would hope that the City of Milwaukie take a look at their protection of the trail in the right-of-way through Milwaukie to make sure that the requirements of natural resource overlays are met.

QUESTION FROM THE COMMISSIONERS -- None.

DELIBERATION AMONG THE COMMISSIONERS

Chair Cook closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Mike Miller stated that he feels this project will be done in an environmentally sound manner. He suggested that the parking area next to the building on the north side be removed as a part of the application. This will recover some of the open space on that side of the hill.

Howard Steward moved to approve Application CSO-01-01 by the City of Milwaukie for the Milwaukie/Portland Metered Water Intertie, thereby authorizing construction of three precast underground vaults containing a flow meter, backflow prevention assembly, and pressure-reducing valve; and adopt recommended Findings and Conditions of Approval. Further, that the additional Condition of Approval #7 and Finding #7 be approved as written in the addendum dated March 13, 2001. **Mike Miller** seconded the motion. THE MOTION CARRIED 5-0.

Ayes: Cook, Borden, Cartmill, Miller, Steward

Nays: None.

- 7.0 WORKSESSION -- None.
- 8.0 DISCUSSION ITEMS -- None.
- 9.0 OLD BUSINESS -- None
- 10.0 OTHER BUSINESS/UPDATES
- 10.1 Matters from the Planning Director

Alice Rouyer reported that at the City Council meeting they discussed design review for downtown Milwaukie. They were in favor of letting the Design and Landmarks Commission be responsible for providing review and guidance to the development community when proposals come forward. The Council was interested in a design review process having more teeth.

The Council discussed other projects, neighborhood livability project, and cell tower standards.

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Alice Rouyer stated that at the next meeting staff would update the Commission on the Transportation System Plan Project and neighborhood livability projects.

Design and Landmark Commission Report. **Barbara Cartmill** reported that a great amount of time was spent discussing the pros and cons of mandatory review versus voluntary compliance. Don Arambula made a presentation on design concepts.

11.0 NEXT MEETING -- March 27, 2001

11.1 TSP Project Update

11.2 Neighborhood Livability Project

Howard Steward moved to adjourn the meeting of March 13, 2001. **Mike Miller** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 7:35 p.m.

Tracy Cook, Chair

Shirley Richardson, Hearings Reporter