



**Regular Session**

**RS**

**Milwaukie City Council**



**MINUTES**  
**MILWAUKIE CITY COUNCIL**  
 www.milwaukieoregon.gov

**REGULAR SESSION**  
 NOVEMBER 18, 2014  
 City Hall Council Chambers

**Mayor Ferguson** called the 2,186<sup>th</sup> meeting of the City Council to order at 7:00 p.m.

**Council Present:** Council President Hedges and Councilors Scott Churchill, Mark Gamba, and Mike Miller

**Staff Present:** City Manager Bill Monahan, Assistant to the City Manager Mitch Nieman, City Recorder Pat DuVal, City Attorney Tim Ramis, Community Development Director Steve Butler, Planning Director Denny Egner, and Library Director Katie Newell

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Milwaukie High School Outstanding Student Achievement Award for October 2014 to Brandon Kneebone**

**Mr. Pinder** expressed appreciation to Mr. Kneebone for his heart and dedication to his school and community. He outlined the student's many accomplishments and activities during his career at Milwaukie High School.

**B. Milwaukie Poetry Series Report on Seventh Season, 2013-2014**

**Tom Hogan**, Milwaukie Poetry Series Chair, thanked those who had supported the program over the years particularly noting the City Council's ongoing support. In addition to the monthly readings, the program included open mics, the summer poetry picnic, First Fridays, writing workshops, artist receptions, and the annual William Stafford Birthday Celebration.

**C. Portland Milwaukie Light Rail Update**

**Ms. Bluhm** reported that a significant project milestone had taken place earlier today when Mayor Ferguson along with other dignitaries made the final rail weld in Milwaukie. The first weld was made in Portland in November 2012. She showed aerial photos of the Milwaukie section of the project that ended at the Park Avenue Station. The signage was installed at the Milwaukie Main Street station along with landscaping and cobblestone to discourage pedestrians from crossing at inappropriate places along the tracks. The Trolley Trail with new lighting and art was scheduled to open December 1. Ms. Bluhm reported Council would consider the funding options for the Kellogg pedestrian/bike bridge within the next few weeks. She discussed pedestrian crossing safety and was meeting with the Oregon Department of Transportation (ODOT) rail on improvement alternatives at the Harrison, Washington, and Monroe crossings and provided a brief update on TriMet's proposed bus route changes. She took a moment to honor Fred Nelligan, active member of the Portland-Milwaukie Light Rail Citizen Advisory Committee, who recently passed away due to complications of ALS.

**D. Earl Smith "Bud" Burdick Memorial Proclamation**

**Mayor Ferguson** read a proclamation memorializing the life and accomplishments of Earl Smith "Bud" Burdick, Jr., a son of Milwaukie, and asked that all citizens of the Dogwood City of the West reflect upon his commitment and devotion to family and community.

**Mayor Ferguson** announced a change to the order of the agenda placing item 6.B next on the agenda.

**B. Clackamas Fire District #1 Intergovernmental Agreement (IGA) – Resolution**

**Mr. Monahan** summarized the history of the City's relationship with Clackamas Fire District #1 (CFD1) and requested that the City Council adopt the Resolution approving the IGA to continue the City's and District's sharing of the Milwaukie Public Safety Building (PSB). The District Board unanimously approved the agreement for a 10-year term which was renewable. The agreement provided for ongoing maintenance but adjusted the electricity costs to recognize that the Information Systems Technology Department (IST) was housed at PSB and reduced the District's share to 32%. It further addressed long term capital expenses. The IGA was a commitment based on trust and the ongoing relationship between the City and CFC1.

**Chief Charlton** appreciated the City's support and particularly the involvement of Councilors Hedges and Miller. The agreement was built on a 20 year relationship and was a partnership based on trust.

**Councilors Miller** and **Hedges** both expressed appreciation for Chief Charlton, his staff, and the Fire District Board of Directors.

**Councilor Gamba** inquired about phrasing the motion to approve the IGA with the amendment to delete a sub-section. **Mr. Monahan** confirmed the motion was to be amended to delete subsection 2.3.4., and he read the subsection in its entirety into the record that "Clackamas agrees to pay telephone line charges and long distance costs for its use of Milwaukie's telephone system. Clackamas and Milwaukie will negotiate the allocation of costs required to provide the capital upgrades to the telephone service." He then suggested that in the motion Council could just reference the modification as read into the record by the City Manager. He noted that the amendment had been deleted from the draft posted online and that the CFD1 Board of Directors had approved the amendment at its meeting on November 17, 2014.

**It was moved by Councilor Gamba and seconded by Councilor Miller to adopt the Resolution approving an Intergovernmental Agreement with Clackamas Fire District No. 1 to continue sharing of the City of Milwaukie Public Safety Building with the amendment read into the record. Motion passed with the following vote: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION NO. 84-2014:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS FIRE DISTRICT NO. 1 TO CONTINUE SHARING OF THE CITY OF MILWAUKIE PUBLIC SAFETY BUILDING.**

**CONSENT AGENDA**

**It was moved by Council President Hedges and seconded by Councilor Gamba to approve the consent agenda as presented.**

**A. City Council Meeting Minutes:**

1. **October 21, 2014, Work Session;**
2. **October 21, 2014, Regular Session;**
3. **October 23, 2014, Study Session;**
4. **November 4, 2014, Work Session; and**
5. **November 4, 2014, Regular Session.**

**Motion passed with the following vote: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0]**

## AUDIENCE PARTICIPATION

**Mr. Monahan** reported there was no audience participation follow up from the previous City Council meeting.

**Mayor Ferguson** said there were no testimony forms related to audience participation submitted this evening.

## PUBLIC HEARING

### A. Consider an Amendment to the Downtown and Riverfront Land Use Framework Plan to Remove the Planned 21<sup>st</sup> Avenue Extension (File: #CPA-2014-001)

Opening: **Mayor Ferguson** called the public hearing on the legislative Comprehensive Plan Amendment CPA-2014-001 initiated by the City of Milwaukee to order at 7:55 p.m.

Purpose and Procedures: The purpose of the hearing was to consider an Ordinance amending the Downtown and Riverfront Land Use Framework Plan to remove the planned 21<sup>st</sup> Avenue Extension from that document.

This was a legislative decision by the Council and would be based on the following standards: the statewide 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.

**Mayor Ferguson** reviewed the order of business to be followed in conducting the hearing.

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 found on the information table in the hallway.

Conflicts of interest: No member of City Council declared a potential or actual conflict of interest. No member of the audience made any challenges to any Council member's ability to participate in the decision.

Staff presentation: **Mr. Egner** provided the staff report. The proposal would remove a project from the 2000 Downtown and Riverfront Land Use Framework Plan, an ancillary document to the Comprehensive Plan. A new street was proposed to connect the planned 21<sup>st</sup> Avenue Extension that anticipated greater connectivity in the downtown. He addressed the approval criteria and showed a slide of the Fundamental Concepts Map that included this proposed extension. The Planning Commission recommended the City Council approve the amendment; no public comments were received.

Correspondence: There was no additional correspondence on the matter other than those items listed in the packet.

Conduct of the hearing: **Mayor Ferguson** reviewed the conduct of the public testimony portion of the hearing.

Testimony in support: None.

Neutral testimony: None.

Staff response: None.

Questions from Council to staff: **Councilor Churchill** asked if other property owners were notified. **Mr. Egner** replied affected property owners were provided with notice pursuant to Ballot Measure 56 requirements related to possible limitations on previously allowed uses.

It was moved by Council President Hedges and seconded by Councilor Gamba to close the public testimony portion of the hearing. Motion passed with the following vote: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0]

Mayor Ferguson closed the public testimony portion of the hearing at 8:05 p.m.

Decision by Council:

It was moved by Council President Hedges and seconded by Councilor Miller for the first and second readings by title only and adoption of the Ordinance amending the Downtown and Riverfront Land Use Framework Plan to remove the planned 21<sup>st</sup> Avenue Extension (File #CPA-14-01). Motion passed with the following vote: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0]

Mr. Monahan read the Ordinance two times by title only.

Ms. DuVal polled the Council: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0]

**ORDINANCE NO. 2087:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE DOWNTOWN AND RIVERFRONT LAND USE FRAMEWORK PLAN TO REMOVE THE PLANNED 21<sup>ST</sup> AVENUE EXTENSION (FILE #CPA-14-01)**

Mayor Ferguson read the LUBA Appeal information. 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. The written decision will contain an explanation of the appeal rights. Those with questions may call the Planning Department staff.

**OTHER BUSINESS**

**A. Wine:30 Parklet Extension Request**

Mr. Butler provided a brief introduction for background that outlined the basic aspects of the parklet program. He noted the pilot program was suggested by a Main Street business owner other than Mr. Canelos. For a variety of reasons only Wine:30 moved forward with the 2 year pilot program. Mr. Canelos requested to extend the use of the approved Wine:30 parklet through the winter rather than disassembling and removing it at the end of November until April. At the November 4, 2014, work session the City Council felt it needed additional time to solicit and review comments. At City Council's direction, staff researched how other Oregon communities oversaw their parklet programs and talked with other downtown business owners. To accomplish the latter, email notices were sent to about 200 downtown business and property owners inviting them to a public forum on November 13, 2014, as well as soliciting written comments on the proposed extension. The City of the Dalles had a City funded pilot program, but based on maintenance concerns, the parklet was removed. The City of Portland allows the street seats program year round if the permit holders agree to ensure the upkeep and cleanliness of the structure.

Councilor Churchill suggested Mr. Butler read the list of key items of the program that included eligibility, location limitations, parking space stenciling, design documentation, OLCC permits, change of ownership, and the City's right to adjust requirements as situations arose. Councilor Churchill commented on insurance and maintenance requirements.

Councilor Gamba understood the purpose of the pilot program was to determine if the community liked the parklet concept and what regulations would be required if the program continued after the pilot period.

**Councilor Miller** said the original intent of the 2 year pilot program was to test the concept over a period of time and make adjustments prior to determining if the parklet program would be permanent. The intent was to give everyone time to look at all aspects.

**Mr. Butler** said the parklet concept had come from the business community, and it was thought that given the expense of the program, it would be easier for businesses to justify the cost. He reiterated that the City Council had asked staff to reach out to the community, so notice of the forum was sent to 200 downtown businesses. About 30 people attended the forum, numerous people sent email comments within the Monday deadline, and oral and written comments would be accepted at this meeting. He addressed Americans with Disabilities (ADA) accessibility concerns and reported that the Engineering Director and Building Official determined that if Wine:30 provided outdoor seating near the parklet that those with disabilities had equal opportunity for outdoor seating.

**Council President Hedges** asked if the letter originally provided for the November 4, 2014, work session by 15 downtown businesses had been withdrawn. **Mr. Butler** replied that it had not been withdrawn.

**Mr. Canelos** said that although everyone worked well together on the improvement of the downtown community, due to delays, the parklet had not been finished until mid-September. The parklet was more complicated and expensive to design and construct than anticipated mainly because of the crown of the street and making the structure level to address safety concerns. He hoped to save costs associated with taking down and putting it back up in the spring. He felt leaving it up would provide a good opportunity to learn about issues to create a better program. For example, as people had suggested he was no longer stacking the tables and chairs. He had purchased patio heaters and was considering ways to cover the structure.

**Mayor Ferguson** recalled asking Mr. Canelos to return to Council with some research on possible types of patio covers and heaters to extend parklet use, potential uses for other events, and perhaps opening earlier in the day.

**Mr. Canelos** thought a 16' x 16' canvass cover and the patio heaters would create a welcomed respite and add a positive element to the community. It could be used for events like the Umbrella Parade and Tree Lighting coordinated with several food carts to help generate interest in the downtown even during the winter months. He has added days and expanded business hours and was hoping to open for lunches. He discussed the cost of starting a new program and the expense of taking the structure down and putting it back up in the spring.

**Councilor Churchill** thought a canvass cover would be desirable but suggested Mr. Canelos might want to check on the structural support. He understood one idea might be to sell Christmas trees on the parklet.

**Mr. Canelos** was looking into selling trees with the proceeds going to a local nonprofit in the spirit of building community.

**Councilor Miller** asked Mr. Canelos if he had met with the neighboring businesses, and if so what the outcome of those discussions was. They all seemed to oppose the continuation of the parklet.

**Mr. Canelos** understood that discussion was part of the City's outreach strategy through the public forum and solicitation of written comments. He had talked with Chopsticks, and the business was not opposed to the extension. He also contacted the Downtown Milwaukie Business Association, but he did not hear back from anyone.

**Councilor Churchill** asked if Mr. Canelos had read information about other programs in other communities such as San Francisco, Seattle, and Montreal.

**Mr. Canelos** replied that he had read the information. In this case there were unforeseen circumstances with the crown of the street.

Speaking in Support of the Extension

**Jeff Davis**, Ardenwald resident, spoke for a group of people who liked the way things were going including changes in the downtown and light rail. He appreciated the positive improvements and had contributed to Mr. Canelos Kickstarter Project at Wine:30.

**Karin Lambert**, owner of a business in on Harrison Street in Downtown Milwaukie, had never heard of the Downtown Milwaukie Business Association and could not find any information on the organization. She understood that Dark Horse Comics and Chopsticks were both now neutral rather than opposed to the extension. She wished there were a parking problem downtown. Mr. Canelos had taken a big risk with the parklet, and she felt it was a great addition to the downtown. She encouraged the City Council to consider the request and be flexible and supportive of small businesses. She was concerned other businesses would be afraid of taking risks.

**Lenny Bennett**, resident of North Main Village in the Historic Downtown Neighborhood, had assumed the program was enacted so that businesses could participate successfully. The expense of removing the parklet did not make sense to him, and it seemed like the 15 businesses that came out against the extension knew little about the issue. He felt the parklet enhanced the downtown and did not take anything away from the other businesses. He liked seeing innovative development in the downtown.

**Cindy "Cid" Blase**, Island Station resident, was excited about moving to Milwaukie because of the amenities within walking distance. It made sense to allow the pilot program to continue and grant the extension over the winter. It added vibrancy to the downtown.

**George McKee**, Milwaukie resident for 50 years, enjoyed Wine:30 and the opportunity it provided to sit outside and talk with people. He had spoken with 7 Main Street businesses, and none were against the proposed extension. The parklet program was an opportunity to show other communities what can be done. He felt this was a great spot for Milwaukie and encouraged the City Council to approve the extension.

**David Parker**, Ardenwald resident, had lived in Milwaukie for about 30 years and felt that having some new blood in the community was good. The outdoor environment was excellent, and he felt Mr. Canelos' taking the first steps would help make a successful program.

**Bronwyn Lake**, Milwaukie resident, said although she was 17 years old, the parklet meant a lot to her. It was a place where her mother could meet friends, and if lunch were served, she would come over from the high school if minors were allowed.

**Justin Steffan**, downtown business owner, encouraged the City Council not to stifle innovation and to support new businesses. He added that he did not believe there was a shortage of parking.

**William Lewis** was called, but he had left the meeting. He planned to speak in support of the request and wrote, "Yes, this is a good thing for Milwaukie; give it a year before action is taken."

Neutral Comments

**Ray Peck**, owner of Wind Horse Coffee on Main Street, talked about the expense involved with setting up and taking down the parklet over the life of the 2 year pilot. He supported Wine:30's getting some kind of return on time and money invested in program. The parklet gave the community some place to go and added that if he were to do one in front of his business it would be a different configuration since there was parallel parking.

**James Fossen**, Milwaukie resident, said the City Council had the right to make adjustments as situations arose. He thought perhaps the situation could have been predicted or prevented before it became an issue. As a citizen, he was fine with leaving

the parklet over the winter. He observed that if the goal had been to bring unity to downtown businesses and the community, but he was not sure we were there yet.

Speaking in Opposition to the Extension

**Larry Cole**, owner of Acme TV and Video on Monroe Street, spoke representing the Downtown Business Association that was opposed to the extension. The rules had clearly outlined the length of time the parklet could be in place since outdoor seating was impractical in the winter months. To say now that the costs were too great showed a lack for foresight, and he believed it would be to continue. To leave the parklet in place year round would mean the City had donated property and was subsidizing that business. The structure hindered leaf and snow removal, and to use it for Christmas tree sales would violate the rules as the parklet was to be used for seating only. The current parklet is not a downtown enhancement, and it does not meet standards. It was a loss of two valuable parking spaces much needed during the winter months. He believed a City employee had used City resources to schedule a forum that the City Council had not directed.

**Kelli Keehner**, owner of K. Marie adjacent to Wine:30, asked that the structure be removed. The intent of the pilot was to test the concept on a small scale. This was about more than the loss of two parking spaces. The guidelines were established for one business, and everyone was entitled to do business.

**Vickie Cochran**, owner of Curves on Main Street, said there had always been an issue of insufficient parking downtown. She had told her clients that the parklet would go away during the winter months. She asked that Wine:30 adhere to the rules, and reinstall the structure in the spring.

**Laurette McCleskey**, Milwaukie resident, was a patron of Curves and other businesses in the area. Parking was a problem about 5:00 p.m. as well as other times during the day. She was concerned about homeless people and safety when it was dark. She urged that Mr. Cannelos adhere to the agreement and take the parklet down until April. She felt there needed to be a compromise when other businesses were being impacted.

**Dion Shepard**, Milwaukie resident, supported the parklet pilot program and Wine:30 but did not believe it should stay through the winter. It was really a large structure and made the street very narrow, and she thought Mr. Cannelos might take the opportunity to look at the design. There were parking problems at certain times of the day, and she too was concerned about homeless people in the alcoves. She did not believe communication was done well.

**Ms. Lambert** noted there was parking available behind the building.

There were no further comments from the public.

**Councilor Miller** had read the agreement but did not see that the City was an additional insured.

**Mr. Butler** said Mr. Cannelos had contacted his insurance company, and the City would be added in two days.

**Councilor Gamba** asked why the program was seasonal.

**Mr. Butler** replied most people would want to patronize establishments with outdoor seating during summer months. The City of Portland had a year round program, but some businesses opted to take their structures down in the winter.

**Councilor Gamba** asked when it had been envisioned that the parklet would be ready for public use.

**Mr. Butler** responded that when the application was first made the parties thought it would open in June or July, but for a variety of reasons it did not open until mid-September.

**Mayor Ferguson** asked that the Police Department respond to the comments about the homeless in alcoves. He discussed the designated 4 hour customer parking spaces in the permit lot. He was inclined to approve the extension as long as adjustments were made and communication was improved.

**Council President Hedges** patronized the business and contributed to the improvements. He was not sure two parking spaces were that much of an issue and said a seasonal program had been adopted otherwise downtown businesses would have objected. He doubted that the parklet would be used much in the winter months; however, Mr. Canelos has the right to ask that the agreement be changed. There were a substantial number of downtown businesses that did not buy into the change. Without full consent, he did not feel the agreement should be changed.

**Councilor Miller** agreed with Council President Hedges. He did not think this was about a business but about a contract. To him there were still pilot program questions that needed to be answered.

**Councilor Churchill** appreciated the business and the vibrancy it created downtown. Considering everyone's comments, these spaces were being taken out of the parking program. If the intent was to have unity in the downtown then all sides needed to be heard. The agreement clearly stated that the parklet would be taken down in November and put back up in April so the other businesses could have a reprieve during this period. He did not support changing the program at this point; at the end of the two year pilot the City Council could look at making it a permanent program. He was very concerned about ADA access, and although there was seating on the sidewalk, it was like asking the disabled to move to the back of the bus. He supported leaving the program as is and removing the parklet at the end of November.

**Councilor Gamba** thought it was unfortunate that a business owner was encouraged to go out on a financial limb. Although some felt the City was giving away free space, the parklet gave the City free advertising and added vibrancy to Main Street. A pilot program was designed to test different elements and make adjustments in the flow as needed. He was disappointed by the negativity when something new came along. To fully test the program it would be important to find out if the parklet impacted snow and leaf removal and if the downtown actually had a parking problem. He hoped the City Council would be interested in promoting a more vibrant downtown and not make Mr. Canelos spend another \$8,000 to remove and reinstall the structure.

**It was moved by Councilor Gamba and seconded by Mayor Ferguson to amend the pilot program to allow an extension of the parklet time period through the winter months and until November 2015 and to continually be open to modifying the existing pilot program.**

**Councilor Churchill** appreciated the various perspectives, but he felt there needed to be a balanced approach with all businesses heard. He did not think it was appropriate to adjust things midstream to benefit one downtown business. His main concerns were following the intent of the agreement including insurance and having equal access to a platform in a City right of way.

**Council President Hedges** felt the City Council needed to keep its word.

**Councilor Gamba** stated that part of the agreement was that the City had the right to make adjustments, so granting the extension would not be breaking the agreement.

**Motion failed with the following vote: Councilor and Mayor Ferguson voting "aye" and Councilors Miller, Churchill, and Hedges voting "no." [2:3]**

## **B. Council Reports**

There were no reports.

**ADJOURNMENT**

**It was moved by Mayor Ferguson and seconded by Councilor Gamba to adjourn the regular session. Motion passed with the following vote: Councilors Gamba, Miller, Churchill, and Hedges and Mayor Ferguson voting "aye." [5:0]**

**Mayor Ferguson** adjourned the regular session at 10:13 p.m.

Respectfully submitted,

*Pat DuVal*

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Pat DuVal, Recorder

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## MILWAUKIE CITY COUNCIL

Office of the City Recorder  
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# Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

Name: *Jeff Davis*  
Address: [Redacted]

Organization: *Resident*  
Phone: [Redacted]  
Email: [Redacted]

Meeting Date: *11/18/14*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

### Comments:

*Support Wine:30 parklet extension Request*



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Name: *Karin Lambert*

Address:

Meeting Date:

*11/18*

Organization:

Phone:

Email:

Topic to Discuss:

*Parklet w/m:30*

Agenda Item You Wish to Speak to:

- #4 Audience Participation
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You are Speaking...

- in Support
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- from a Neutral Position
- to ask a Question

Comments:



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Name: LENNY BENNETT

Address: [REDACTED]

Organization: Good Roots Community Church

Phone: [REDACTED]

Email: [REDACTED]

Meeting Date: 11-18-14

### Topic to Discuss:

Agenda Item You Wish to Speak to:

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#6 Other Business packet

You are Speaking...

in Support

in Opposition

from a Neutral Position

to ask a Question

Comments:



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Name: *Cindy "Cid" Blase*  
Address: *[Redacted]* *ST*

Organization:

Phone: *[Redacted]*

Email: *[Redacted]*

Meeting Date: *11-18-14*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

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- to ask a Question

Comments:



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Name: GEORGE MCKEE Organization: CITIZEN  
Address: [REDACTED] Phone: [REDACTED]  
Milwaukie, OR 97122 Email: [REDACTED]  
 Meeting Date: 11/18/14

### Topic to Discuss:

Agenda Item You Wish to Speak to:

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- #5 Public Hearing
- #6 Other Business  
PARISH 12

You are Speaking...

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- to ask a Question

Comments:



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Name:  
Address:

*Douglas Parker*  
[Redacted]

Organization:  
Phone:  
Email:

[Redacted]

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

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*6A*

Comments:

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Name: *Bronwyn Lake*

Address: [REDACTED]

Organization:

Phone: [REDACTED]

Email: [REDACTED]

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

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P) 503-786-7502  
F) 503-653-2444  
ocr@milwaukieoregon.gov

## Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

Name: Justin Steffen  
Address: [Redacted] St. #205  
[Redacted] Milwaukie, OR 97122  
☒ Meeting Date: 11/18/14

Organization: Steffen Legal Services, LLC  
Phone: [Redacted]  
Email: [Redacted]

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business  
Wine:30 Parklet

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

### Comments:

Milwaukie should not stifle innovations such as the parklet. The city should be doing everything they can to support new businesses that will bring people to Milwaukie. 2 less parking spots is not an issue. ~~There is~~ There is no shortage of parking.



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Name: *William Lewis*  
Address: [Redacted]

Organization:  
Phone: [Redacted]  
Email: [Redacted]

Meeting Date: *11-18-2014*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

*Partlet*

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

*yes this is a good thing for Milwaukie  
give it a YEAR before action is taken.*



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Name:

Ray Peck

Address:

[Redacted]

Organization:

WIND HORSE Coffee

Phone:

[Redacted]

Email:

☒ Meeting Date:

11-18-14

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

Parklets

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

Wine 30



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Name: James Fossen  
Address: [Redacted]  
Milwaukie, OR

Organization:  
Phone: [Redacted]  
Email: [Redacted]

Meeting Date:

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



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Name:  
Address:

LARRY COVE

Organization:  
Phone:  
Email:

DOWNTOWN BUSINESS  
ASSOCIATION

☒ Meeting Date:

11/18/14

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

PARKLET

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



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Name: *Kelli Keatner*  
Address:

Organization: *K MARIE*  
Phone:  
Email:

☒ Meeting Date: *11/18/2014*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

*PARVET*



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Name: *Dicki Cochran*  
Address: [Redacted]  
*River Dr.*  
☒ Meeting Date:

Organization: *Curves of Milwaukie*  
Phone: [Redacted]  
Email: [Redacted] *et*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition *Wine 30 Parklet Extension*
- from a Neutral Position
- to ask a Question

Comments:



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Name: *Laurette McCleskey*  
Address: [Redacted] *St.*

Organization: [Redacted]  
Phone: [Redacted] *.com*  
Email: [Redacted]

Meeting Date: *11-12-14*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

*Wine 30 Paklet  
Exten.*

Comments:

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question



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Name:  
Address:

*Dion Shepard*

Organization:  
Phone:  
Email:

☒ Meeting Date:

*11/18/14*

### Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



**RS 2. C.**  
**11/18/14**

# **LIGHT RAIL CONSTRUCTION UPDATE**

**November 18, 2014**

# FIRST RAIL WELD

## Portland - November 2012



# LAST RAIL WELD

## Milwaukie – November 2014





# Springwater to Mailwell



# Near Hwy 224



# Downtown Milwaukie



# Kellogg Lake – River Road



# Trolley Trail



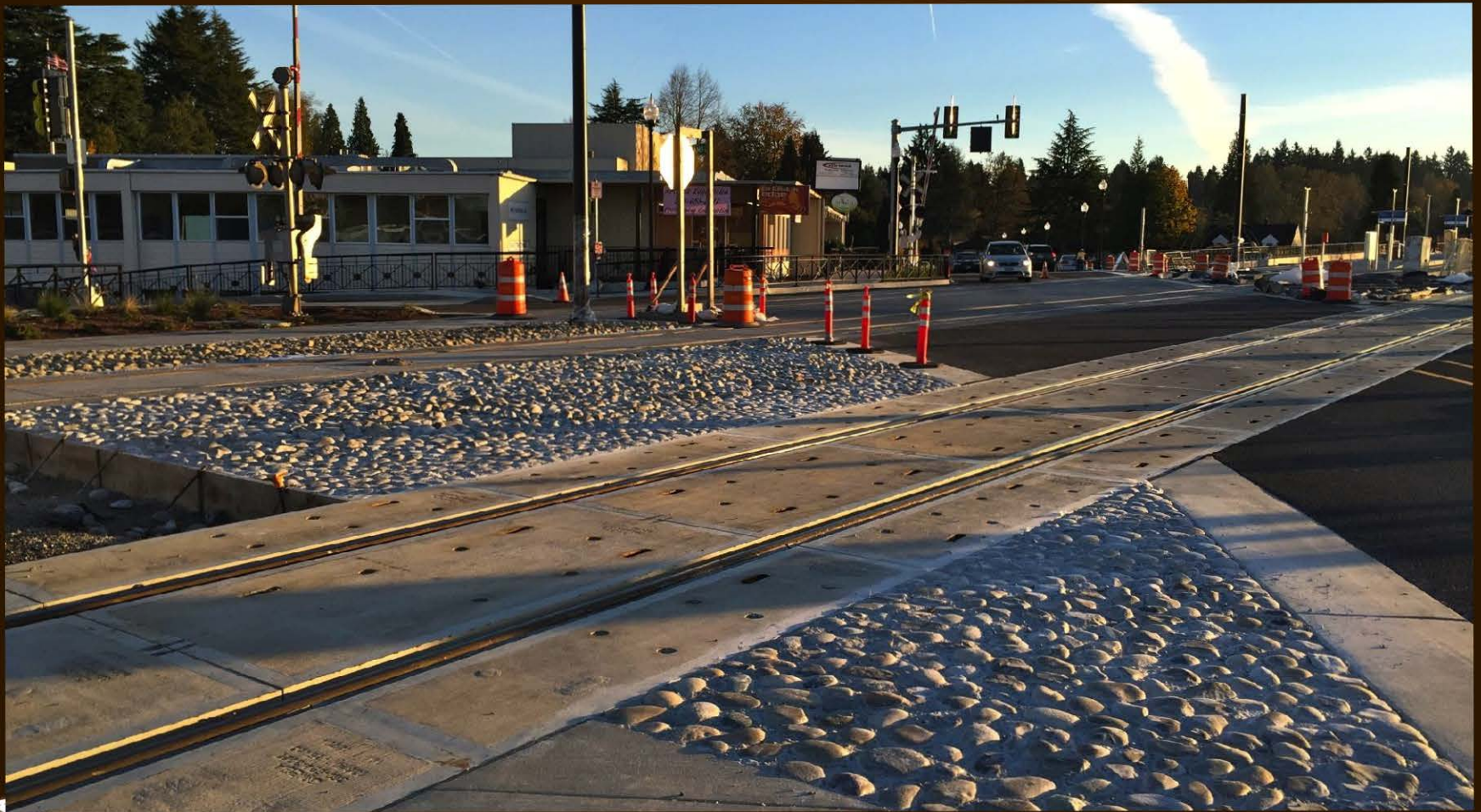
# Park Avenue Station/Garage



# Milwaukie's LRT Station



# Cobblestone at 21<sup>st</sup> & Adams



# Lake Road Construction



# Trolley Trail Opens Dec 1st



# Bear Bench Sculpture



# Animal Totem



# Flow Wheel



# Trolley Trail near Resource Area



# Trolley Trail near Wren



# KELLOGG PED/BIKE BRIDGE



# KELLOGG PED/BIKE BRIDGE

Overall Project Funds: 1.4 million

Funds Spent to Date: 1,044,000

Remaining Funds: \$356,000



# PEDESTRIAN CROSSING SAFETY



# BUS SERVICE CHANGES

Read proposed bus route changes and  
provide feedback at:

<http://trimet.org/alerts/pmlrbuschanges/index.htm>

- A bus service Open House was held Nov 6<sup>th</sup>
- Feedback still requested on-line thru Dec 1st



# 21<sup>st</sup> & Washington Bus Turns



# CONSTRUCTION UPDATES

TriMet provides weekly construction updates on their website. These updates can be found at:

<http://trimet.org/pm/construction/index.htm#clackamas>



# Honoring Fred Nelligan





# PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

*If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.*

# 11/18/14

**Consider an Amendment to the Downtown and Riverfront Land Use Framework Plan to Remove the Planned 21<sup>st</sup> Avenue Extension**

Land Use File No. CPA-2014-001

| NAME                            | ADDRESS | PHONE | EMAIL |
|---------------------------------|---------|-------|-------|
|                                 |         |       |       |
|                                 |         |       |       |
| <b>(no attendees signed-in)</b> |         |       |       |
|                                 |         |       |       |
|                                 |         |       |       |
|                                 |         |       |       |
|                                 |         |       |       |
|                                 |         |       |       |
|                                 |         |       |       |
|                                 |         |       |       |



MILWAUKIE CITY COUNCIL  
**CORRESPONDENCE**

**COVER PAGE**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Council Correspondence Received Regarding the  
Wine:30 Parklet Extension Request**

From: Pat DuVal, City Recorder

Date: November 18, 2014

**The following pages include public comments and correspondence received by the Office of the City Recorder regarding the above noted subject, through Monday November 17, 2014.**

**They are prefaced by City-prepared notes of the proceedings of the Parklet Extension Public Forum held on November 13, 2014.**

## **Parklet Extension Public Forum Notes**

November 13, 2014 4:30 – 5:40 p.m.

City Hall Council Chambers

### Staff Present

Steve Butler, Community Development Director

Denny Egner, Planning Director

Jason Rice, Engineering Director

### Welcome & Purpose of Meeting

**Steve Butler, Community Development Director**, introduced himself and other staff present: Jason Rice, Engineering Director, and Denny Egner, Planning Director. He noted this meeting was intended to provide information on the parklet program in general, to allow for the public to hear about the extension proposal from the owner of Wine30, Jesse Canelos, and to provide another venue for public input and feedback. He said there would also be another opportunity to speak directly to City Council at their regular meeting on Tuesday November 18<sup>th</sup> which starts at 7 p.m.

### Explanation of Extension and Proposal

**Jesse Canelos**, owner of Wine30, provided background with regard to the time involved in getting the parklet installed initially, including clarifying the guidelines and expectations of the program, permitting, fundraising, etc.: it took longer than was expected.

Before it was built, there were public meetings about what would be involved and to allow for feedback from the community. Since it was a pilot program, lessons were learned along the way and wanted to work together on how those lessons could be applied constructively. The parklet was finally constructed by the second week of September and so had only been up for two months. Although the weather had been cooler recently, the parklet was still being used.

There was a lot of expense involved in getting the parklet built in the first place, but with the delay in construction, he was asking for an extension as the program's guidelines (which currently state that it needs to be removed by the end of November). He noted that one of the design guidelines was to be creative. He thought it would be a good idea during the holiday season, starting Thanksgiving weekend, to have a Christmas tree stand with the potential for the proceeds to go to a nonprofit like the Annie Ross House. He felt that the parklet was about community building, giving back, and making downtown a better place. What else could be learned over the winter? He pointed out that there are 12 parklets in Portland that were open all winter long and so there was already a local precedent.

**Mr. Canelos** explained that once all of the requirements for construction of the parklet were identified, including constructing in a way that allowed for break-down, it was intricate and expensive – more extensive than predicted. He noted again that it was a pilot program so lessons that could be learned moving forward could involve changing some of the requirements to lessen the expense, etc.

He referenced emails received regarding furniture storage and he agreed and adjusted accordingly. He commented on parking concerns that came up and reminded the group of the suggestion to change parking on Monroe St from 2 hour to 4 hour parking. He felt that would greatly alleviate some of the

concerns and issues around parking. In addition, he had measured and found that there was room for two additional parking spots when restriping occurred in the spring at no additional cost.

## **Q & A**

**Mr. Butler** opened the meeting up for questions and answers from the audience.

- Q. What would it cost to take the parklet down and to reinstall? And would it still be as stable?
- A. The cost to remove it was \$1,550 and the reinstall would be \$2,500. With regular removal and reinstalling, materials may need to be replaced over time. All would increase the cost over time.
- Q. Why was the pilot program initially set up to have a time frame and require removal?
- A. Originally, it was assumed that there would be a time period where it would be more heavily used, namely the fair weather months.
- Q. If it was removed, would another business have the opportunity to install one next year or would Wine30 get priority?
- A. Under the current pilot program guidelines, there was a maximum number of 12 spaces allowed to be used for parklets in downtown and only one parklet per block. At this point, if another business wanted to install a parklet, it would need to be on another block. Also, parklets were limited to certain types of businesses, i.e. retail, restaurants, and drinking establishments. Council direction for the pilot program was only for designated months and therefore an extension would be required to extend beyond November 30, 2014.
- Q. Was there an example in Portland of a parklet that was put up and taken down, as this program would require? Only year-round parklets were known.
- A. That was not available but would be researched.
- Q. Were there any other businesses that were interested in the parklet program?
- A. There were some technical issues that prevented one particular business from using the program, and other issues like long term leases were a concern in terms of the investment involved for another business.
- Q. What had the impact been of not having those two parking spaces available compared to the impact the parklet had for use by patrons?
- A. That was a matter of opinion, with perspectives on both sides of the issue.
- Q. The cost of putting up and taking down was a big impact on small business when the intent of the program was to liven downtown. Could the cost deter other small businesses from participating? Did the City consider those costs when constructing the program?
- A. The cost could have been a deterrent, but we factually do not know.
- Q. With regard to the suggestion of co-opting or sharing the parklet spaces between businesses, would the City be flexible in the future in terms of types of businesses that were allowed to use the parklets?
- A. It could be considered but that would need to go before Council prior to changes being made. There is currently a special event permit process in place.

- Q. To verify, two additional parking spots were identified by Mr. Cannelos and the City agreed that those were possible and would be added next year?
- A. Yes, and the spots were on Jackson St west of Main St. Jason Rice, City Engineer, concurred with this statement.
- Q. With regard to the requirements to be creative, adjust as situations arise, and for the walls to be 3 ft high – for the winter months, could the parklet be enclosed? How much would that potentially cost?
- A. **Mr. Cannelos** responded that he would be interested in enclosing it, with adequate visibility, and adding heaters, etc., to be able to use it year-round. There were warm days throughout the winter.
- Mr. Butler** noted that once walls start being added, building and fire codes begin to come into play. Council had asked Mr. Cannelos to present his proposal next Tuesday for how the parklet would be altered to allow for use during the winter months.
- Q. How would maintenance be dealt with in terms of leaves and debris collecting under and around the parklet where the street sweeper was unable to clean?
- A. **Mr. Cannelos** reminded of lessons learned, but planned on tending to leaves and debris and would do more if the community wanted that.
- Mr. Rice** added that City maintenance crews leaf blow around parking areas in downtown to allow for the street sweeper to capture that debris during the key winter months.
- Q. Would the proposed awning be up permanently during the winter months, or only up during business hours? Currently, during regular business hours, the parklet sits empty and did not add to downtown ambiance.
- A. **Mr. Cannelos** acknowledged the limited hours of his business but noted that with increased business, his hours have expanded and he was interested in adding lunchtime hours. He noted that the parklet had attracted much more business due to its visibility.
- Q. If the extension was granted, that would be outside of the parameters of the pilot program. Would that affect the decision to grant the extension?
- A. All comments received regarding this extension would factor into the Council's decision for the extension. The narrow question was what the rules would be if the extension was approved. It was important that all information and possibilities were brought to the Council.
- Q. What was the primary concern about the parklet staying up through the winter?
- A. Overall, loss of parking beyond the time period that was allowed and its impact on other businesses. Another concern was compliance with ADA rules. The appearance of it during the winter with regard to stacked chairs, leaf debris accumulation, etc., was also a major concern. Expectation of follow through with the current rules of the pilot program had also been noted.
- Q. Parking seemed to be a major issue downtown. Would it be feasible to put in a couple of 15 minute parking spaces to allow for short trip parking up until 6 p.m., for example? That would alleviate impact on parking for other business and their customers, particularly for those businesses that have more daytime hours.
- A. Parking limits could be looked at but changing parking and hours can get complicated quickly, depending on perspective.

- Q. What were the restrictions of the parking lot behind that building?
- A. It is owned by the building owner and so agreements were between the owner and the tenants, although there were two available parking spots. The parking lot closer to McLoughlin Blvd is owned by the City but had permit parking only during the work week.
- Q. Regarding Mr. Canelos' idea of Christmas tree sales and temporary event permits in the right-of-way, could a permit be approved for that as it was outside of the pilot program? What would be the controls on that?
- A. That would be dependent on the specifics of the proposal in terms of what, when, how, etc.? It could perhaps be permitted through the right-of-way use permit process and/or special events permit process. The City is unlikely to allow retail sales as part of the parklet pilot program.

### Open Discussion / Comments

**Mr. Butler** opened the meeting up to comments. He reminded to send written comments to the City Recorder's office by Monday November 17, 5:00 p.m.

- If the Council had foreseen the financial burden of requiring parklets to be dismantled during the offseason, perhaps they would not have included that in the pilot program. Let the parklet run its course through the winter months and then reassess that rule of the program.
  - **Mr. Canelos** responded that at this point, the parklet had not been up long enough to offset the cost of the installation. He was very amenable to suggestions and adjustments as time went on to apply lessons learned and make it beneficial for everyone. He agreed that if he knew how involved and costly the parklet was, he may not have done it knowing that he had to deconstruct it.
- **Karin Lambert**, business owner in downtown, said she walked around downtown often. Her observations were of the available parking for the block that Wine30 was located on and the businesses around and across the street. She noted the surrounding businesses and their hours of operation. She gave examples of parking counts at different times on different days, all showing that there was ample available parking at any time. There was no problem with parking.
- **Alice Wiltshire** was a longtime resident of Milwaukie and had been shopping in downtown for many years. She noted that until recently, Milwaukie appeared to be dying and was not going anywhere. However, now businesses were moving in and noted that Wine30 was a great addition to downtown. Previously there was no comparable establishment in Milwaukie. She felt Wine30 was the beginning of something beautiful for Milwaukie. The issue of two parking spaces and a pilot program seemed trivial – pilot programs were designed to be changeable. She hoped that the City approved his extension.
- **Ray Peck, Wind Horse Coffee**, had been doing business in downtown Milwaukie for nearly 23 years. He felt that the program was successful and no longer needed to be considered a pilot program. There were more people coming into downtown in the evenings that would not have come before thanks to the parklet. He applauded Mr. Canelos for building it even with the potential for having to take it down. He felt that it was a key part of building the community that citizens wanted to see.
- **Jeff Davis**, noted he participated in the fundraising for the parklet and was pleased and supportive of the positive feedback he had heard. He was disappointed at the City's "you should've known"

attitude toward Mr. Canelos and that the cost of putting the parklet up and taking it down was something that a business owner should be able to bear. The nature of a pilot program was to be changed and adjusted as needed; rigidity was not built into a pilot program. He acknowledged that the original guidelines called for removal, but this discussion and the feedback was showing that that may not be viable.

- **Janelle Centers** reminded that people who live in Oregon were outdoor-minded and don't mind being outside regardless of weather. Mr. Canelos had created something that works and it had helped to make downtown enjoyable. When The Brew was located on the next block, downtown felt unsafe. It felt safe and comfortable now and Wine30 is a treasure in the making for the city. She noted that Mr. Canelos seemed very open to suggestions to improve on concerns and issues.
- **Megan Elston** appreciated Mr. Canelos' desire to bring new ideas to the community and trying to use the space in a creative way. He was open to collaboration and working together, and that was what community was about.
- **Ken Roberts** reiterated that there was no parking crisis on Main St and the maintenance issues were easily addressed and resolved. This business and parklet was an asset to the businesses around it. When people sit on the deck and see the other businesses around, it was exposure for those businesses that otherwise wouldn't have been noticed. It was a symbiotic relationship that helped other businesses.

**Mr. Butler** thanked the audience and offered to be available for further questions in the hallway. He reminded to submit comments by Monday and/or attend the Council meeting next Tuesday.

**Stauffer, Scott**

---

**From:** Sara Vandepas <saravandepas@gmail.com>  
**Sent:** Tuesday, November 11, 2014 6:20 PM  
**To:** Milwaukie OCR  
**Subject:** Wine 30 parklet comment

Hi,

Just wanted to put in my opinion...

As an Historic Milwaukie Neighborhood home owner and small business owner I think it's great that Wine 30 has been able to use those parking spots to have an outdoor patio space. I think it helps the downtown area look vibrant and inviting. I don't ever have trouble parking downtown and like to see folks enjoying the area. I am inclined to dine there more and think of Milwaukie more as a destination to invite folks out with that kind of space available to enjoy.

I'm not sure of the details, if they are leasing with a fee or terms. But as long as it's amicable it seems to be a good situation.

Thanks! Sorry I couldn't attend the forum in person.

Sara Vandepas

[www.saravandepas.com](http://www.saravandepas.com)

541-990-6457

wedding and portrait photography in portland . oregon . usa

**Stauffer, Scott**

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**From:** DuVal, Pat  
**Sent:** Wednesday, November 12, 2014 3:10 PM  
**To:** Stauffer, Scott  
**Subject:** FW: Meaningful Resolution to the Parklet

**From:** chris ortolano [<mailto:cdortolano@gmail.com>]  
**Sent:** Wednesday, November 12, 2014 1:20 PM  
**To:** \_City Council  
**Cc:** Butler, Stephen; Kolas, Vera  
**Subject:** Meaningful Resolution to the Parklet

Dear Councilors and Mayor of Milwaukie,

With light rail due to arrive in less than a year, and Moving Forward Milwaukie preparing to present its finding, the citizens of Milwaukie are seeking leadership to help answer the following questions....

1. What constitutes a vibrant downtown?
2. How much parking is adequate to serve downtown businesses?
3. How can the downtown businesses collaborate to increase visitor frequency?
4. How can the City help attract more small businesses to open in downtown?

With regards to the parklet, I would suggest the pilot was not properly designed, and that no one knew the actual cost of design, building, and deconstructing the Wine: 30 parklet. Although I would have approached this project differently, I commend Mr. Cannelos for making a very good attempt at creating a more friendly and inviting atmosphere for his patrons and pedestrians in the nearby area.

It is my sincere hope that the city would engage the services of a professional mediator to help resolve any differences regarding the parklet between him and the neighboring business owners. Today there are thirty public parking spaces within immediate proximity of the parklet, which leaves over 92% of public parking available if the parklet were to remain over the winter.

I am proud to be a citizen of Milwaukie. support our small businesses, and I am hoping this Council will exercise patience and demonstrate true leadership to find a way to resolve this issue in a way that builds common ground between the downtown business owners, Mr. Cannelos, and patrons who support the parklet.

Thank you for your consideration,

Chris Ortolano  
[\(503\) 353-3000](tel:(503)353-3000)

**Stauffer, Scott**

---

**From:** Jennifer Wolfe <jbwolfe67@yahoo.com>  
**Sent:** Wednesday, November 12, 2014 10:10 PM  
**To:** Milwaukie OCR  
**Subject:** Wine30 Patio-Parking Space Issue

I definitely think the patio should remain. We've been Milwaukie residents for almost three years now and enjoy seeing the downtown area becoming more people friendly. One reason we moved here from Portland was because of the potential we saw here; please let this trend continue!

Jennifer Biggs-Wolfe  
Lloyd Wolfe  
Lake Road Residents

**Stauffer, Scott**

---

**From:** Melanie Bennett <blazermelanie@hotmail.com>  
**Sent:** Thursday, November 13, 2014 10:13 AM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 parklet feedback

Good morning,

I'd like to submit positive feedback regarding the Wine:30 parklet. I think it's a fantastic idea, and a good use of space. I'm puzzled as to what the objections are, but if I had to guess, I'd assume it's losing the two parking spaces. Excluding Farmers Market Sunday mornings, I've never had to park more than a block from my intended destination in downtown Milwaukie, so I don't think losing 2 spaces is a big deal.

I purchased a home near Milwaukie Elementary 3 years ago, and I try to spend as much time (and money!) on Main Street as possible, as a nearby vibrant commercial area was #2 on my criteria list for my new home. Anything that encourages people to be outside--to be visible--helps create the vibrant area that I envision for my adopted hometown. When I drive or walk by the parklet and see people out there, that is what I want for my community--people, life, activity, commerce.

I applaud Wine:30 for doing their part, and being a great little spot to boot. I hope they enjoy continued success, with the parklet as a part of that. They are exactly the type of business that downtown needs, and Milwaukie should be encouraging this local business in any way possible to be successful. Their success is our success.

Thank you,

Melanie Bennett  
Milwaukie, Oregon

**Stauffer, Scott**

---

**From:** laurette.mccleskey@gmail.com  
**Sent:** Thursday, November 13, 2014 11:25 AM  
**To:** Milwaukie OCR  
**Cc:** Jim McCleskey  
**Subject:** Wine 30 deck structure on Main Street

I frequent the businesses on Main Street, most frequently I work out at Curves in the evenings after work. This summer I was surprised when the deck structure was built in the street for the patrons of Wine 30. I had not seen any posted notices in the businesses on Main Street prior to the structure being approved by the City. Parking is limited and I think the initial decision was not made with transparency to all citizens of Milwaukie.

Many more citizens attend other events than the small number of patrons who go to the Wine 30 bar. The bar is closed on Sundays when the Sunday market is held and the parking is limited, two more spaces would serve more Milwaukie citizens than those patrons who stop for a drink during the week.

Now I understand that the owner is petitioning to leave the structure in place through out the winter. That seems very self serving and certainly does not serve the citizens of Milwaukie who come downtown for the Christmas tree lighting and to see the lighted boat parade.

Have you posted any notices in the other businesses on Main Street? I have not seen any, nor have I seen any surveys to ask Milwaukie citizens how they feel about leaving the structure in place. I, as a Long standing citizen of the Milwaukie community as for transparency and for an on line poll for us citizens to share our opinion to the City.

I look forward to seeing more transparency in our city government,

Sincerely,  
Laurette McCleskey  
Sent from my iPad

**Stauffer, Scott**

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**From:** Ken Roberts <ken@krhouses.com>  
**Sent:** Thursday, November 13, 2014 1:19 PM  
**To:** Milwaukie OCR  
**Subject:** Written tesimony for the Wine30 parklet  
**Attachments:** Wine 30 deck.docx

Please include in the council packet for the November 18 meeting.

Thanks,  
Ken

[Ken Roberts](#)  
503-539-2260

Ken Roberts  
13709 SE Laurie Ave. Milwaukie Or. 97222

To: Milwaukie City Council

I am a past member of the Milwaukie River Front Planning Committee, the land use chair of the Ardenwald Neighborhood Association and a member of the 2010/ 2020 Comprehensive planning group.

I, like you, am a big supporter of Downtown Milwaukie. I understand that the vibrancy and future of Downtown depends upon the success of our downtown retailers as well as a balanced retail mix to make downtown a destination. Each successful business is complimentary to the surrounding businesses. It is in everyone's interest to stimulate successful downtown businesses.

I am writing in support of a successful downtown retailer, Wine:30. Wine:30 was approached by the city to participate in a pilot program to build a parklet / deck. They stepped up along with 95 other community members who contributed through Kickstarter to fund this project and their garage door. Due to design review and permits, this project got a late start and has only been operating for 2 months. It has been a huge success and draws people, packing the place looking for that rare outdoor seating

The pilot program calls for dismantling and removing the deck in the winter months starting at the end of November. As pilot projects go, we discover the glitches in the process and refine the program as a result. The "ease of assembly and dismantling" looked good on paper but proved very complex and expensive in reality due primarily to the uneven and sloping roadway. Due to this unforeseen, burdensome expense, the parklet should be allowed to remain through the winter as part of the flexibility of a pilot project, and be evaluated next fall for winter removal. It has not been open long enough to offset the expense of removal.

We have all been aware of certain objections to the parklet in general and to it remaining intact through the winter in particular. These objections are coming from two main sources. The businesses Kmarie and Enchante have objected since the beginning of the concept. In the process they have gathered a group of businesses to rally to their support. Though I respect their right to object, their reasons are unfounded.

They are concerned that this parklet removes two valuable parking spaces and somehow harms their business or customer access to their businesses. This is not accurate. There is ample parking during the hours that they are open with documented open spaces within the block or in an adjacent block. It is also not reasonable that a merchant can expect their customers to park directly in front of their business. As well, two parking spaces do not create critical mass for the entire block.

What they fail to understand is that the success of Wine:30, the traffic that it draws and the existence of the parklet are BENEFICIAL to their businesses. They receive free exposure that they otherwise would not realize. I have personally overheard patrons on the parklet commenting on Kmarie and wondering what it is and also watched as people walked down to Enchante to buy chocolate and return.

Restoring two parking spaces and eliminating the parklet would be counterproductive to all the businesses on this block of SE Main St. So if parking is not really the issue, what is ?

They have also complained of the recent un-kept environment on the parklet due to fallen leaves and visible deck furniture. As in my yard, the leaves had just started falling and would be a bit unrealistic to have it constantly "leaf free". The sidewalks aren't, nor are the surrounding street. Whether it is summer or winter, I am sure Wine:30 will be sensitive to those concerns and keep the parklet tidy. It is a pilot program and we will all learn what the maintenance needs are.

I would also like to address councilor Churchill's comment at the work session on November 4 regarding ADA compliance and accessibility. These plans were approved by the city prior to construction. If there were any ADA concerns, that would have been the time to address them, not after it is built. The sloping roadway prohibits a smooth transition from sidewalk to parklet. The parklet environment is accessible at the sidewalk level. Perhaps adjustments can be made on future projects.

To Re-cap:

1. There is no parking crisis in downtown Milwaukie restricting access to businesses on SE Main St.
2. It is not realistic for a business to expect an empty parking spot right in front of their shop.
3. The parklet draws the community and provides valuable exposure to neighboring businesses.
4. Maintenance issues are easily remedied.
5. Dismantling and reconstruction costs are higher than anticipated due to complex conditions.
6. ADA concerns should have been addressed during design review and approval.
7. This is a Pilot Project and should be flexible to changing conditions.

It is a rare opportunity for Milwaukie downtown to have the vibrant businesses that we have today. I remember when it was not so. These successful businesses are the KEY to attracting other destination businesses that will grow our downtown core. This successful business is an absolute asset to the neighboring businesses and should be appreciated as such. I urge you to use the flexibility that you have in this pilot project to help a business rather than harm it. Otherwise, why have pilot projects?

Ken Roberts

**Stauffer, Scott**

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**From:** DuVal, Pat  
**Sent:** Thursday, November 13, 2014 3:02 PM  
**To:** Stauffer, Scott  
**Subject:** FW: Parklet at Wine 30

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**From:** David Aschenbrenner [<mailto:dlasch@comcast.net>]  
**Sent:** Thursday, November 13, 2014 3:01 PM  
**To:** [ask@wine30bar.com](mailto:ask@wine30bar.com); Butler, Stephen  
**Cc:** Monahan, Bill; DuVal, Pat  
**Subject:** Parklet at Wine 30

Here are my personal comments on the extension of the use of the parklet seating area at Wine 30:

1. We should encourage businesses that want to grow the experience of downtown Milwaukie, not make more roadblocks.
2. This parklet has been a success in downtown.
3. The owners of Wine 30 are committed to the active use of the space and I am sure, have plans for the active use in the winter.
4. The "loss" of two parking spaces does not impact the overall parking in downtown. The only time there is a parking problem is during big events like the Sunday Farmers Market or First Friday.

There for I am in favor of keeping the parklet as is for the winter months and let's see how a full trial period works out.

The only thing that I would ask if for some of the chairs to be left down when the store is not open so that others could use the space to sip coffee or enjoy the day. I do not know if this is possible with insurance or other liability. I also assume the chairs and tables that are left down would be secured to prevent them from "walking away"

I ask the city council to support the request for the extension of the parklet at Wine 30 over the winter.

David Aschenbrenner  
11505 SE Home Ave  
Milwaukie, OR 97222  
[dlasch@comcast.net](mailto:dlasch@comcast.net)  
[linkedin.com/in/davidaschenbrenner/](https://www.linkedin.com/in/davidaschenbrenner/)  
503-804-3837

**Stauffer, Scott**

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**From:** kathylyle4@aol.com  
**Sent:** Saturday, November 08, 2014 4:20 PM  
**To:** Butler, Stephen  
**Subject:** parklet

Steve I am Kathy Lyle Owner of Kathy Lyles Beauty Shop at 2035 SE Washington

I am not for having the extension on Wine 30 at all. Milwaukie does not have enough parking anyway. Maybe I should apply for an extension in front of my salon so my customers can get their hair done & get a sun tan at the same time! We have had the Light Rail crammed down our throat. To me the extension is not an improvement to the city but just where our Mayor & councilman Mark Gamba hang out. I like to go to Wine 30 my self but don't think we need the extension.  
Kathy Lyle 503-652-2001

**From:** bryan trotter <lewellingtrotter@outlook.com>  
**Sent:** Tuesday, November 11, 2014 7:09 AM  
**To:** Butler, Stephen  
**Cc:** Nieman, Mitchell; Wheeler, Grady  
**Subject:** Comment on Downtown Parklet

Good morning Steve,

I am unable to attend the public hearing this Thursday on the Wine:30 parklet concept but wanted to provide my comments.

I support innovative design of our urban space that creates community, aids business and promotes active transportation. This should be a fair and transparent process to all involved. While I do not know all of the history involving the parklet I do support the campaign to continue the demonstration. I don't think the public was well informed about the project and was not given adequate means to provide feedback on this kind of development. I try to frequent our downtown businesses as much as possible and this type of development is very attractive in my view and encourages people to be outside and see what else is around them (including other businesses.) It creates a sense of vibrancy in the City.

I understand the concerns of other businesses and the loss of parking spaces so this should be addressed by developing a fee/permit structure that puts money back into business development / grant funds. There should be code language covering the type of location, use, density, etc of such developments. When permitted, permit fees could be collected that would be available for all adjacent businesses to access for façade improvement grants / advertising/ etc.

I support continuing the Wine:30 parklet demonstration (I would think a total of 1 year would cover all seasons) with a public awareness and feedback campaign (that the NDA's could help share) so an informed and fair decision can be made by council on the future of parklet developments.

Thanks,

Bryan Trotter  
Lewelling NDA Chair

**Stauffer, Scott**

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**From:** kmariecontact@aol.com  
**Sent:** Wednesday, November 12, 2014 1:54 PM  
**To:** Butler, Stephen  
**Subject:** Re: Wine:30 Parklet - Public Forum November 13

Steve,

I hope this email finds you well.

I know that you would like to have a *complete voice heard* regarding the extension of time for the Wine:30 parklet Public Forum. As is so often the case of small business owners, they are "shopkeepers" during the scheduled hours of 4:30-5:30 and cannot lock their doors to attend a public forum, (sort of negates the idea of activity and vibrancy in the downtown area).

I would respectfully ask that you send an email to this "group" letting them know that while they may not be able to attend the forum this week in person, you are providing them with the email link [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) to which they can write and have their voices heard, in addition to their comments that they provided through the Downtown Business Association, that were shared in the meeting on Nov. 4th.

Best,  
Kelli Keehner  
k.marie  
503.688.4352  
[kmariecontact@aol.com](mailto:kmariecontact@aol.com)

-----Original Message-----

From: Butler, Stephen <[ButlerS@milwaukieoregon.gov](mailto:ButlerS@milwaukieoregon.gov)>  
Sent: Fri, Nov 7, 2014 5:11 pm  
Subject: Wine:30 Parklet - Public Forum November 13

Greetings,

You are invited to attend a public forum to discuss Wine:30's request to extend the time period within which its Parklet may remain open.

When: Thursday, November 13, 2014 - 4:30 to 5:30 PM  
Where: 2<sup>nd</sup> Floor Conference Room, Milwaukie City Hall

Jessie Canelos, owner of Wine:30, has requested that the Milwaukie City Council allow continued use of his parklet through the "winter months." The City's 2-year pilot program for parklets only permitted the use of the right-of-way from April through November each year. The program requires that the structures be removed from December through March and then reinstalled. The City Council discussed Mr. Canelos' request at their November 4 meeting, and requested that the City hold a forum for downtown businesses owners, property owners, and interested citizens to gauge community concern regarding the proposal. The City Council is expected to make a decision regarding the parklet extension at their regular Council meeting on November 18, 2014.

For more information, contact Steve Butler, Community Development Director at 503-786-7652 ([butlers@milwaukieoregon.gov](mailto:butlers@milwaukieoregon.gov)) or Vera Kolas, Associate Planner at 503-786-7653 ([koliasv@milwaukieoregon.gov](mailto:koliasv@milwaukieoregon.gov)).



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MILWAUKIE SUSTAINABILITY: Please consider the impact on the environment before printing a paper copy of this message.

**Stauffer, Scott**

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**From:** Bryan Dorr <bryan.dorr@bjdorr.com>  
**Sent:** Thursday, November 13, 2014 10:50 PM  
**To:** Milwaukie OCR  
**Cc:** Butler, Stephen  
**Subject:** Letter to Milwaukie City Council (18 NOV 2014 RS Item 6A - Support)  
**Attachments:** Wine30 Parklet Extension - Nov18 RS Item 6a.pdf

Greetings,

Please find the attached Letter to Milwaukie City Council (18 NOV 2014 RS Item 6A - Support) for comment on Wine:30 parklet extension.

Thank you,

Bryan Dorr

**BRYAN J. DORR**

2755 SE Olsen St.  
Milwaukie, Oregon 97222  
(503) 866-4805 • bryan.dorr@bjdorr.com • www.bjdorr.com

November 13, 2014

Milwaukie City Council  
10722 SE Main St.  
Milwaukie, Oregon 97222

Re: Wine:30 Parklet Extension – Support (18 NOV 2014, RS Agenda Item 6A)

Dear Milwaukie City Council:

I am writing in support to allow Wine:30's owner Mr. Jesse Canellos to leave the parklet deck throughout the winter season. Mr. Canellos has put in massive effort to enlighten downtown Milwaukie for the community. He is the sole participant of the pilot parklet program.

I've read Mr. Canello's parklet application provided in the November 18, 2014 Regular Session E-packet. In the section Site Information, the question "What is the proposed duration of the parklet?" The answer on the form: "Daily as approved from April-Nov. and longer if permission authorized."

I strongly encourage the Milwaukie City Council to authorize Mr. Canellos permission to leave the deck up all winter. The cost to dismantle, transport, store, and re-assemble the parklet deck is a significant financial burden. Dismantling the deck also takes away the opportunity to enjoy outdoor seating on the nicer winter days.

On one note: As read in the "Design Elements" section of the "Parklet Pilot Program" packet on page 5 (in RS54 in E-packet), the term "easily" is a term that is open for interpretation, that can mean one thing to one person, but not to another.

Best regards,

A handwritten signature in black ink that reads "Bryan Dorr" with a long horizontal line extending to the right.

Bryan Dorr

**Stauffer, Scott**

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**From:** DuVal, Pat  
**Sent:** Thursday, November 13, 2014 3:49 PM  
**To:** Stauffer, Scott  
**Subject:** FW: Wine:30 Parklet

Please file for next week's public comment update. Thanks

-----Original Message-----

From: Linda Palandech [<mailto:lpalandech@comcast.net>]  
Sent: Thursday, November 13, 2014 3:43 PM  
To: \_City Council; Butler, Stephen; [jesse@wine30bar.com](mailto:jesse@wine30bar.com)  
Subject: Wine:30 Parklet

I am writing in favor of letting Wine 30 keep the parklet in place during the winter months. This is such an improvement for the downtown of Milwaukie. It is the best thing that has happened in a long long time. I have lived in the city since 1960 and the city has gone through many changes. I have seen nothing but bickering between the council and businesses during those years. This has caused the downtown area to take downturn through all this and there have been no changes until this last 10 years or so. What I want is for the businesses to come together and work at a plan to improve the downtown. NOW it is time to let the businesses upgrade the downtown to bring in additional businesses - especially since light rail will be here in less than a year.

PLEASE, respect Jesse's decision to build this deck. The customers have greatly enjoyed it in this short time it has been in place. Let's give it some time to see how many customers will come out during the winter when it is a nice day and use the deck.

Sincerely,

Linda Palandech

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This email is free from viruses and malware because avast! Antivirus protection is active.  
<http://www.avast.com>

**Stauffer, Scott**

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**From:** spence becker <dontmesswithpdx@gmail.com>  
**Sent:** Thursday, November 13, 2014 3:59 PM  
**To:** Milwaukie OCR  
**Subject:** In support of Wine:30's parklet

To Whom it May Concern-

Wine:30's parklet provides a welcome space to share a glass of wine with friends during the warm summer months. This parklet has the potential to be creatively used during the winter to host any number of interesting small events.

I understand there are complaints that the parklet takes up two parking spaces on this block, however, it's been my observation that there remains ample parking on the block and in the parking lot behind the building. Please don't let the pettiness of a few diminish the enjoyment of many. As a resident of Milwaukie, I voice my approval that the parklet remain available through the winter.

Thank you,  
Spence Becker

**Stauffer, Scott**

---

**From:** DuVal, Pat  
**Sent:** Thursday, November 13, 2014 4:48 PM  
**To:** Stauffer, Scott  
**Subject:** FW: Support for Wine:30 Parklet

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**From:** Melissa [<mailto:melissapdx@hotmail.com>]  
**Sent:** Thursday, November 13, 2014 4:47 PM  
**To:** \_City Council  
**Cc:** Butler, Stephen; [jesse@wine30bar.com](mailto:jesse@wine30bar.com)  
**Subject:** Support for Wine:30 Parklet

I don't know if I'm making it in in time with my comments, but as a citizen of our Milwaukie area I was so happy to see the parklet go in at Wine:30. Our downtown area has come so far since I moved to Milwaukie 8 years ago. Wine:30 is one of the places I go most in downtown Milwaukie, and I'm proud to see the downtown looking more urban, yet retain our great low-key neighborhood feel. I can't imagine the harm caused by taking up 2 parking spaces (at least for this year and seeing how it goes) in comparison to the great feel it gives the street area. I see them in other areas of Portland in much more congested, parking deprived areas. I hope we can have more of this sort of "flexibility" in our town and that the council will support it. As a property owner, I think a revitalized downtown is key to raising property values, creating better schools and neighborhoods as our area is at the corner of great change.

Melissa Thomsen  
12705 SE Nixon Avenue  
Milwaukie, OR 97222

**Stauffer, Scott**

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**From:** Diane Chown <badcatpenny@yahoo.com>  
**Sent:** Thursday, November 13, 2014 5:01 PM  
**To:** Butler, Stephen  
**Subject:** Parklet at Wine30

More power to Jesse at Wine30! He seems to have a vision for downtown Milwaukie. It is time to re-invent Milwaukie.  
Only positive thoughts for his endeavors.

Diane Chown

**Stauffer, Scott**

---

**From:** DuVal, Pat  
**Sent:** Friday, November 14, 2014 7:32 AM  
**To:** Stauffer, Scott  
**Subject:** FW: Wine:30 parklet

**From:** Pamela Denham [<mailto:pamdenham@gmail.com>]  
**Sent:** Thursday, November 13, 2014 5:16 PM  
**To:** \_City Council; Butler, Stephen  
**Cc:** [jesse@wine30bar.com](mailto:jesse@wine30bar.com)  
**Subject:** Wine:30 parklet

Hello,

I am a resident of Milwaukie who shops & eats in our downtown. My husband & I usually walk to town in the evening, rain or shine, to have dinner at least once a week.

We love Wine: 30 and the parklet, it adds life and vibrancy to our downtown; it's even nicer now that they are serving dinner. The complaints about taking up 2 'valuable' parking spots I find curious as the street parking is never full in the evening. In fact, the only spark of life we see at that end of town after 6pm are the welcoming lights, tables and heaters of Wine: 30's parklet.

I realize that initially the parklet idea was for the short term but it has been fairly successful and I would love to see it stay. Sadly no one else has jumped on this opportunity to make a parklet for their business. Jesse has an idea to use the parklet for Christmas tree sales which would bring even more shoppers to our downtown.

I believe all the nearby businesses benefit from the vibrancy and potential patrons that the parklet brings. Please consider keeping the Wine: 30 parklet up all year round.

Sincerely,

Pamela Denham  
Milwaukie, OR

**Stauffer, Scott**

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**From:** Juanita Kemp <punkiekemp@comcast.net>  
**Sent:** Friday, November 14, 2014 2:19 PM  
**To:** Milwaukie OCR  
**Subject:** Fwd: Wine 30 deck structure on Main Street

I frequent the Curves business and do have difficulty finding a parking space. Nothing was posted about this deck structure in front of Wine:30. Please let the citizens have a say on this before action is taken.

Juanita

Begin forwarded message:

**From:** [laurette.mccleskey@gmail.com](mailto:laurette.mccleskey@gmail.com)  
**Date:** November 14, 2014 at 5:44:11 AM PST  
**To:** Pam Lovelace <[pjlovelace47@hotmail.com](mailto:pjlovelace47@hotmail.com)>, "[punkiekemp@comcast.net](mailto:punkiekemp@comcast.net)" <[punkiekemp@comcast.net](mailto:punkiekemp@comcast.net)>  
**Subject:** Fwd: Wine 30 deck structure on Main Street

If you can will you send the attached to the Milwaukie City council today and share with your Milwaukie friends, there is a meeting today but the big one is a week from today.

Sent from my iPad

Begin forwarded message:

**From:** [laurette.mccleskey@gmail.com](mailto:laurette.mccleskey@gmail.com)  
**Date:** November 13, 2014 at 8:05:36 PM PST  
**To:** "[vlcochran@comcast.net](mailto:vlcochran@comcast.net)" <[vlcochran@comcast.net](mailto:vlcochran@comcast.net)>  
**Subject:** Re: Wine 30 deck structure on Main Street

Not at all

Sent from my iPad

On Nov 13, 2014, at 12:39 PM, [vlcochran@comcast.net](mailto:vlcochran@comcast.net) wrote:

Laurette,  
This is a great e-mail. Thank you! I hope you don't mind if I copy it. Vicki

---

**From:** "laurette mccleskey"  
<[laurette.mccleskey@gmail.com](mailto:laurette.mccleskey@gmail.com)>  
**To:** [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov)  
**Cc:** "Jim McCleskey" <[jim.mccleskey@gmail.com](mailto:jim.mccleskey@gmail.com)>  
**Sent:** Thursday, November 13, 2014 11:25:25 AM  
**Subject:** Wine 30 deck structure on Main Street

I frequent the businesses on Main Street, most frequently I work out at Curves in the evenings after work. This summer I was surprised when the deck structure was built in the street for the patrons of Wine 30. I had not seen any posted notices in the businesses on Main Street prior to the structure being approved by the City. Parking is limited and I think the initial decision was not made with transparency to all citizens of Milwaukie.

Many more citizens attend other events than the small number of patrons who go to the Wine 30 bar. The bar is closed on Sundays when the Sunday market is held and the parking is limited, two more spaces would serve more Milwaukie citizens than those patrons who stop for a drink during the week.

Now I understand that the owner is petitioning to leave the structure in place through out the winter. That seems very self serving and certainly does not serve the citizens of Milwaukie who come downtown for the Christmas tree lighting and to see the lighted boat parade.

Have you posted any notices in the other businesses on Main Street? I have not seen any, nor have I seen any surveys to ask Milwaukie citizens how they feel about leaving the structure in place. I, as a Long standing citizen of the Milwaukie community as for transparency and for an on line poll for us citizens to share our opinion to the City.

I look forward to seeing more transparency in our city government,

Sincerely,  
Laurette McCleskey  
Sent from my iPad

----- Forwarded message -----

From: **Mandy Zelinka** <[WeekendsRule@milwaukierules.com](mailto:WeekendsRule@milwaukierules.com)>

Date: Fri, Nov 14, 2014 at 3:09 PM

Subject: RE: Wine Bar 30 Parklet

To: [mandy@mandyzelinka.com](mailto:mandy@mandyzelinka.com)



**RIDE THE ORANGE LINE**

---

Dear City Council, City of Milwaukie employees, and fellow citizens,

I am writing in regards to the controversy surrounding the parklet at Wine 30. I am writing as a Milwaukie citizen, but mostly as a small business owner.

I have worked in Portland's Pearl district for 12 years now behind the chair as a hairstylist, as well as owning a 2,200 square foot salon on NW 11th and Everett. In an industry where most women average \$25,000 a year I was able to quadruple that number during a recession. In an area of town that is notorious for it's terrible parking problem.

I have considered over the years bringing my business to downtown Milwaukie, but I can't. And won't. It is a business where I see at least 10 clients a day, and when I had 17 stylists working for me that equated to roughly 170 clients a day, 850 a week. All buying their Starbucks before their appointment, all heading to the local boutiques after. And if at night, the young clients would head to the local bar afterward.

Jesse has stated that if he doesn't have to put out the money to remove the parklet for the next 5 months, as the pilot program now requires, that he instead can use that

money (\$4,000) to help allow him to bring on more staff and be open longer hours. I understand the pilot program clearly stated the boundaries for operation in the beginning, and I also understand that when Jesse got into the construction it proceeded to go over budget, which has now caused him to ask for this modification. There are a few city council goals that coincide with this possible modification ([http://www.milwaukieoregon.gov/sites/default/files/fileattachments/city\\_council\\_2014\\_goal\\_list\\_categorized\\_com\\_format\\_for\\_web.pdf](http://www.milwaukieoregon.gov/sites/default/files/fileattachments/city_council_2014_goal_list_categorized_com_format_for_web.pdf)):

Support our downtown businesses in their efforts to create a business directed growth plan.

Improve livability in the neighborhoods.

Safety and security around the light rail station.

Because of the lack of a thriving business community I cannot move my successful business to an area that simply won't support it, by the business community and the city council. I am willing to pay a Portland street fee just so that I can do business in an area that can support me. And if I feel this way, most certainly others do as well.

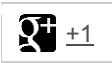
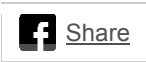
If you offer a product worth it's weight, people will park a few blocks away, and if you can create that as a shopping destination or experience, then people are more likely to hang around and spend more of their time there, more of their money. This is a proven fact, and I don't mention it to speak down to you - but to tell you that I have lived this scenario for over 17 years now in my business. And my business has always thrived.

This city wears people out. Employees, good business owners, volunteers, and good politicians. Please consider helping make Milwaukie a sustainable business community. And please consider encouraging business owners that are doing good and abiding by liquor laws. We saw what happened to the Brew. We have seen the lack of seriousness shown by Casa de Tamales. (And as a bus rider I do appreciate

businesses with integrity being open late at night.) Please take a business owner seriously that finally takes Milwaukie seriously, and help allow Milwaukie's first parklet, and reputable bar owner, to continue to thrive by allowing it to remain where it is at.

Thank-you for your time,  
Mandy Zelinka  
Milwaukie Rules





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Milwaukie, Oregon 97269

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**Stauffer, Scott**

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**From:** DuVal, Pat  
**Sent:** Friday, November 14, 2014 4:01 PM  
**To:** Stauffer, Scott  
**Subject:** FW: Wine:30 parklet in downtown Milwaukie

---

**From:** Charlotte Turner [[mailto:charlotte\\_turner@sbcglobal.net](mailto:charlotte_turner@sbcglobal.net)]

**Sent:** Friday, November 14, 2014 2:59 PM

**To:** \_City Council

**Subject:** Wine:30 parklet in downtown Milwaukie

Hello,

I'm relatively new to the area, bought a home in Milwaukie a year ago, and have a child at one of the Milwaukie Waldorf schools. I moved from a big city and am now enjoying my small community. I can walk to the library, walk with my son to his cello lesson, ride a bike with him to school, and even meet a friend in the evening now out on Wine:30's adorable patio. When I first saw it being built, I thought, "Wow, that's great. I can't wait to go there." There was a buzz going around with local families, talking about how this was exciting because it would create a better atmosphere and add beauty to our downtown.

I was surprised when I recently learned that this patio may have to be taken down for part of the year, and reassembled again after several months.

I'm writing to share my perspective that this little patio is exactly the type of setting that our little down town needs. In my opinion, it should remain standing year round. It adds much of the feel and vibe that the area needs. It will attract better restaurants for sure. If I were a shop or restaurant owner, I would want to open my business in close proximity to exactly this type of setting.

Wine:30's parking lot patio is what we need more of, not less of. Requiring it to be repeatedly taken down and reassembled destines it to only ever being a temporary structure and thus, having a less than optimal influence on our downtown.

Please consider allowing the structure to remain standing year round - for the sake of downtown Milwaukie.

Sincerely,

Charlotte Turner

**Stauffer, Scott**

---

**From:** littledabwilldoya <littledabwilldoya@yahoo.com>  
**Sent:** Saturday, November 15, 2014 7:30 AM  
**To:** Milwaukie OCR  
**Subject:** Wine bar 30 parklet

Jesse, winebar30, and their parklet have only been assets to Milwaukie. I often walk from my Sellwood home to attend Sunday market and visit winebar30.

The owner of Curves should be ashamed of her selfish, ill informed demand that the parklet be removed. First of all, would her clientele not benefit from walking da bit more to enter her "exercise emporium"? And many of her clients stop at winebar30 for refreshments after exercise.

Leave the parklet in place

Dan Negley R.Ph.  
8849 SE 13th Ave  
Portland

[Sent from Yahoo Mail on Android](#)

**Stauffer, Scott**

---

**From:** Inez Seube <inezseube@gmail.com>  
**Sent:** Saturday, November 15, 2014 4:03 AM  
**To:** Milwaukie OCR  
**Subject:** Parklet

I'd just like to say I support keeping the parklet. I think the ambiance and the attraction of the place far outweigh the loss of two parking spots. I live at Park Hamlin apartments and walk through downtown almost every day at different times, and there's always parking spaces available. Keep the charm.

Kirstin Seube

**Stauffer, Scott**

---

**From:** Susan Gmail <thetatteredfaerie@gmail.com>  
**Sent:** Sunday, November 16, 2014 4:45 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 parklet

Hello,

I am one of the Wine:30 patrons who definitely wants the parklet to remain up and functioning through out the winter.  
Sincerely, Milwaukie resident, Susan Lake

Sent from my iPad

**Stauffer, Scott**

---

**From:** satchabrat@comcast.net  
**Sent:** Sunday, November 16, 2014 4:49 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet

City Council Members,

I am strongly urging you to consider a YES vote, allowing Wine 30 to maintain the park-let during the entire test period.

This is a great asset to our downtown community. We want to grow our downtown area to increase revenue for everyone. Having an outside dining/drinking area is essential to increase growth. The park-let is an eye catcher. Currently the trees along our city blocks hide the storefront names very well. Therefore people not familiar with our downtown businesses drive through without realizing what we have to offer. A park-let is one way to grab attention to those driving through. As a resident of Milwaukie, I enjoy being able to stay in my neighborhood for a glass of wine or a bite to eat. Please consider allowing this park-let to stay right where it is.

Regards,  
Sharon House  
4207 SE Aldercrest Rd.

**Stauffer, Scott**

---

**From:** Sandy Olson <sandyolson42@gmail.com>  
**Sent:** Sunday, November 16, 2014 4:52 PM  
**To:** Milwaukie OCR  
**Subject:** Wine 30

Keep the parklet!!

Sandy Olson  
Milwaukie resident

**Stauffer, Scott**

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**From:** Rick S <Rick\_Spncr@yahoo.com>  
**Sent:** Sunday, November 16, 2014 5:00 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 Parklet

Hi Milwaukie City Council,

I just wanted to drop a note to ask 'Please allow Wine:30 to keep the parklet through the winter months' . This has been such a nice addition to downtown Milwaukie, and it adds a sense of activity in the downtown area. Even though this wouldn't be used as much in the winter months, I would hate to see this go away . It has been such a nice addition.

Thank you!

Rick Spencer  
15070 SE 31st Ave  
Milwaukie, OR 97222

**Stauffer, Scott**

---

**From:** mary l tarver <tarver3988@comcast.net>  
**Sent:** Sunday, November 16, 2014 5:11 PM  
**To:** Milwaukie OCR  
**Subject:** Wine 30

Please allow Jesse and Wine 30 to keep the parklet/deck through winter months in fact year round would be the best. I have lived in Milwaukie over 35 years and this adds new life to the downtown area...WE NEED more business owners with the drive and vision Jesse brings to our community. If you want the main street core to ever develop, let this be.....Gosh downtown needs the fresh makeover.

Thank You,

Mary Tarver  
10523 SE Linwood Ave Unit 17  
503-703-2668

**Stauffer, Scott**

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**From:** Jill Olson <ejolson4@hotmail.com>  
**Sent:** Sunday, November 16, 2014 5:20 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 parklet

I am writing to strongly request the parklet at Wine:30 to remain in place through the winter months. Since the end of summer, my group of neighborhood friends have been meeting several times a month at Wine:30 and have thoroughly enjoyed using the parklet for our gathering since the first day it opened. Finally we have a destination to socialize in our own neighborhood! There is such a feeling of pride, community, and obvious potential for a thriving downtown when we have visited Wine:30. Jesse has worked so hard to improve our downtown area from the ghost town it has been before his establishment opened. The parklet is a visual representation of life in Milwaukie and allowing it to remain year round only serves to grow the area into what it has the potential to be, a warm and thriving community for those in surrounding neighborhoods to support and enjoy. For these reasons, I ask that you grant Wine:30's request to leave the parklet in place year round. Thank you.

Sincerely,  
Jill Olson

Sent from my iPhone

**Stauffer, Scott**

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**From:** dlpsoccerpdx . <dlpsoccerpdx@gmail.com>  
**Sent:** Sunday, November 16, 2014 5:31 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 outside space

As a long time Milwaukie resident and firm supporter of the downtown space. I would like to urge that we keep the outside sitting area for Wine:30. It provides a nice local space where we can gather and enjoy the evening.

Please vote YES to keep the Parklet.

--

David Parker  
503/880-3478

**Stauffer, Scott**

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**From:** djcenters@comcast.net  
**Sent:** Sunday, November 16, 2014 5:33 PM  
**To:** Milwaukie OCR  
**Subject:** Yes on the Wine:30 Parklet

City Council Members,

We are in full support of the additional time requested by Wine:30 for the Parklet. Jesse has created a wonderful gem for downtown. He has added to the afternoon and evening ambiance of downtown. Over our 28 years of living in Milwaukie, the past 4 years of development seen in the downtown district has added to our desire to spend our money with local vendors and restaurants. It is exciting to see a rejuvenated interest in our community. Where else can you sit and enjoy friends, while having the ability to view the many businesses along Main St; which then leads to interest in checking them out. We feel the Parklet project, whether winter or other times of the year, draws people to shop and spend at more than just Wine:30. The pilot project is already a success in our eyes. It works and has brought business to all businesses!

Dave & Janelle Centers

**Stauffer, Scott**

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**From:** pamelamaresh <pamelamaresh@hotmail.com>  
**Sent:** Sunday, November 16, 2014 5:33 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet

I support the wine:30 parklet in downtown milwaukie to keep open during the winter !

Pam maresh  
Oak lodge , oregon

Sent from my iPad

**Stauffer, Scott**

---

**From:** Sherry Moore <sherrymoorealtor@gmail.com>  
**Sent:** Sunday, November 16, 2014 5:33 PM  
**To:** Milwaukie OCR  
**Subject:** Wine 30 Parklet

Dear Gentlemen:

I feel very strongly to write to you and let you know, that I feel Wine 30, should be able to leave the Parklet up all year round.

I am an Realtor and when I take my clients to Wine 30, they are very impressed with the Parklet. It is very classy to have in downtown Milwaukie, along with the light rail. Milwaukie is coming into it's own and Jesse has done an amazing job putting Downtown Milwaukie on the map. He has creative ideas and I know he works very hard, making sure we want to come back, and we do! The Parklet is great and I feel it should be up all year.

Can't wait to see it decorated for the Holidays! I'll be strolling down the street shopping, eating and hopefully, at the end, I can stop at the Parklet and have a wine cider. Oh, it would be so much fun to see all of the Holiday lights, visit with friends in the brisk air on the Parklet.

Warmest Regards,

***Sherry Moore***, Principal Broker

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**Harcourts**

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12550 SE 93rd Ave., Suite 340  
Clackamas, OR 97015  
Office: 503.344.4554  
Direct: 503.515.1409 **Text Friendly!**  
LICENSED IN OREGON

**Stauffer, Scott**

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**From:** Chris Sherier <chrissherier@yahoo.com>  
**Sent:** Sunday, November 16, 2014 5:47 PM  
**To:** Milwaukie OCR  
**Subject:** Outside seating @ Wine:30

I am writing to ask you to please allow the parklet at Wine:30 to stay during the winter months. My friends and I enjoyed the deck just a week ago on a late November afternoon. It was magical! Wine:30 has become one of our new, favorite places since the add on of the garage door and parklet. It is a unique and wonderful addition to the Milwaukie neighborhood.

Thank you for your consideration.  
Chris Sherier

**Stauffer, Scott**

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**From:** Shalena Havens, LAc <shalena.havens@gmail.com>  
**Sent:** Sunday, November 16, 2014 6:01 PM  
**To:** Milwaukie OCR  
**Subject:** Wine 30 Parklet

Hello,

I think that Jesse should be allowed to keep his parklet space thru the winter and be continued thru next year. I feel that more businesses should be allowed as well.

I have been involved with the Milwaukie community since 2002, with my husband working at one of the schools in the downtown area. I have seen much growth and development in Historic Milwaukie in that time.

I made the choice to run my Acupuncture clinic here in 2010 vs. Portland because of this community connection. I have seen the struggle with development and growing, changing to a more pedestrian, commuting and business friendly town. I see the impact of Sellwood migrating south and am liking it.

I love leaving work at 8p and seeing people walking around enjoying dinner and walking down the streets. Too many years I would be leaving and have seen limited people in the area. I feel that the loss of a few parking spaces is a great sacrifice for my patients that they may see a bustling atmosphere to experience.

I feel that letting Jesse hold space thru winter and then continuing this project to expand to a few more businesses is a great boon for the downtown atmosphere.

Thank you,

Shalena Havens, LAc

Havens Acupuncture  
2025 se Jefferson St, 106 Milwaukie OR 97222  
(503) 886.9708

**Stauffer, Scott**

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**From:** Amy Thomas <amythomas102@gmail.com>  
**Sent:** Sunday, November 16, 2014 6:12 PM  
**To:** Milwaukie OCR  
**Subject:** Support for Parklet at Wine:30

Greetings:

The owner of Wine:30 has created a classy and comfortable space where increasing numbers of locals happily escape the bustle of Portland and McLoughlin Blvd, and I'm one who considers Wine:30 a home similar to "Cheers." The parklet has added the capacity to sit in the sunshine on a beautiful day, instead of heading to another location.

Wine:30 and its parklet on Main Street draw me to downtown Milwaukie in a way that no other business has accomplished. It's a central and safe place where my female friends -- former Portland Waldorf School parents who cherish Milwaukie -- still meet, even though only a couple of us still live in the area. One of the draws is that we have never had trouble parking (like we used to experience in the Pearl).

With the winter months coming, I fear that Wine:30 and the charming shops on Main Street and 21st will fade to black. Year round parklets in downtown Milwaukie make sense, not only as a regular visual reminder of these local establishments, but as a continual draw of customers. I hope you support this opportunity, as I do.

Amy Thomas  
15018 SE Linden Ln  
Milwaukie, OR 97267  
503-258-7555  
[amythomas102@gmail.com](mailto:amythomas102@gmail.com)

**Stauffer, Scott**

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**From:** Patti Parker <pjparkerpdx@yahoo.com>  
**Sent:** Sunday, November 16, 2014 6:16 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet at Wine:30

I would like to voice my support of keeping the Parklet through the winter months! All Milwaukie residents and local vendors should be supportive of this inventive and welcome endeavor to make downtown an inviting place to socialize and support our local businesses.

Thank you.

Patti Parker

**Stauffer, Scott**

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**From:** Geri Burkhart <artistinportland@gmail.com>  
**Sent:** Sunday, November 16, 2014 6:45 PM  
**To:** Milwaukie OCR

I would like to voice my opinion and have the Parklet all year. Anything to get more people into downtown Milwaukie, I am all for. It sure would be nice to have an upscale restaurant there also.

Geri Burkhart  
15725 SE Hanwood Lane Milwaukie 97267

**Stauffer, Scott**

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**From:** Jane's Hotmail <janesilje@hotmail.com>  
**Sent:** Sunday, November 16, 2014 6:47 PM  
**To:** Milwaukie OCR  
**Subject:** Wine 30 parklet

Please let Wine 30 keep their Parklet open. Doing this would ultimately benefit downtown Milwaukie.

Jane Siljstrom

**Stauffer, Scott**

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**From:** Kimberly Yannariello <kyannariello@gmail.com>  
**Sent:** Sunday, November 16, 2014 6:47 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet

I would like to vote to have the Parklet remain during the winter months. I believe this brings added value to Wine 30 who has helped rejuvenate our downtown.

Kimberly Yannariello

**Stauffer, Scott**

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**From:** Ruth Page <ruthepage@gmail.com>  
**Sent:** Sunday, November 16, 2014 7:14 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet for Wine30

Please vote YES to allow for the parklet to remain open through the winter.  
You should be supporting small business like Wine30 in Milwaukie as I do.

Sincerely,  
Ruth E Page

**Stauffer, Scott**

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**From:** Dick Yarrington <dickyarrington@yahoo.com>  
**Sent:** Sunday, November 16, 2014 7:50 PM  
**To:** Milwaukie OCR  
**Subject:** Milwaukie Parklet issue.

I am in support of the parklet. The energy and enthusiasm generated by business innovations like the parklet is self-evident. Wine 30's use of the parklet as a draw, coupled with menu innovations and social media marketing seem to have increased business at the establishment.

Ironically, surrounding businesses who are opposed are actually benefitting from the success of innovators such as Wine 30. I have patronized some of these businesses merely because of their proximity to Wine 30. I'll certainly avoid some of them now based on the short-sighted and mean spirited attacks on this issue. I hope the council has the wisdom to filter out these, however vocal, short sighted, non innovators.

Dick

**Stauffer, Scott**

---

**From:** kll@kllre.com  
**Sent:** Sunday, November 16, 2014 7:58 PM  
**To:** Milwaukie OCR  
**Cc:** David Lambert; kll@kllre.com  
**Subject:** Letter to Milwaukie City Council concerning the Wine:30 parklet.  
**Attachments:** 11.5 210pm 6S.jpg; 11.5 335pm 7S.jpg; 11.6 4pm 11S.jpg; 11.6 215pm 8S.jpg; 11.6 1150am 16S.jpg; 11.7 1pm 18S.jpg; 11.7 215pm 15S.JPG; 11.7 1030am 11S.jpg; 11.10 11am 11S.JPG; 11.10 137pm 13S.JPG; 11.10 247pm 14S.JPG; 11.11 310pm 5S.jpg; 11.11 310pm.jpg; 11.11 1237pm 15S.jpg; 11.11 open parking.jpg; 11.11garbage cans in 2S.jpg; 11.12 2pm 15S.JPG; 11.12 1220pm 8S.jpeg

Letter to Milwaukie City Council concerning the Wine:30 park-let.

The following observations are of the parking spaces on the one block of main St. ONLY the parking spots on the west and east sides of Main st. between Monroe and Jackson (see square on aerial map.) NOT on Monroe st. or Jackson st. themselves.

My Husband David and I live less than 2 blocks from Wine:30, we have owned our property and run a business out of it since 2006-07 we have lived here since appx 2010.

We do not agree that there is a lack of parking on this section of Main st. here are our observations: (see included text & pictures.)

11/5/14 2:10pm 6 spots available  
3:35pm 7spots available

11/6/14 11:50am 16 spots available  
2:15pm 8 spots available  
4:00pm 11 spots available

11/7/14 10:30am 11 spots available  
1:00pm 18 spots available  
2:15pm 15spots available

11/10/14 11:00am 11 spots available  
1:37pm 13 spots available  
2:47pm 14 spots available

11/11/14 12:37pm 15 spots available  
3:10pm 5spots available

11/12/14 12:20pm 8 spots available  
2:00pm 15 spots available

When I worked out at Curves for several months I never had to park more than directly across the street this was typically in the mornings 8-9am.

There are many more than 20 spots available directly behind these businesses available without a permit before 8am (curves opens at 6) and after 5pm.

There are also spots available at all hours directly behind most of these businesses. (See picture) that are rarely used.

There are two parking spots directly behind chopsticks being used to store large garbage cans in them. (see picture)

Hours of businesses on this block as posted on the business or the Internet.

K-Marie 11am-5:30pm thurs and fri. 11am-4pm sat. 11am-3pm sun.

Curves 6am-1pm & 3pm-7pm mon-fri. 8am-11am sat.

Enchante 11am-5:30pm tue-fri. 11am-4pm sat.

Keybank 9am-5pm mon-thur. 9am-6pm fri.

Chopsticks 10:30am-10pm thur- tue. 12pm-10pm wed.

Wine:30 4pm-9pm tue-thu. 4pm-10pm fri-sat. Sun 2pm-7pm.

I plan on attending the meeting this Tuesday.

Please Confirm Receipt of this email

Thank You

**Karin Linn Lambert**  
**17 years experience**  
**Real Estate Principal Broker**  
**w/Amerivest Realty of Portland**  
**Cell: 503-516-5133**  
**O: 503-658-2030**  
**[www.KLLRE.com](http://www.KLLRE.com)**

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15707 SE Happy Valley Twn Ctr Dr  
Happy Valley, OR 97086

2014-11-16 Email From David and Karin Lambert: Photo Attachments



2014-11-16 Email From David and Karin Lambert: Photo Attachments



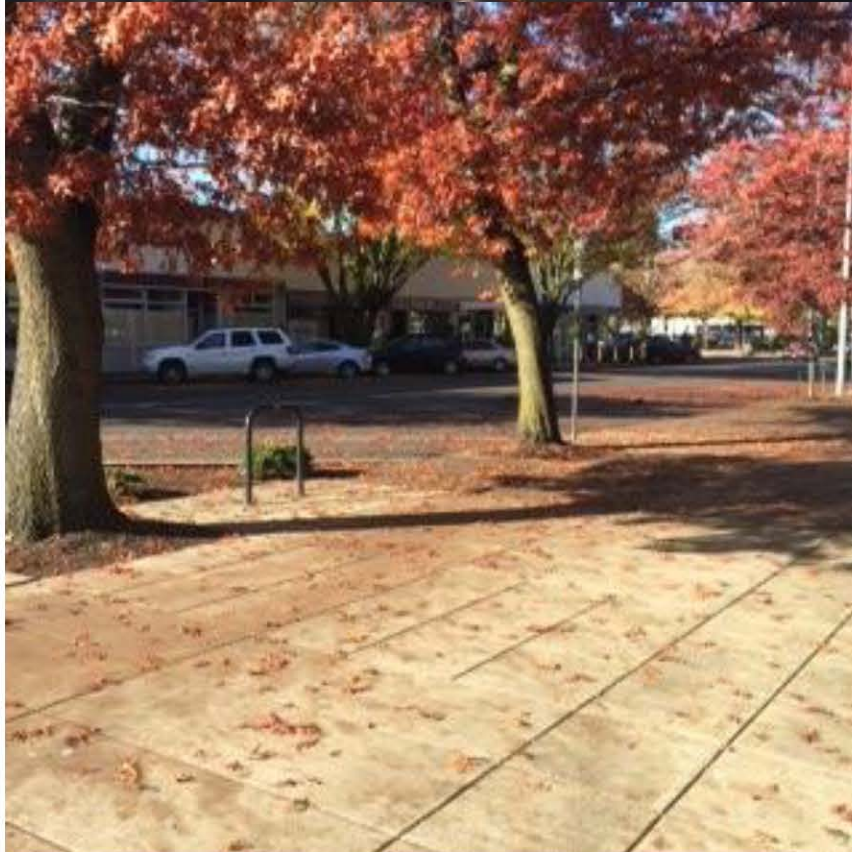
2014-11-16 Email From David and Karin Lambert: Photo Attachments



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2014-11-16 Email From David and Karin Lambert: Photo Attachments



**Stauffer, Scott**

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**From:** Deanna Reed <deannaarabella@gmail.com>  
**Sent:** Sunday, November 16, 2014 7:58 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 outside seating

To whom it may concern,

I am a resident of Milwaukie for the past 10 years and for the first time I am starting to feel a shift in the atmosphere and vibrancy of our downtown. I feel a large portion of that is due to the success of our farmers market and small business having a visible appealing store front that draws you in. The outside seating in front of wine:30 is the best outside seating in the entire downtown Milwaukie area. Allowing this well constructed parklet to stand for the duration of the winter months in its first season seems to me to be a fair request to keep the momentum going. I don't see this deck as an eye sore but a reminder of the sunny weather of the past and the warmth of what is next to come. Hoping for more progressive Milwaukie owners and open minded residents.

Best,  
Deanna Reed

Sent from space cruiser

**Stauffer, Scott**

---

**From:** Laura Skaggs <laurahlubek@yahoo.com>  
**Sent:** Sunday, November 16, 2014 8:00 PM  
**To:** Milwaukie OCR  
**Subject:** The parklet

When I moved to Milwaukie almost 10 years ago, the downtown area looked dead, and was a little bit laughable (and I grew up in quite a small town). It has grown quite a bit in these last 10 years, as new businesses have breathed life in to the area. Jesse and Wine:30 are great for downtown. It is exciting that he tried out the parklet idea. Something new, something to encourage downtown Milwaukie to be a place to hang out, right where we live. It takes up 2 parking spots. Let me say that again, IT TAKES UP 2 PARKING SPOTS. I would hate to see this idea smashed just because people are complaining that it takes up 2 parking spots. Seriously.

Laura Skaggs

Sent from my iPhone

**Stauffer, Scott**

---

**From:** kjchris88@aol.com  
**Sent:** Sunday, November 16, 2014 8:29 PM  
**To:** Milwaukie OCR  
**Subject:** Wine 30 Parklet

I have been a citizen of Milwaukie since the age of 8 years old. I have never seen the downtown Milwaukie area look and function as nice as it has been the last two years. Most of that is due to the businesses creating the community feeling they work very hard to do. Wine30 and the Parklet is what it is all about-community and a gathering place for us to meet and enjoy our time together. I always look to Wine30 as a gathering spot for friends and family when they are in town. Allowing the Parklet to remain outside of Wine30 is a classic example of allowing the community to gather and befriend others. I look forward to allowing the Parklet to stay in place and bring our community even closer together. Thank you Jesse for all that you have done and continue to do for Milwaukie!

Jeanette Christopher

**Stauffer, Scott**

---

**From:** Sarah Bagley <sarahliz06@gmail.com>  
**Sent:** Sunday, November 16, 2014 8:49 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30's parklet

Hello,

I want to add my voice to this subject.

I stand in full support of Kim at Enchante's stance that the rules for the Pilot Project should be followed. In the winter time, Milwaukie needs all the parking places it can get.

I just think it's sad that Wine:30 doesn't understand the need to follow the outline of what was agreed to in the first place.

Make Wine:30 dismantle the parklet for the winter, and that's just my opinion as a life-long Milwaukie resident who works and shops in Milwaukie.

Thanks for taking the time to read this.

Sarah Bagley

**Stauffer, Scott**

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**From:** quaziblue@gmail.com on behalf of Kory McDow <korymcdow@gmail.com>  
**Sent:** Sunday, November 16, 2014 9:13 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 Parklet all year long

Hi,

My name is Kory McDow and, as a frequent visitor to Wine:30, I want the parklet to stay up all year round. Below are a couple of the reasons why:

1. There are several similar structures that stay up all year round. It allows for for visitors to visit Wine:30 and several of the neighboring shops. Whenever my daughter and I are in the area, we visit the chocolate shop and get a vanilla kid's steamer.
2. It would be expensive to breakdown and rebuild. I, along with several members of my family and friends contributed to the building of this structure. Tearing it down when it is not necessary is an affront to those of us who use the parklet regularly and enjoying having a glass of wine before walking down the street to get coffee, thai food, or visit the bank to get more money to spend in the downtown area.

Please allow this to stay open all year round.

Thank you,  
Kory McDow

**Stauffer, Scott**

---

**From:** Carly Brauer <carlywells@yahoo.com>  
**Sent:** Sunday, November 16, 2014 9:56 PM  
**To:** Milwaukie OCR  
**Cc:** Wine:30 Milwaukie  
**Subject:** Wine 30 Parklet

I wanted to be sure the council heard my voice about keeping the Parklet installed throughout the year in front of Wine 30. I support keeping this up, it attracts people to our adorable downtown, and would be costly to tear down and rebuild. The space is usable and for whatever it is worth, I am in favor of keeping it up.

Thank you,  
Carly Brauer

Sent from my Sprint phone

**Stauffer, Scott**

---

**From:** Ferguson, Jeremy  
**Sent:** Sunday, November 16, 2014 10:51 PM  
**To:** Milwaukie OCR  
**Subject:** Fwd: I oppose allowing the Wine:30 Parklet to stay up over the winter

Begin forwarded message:

**From:** Leslie Schockner <[leslieschockner@gmail.com](mailto:leslieschockner@gmail.com)>  
**Date:** November 16, 2014 at 10:37:39 PM PST  
**To:** "Ferguson, Jeremy" <[fergusonj@ci.milwaukie.or.us](mailto:fergusonj@ci.milwaukie.or.us)>, Scott Churchill <[churchills@ci.milwaukie.or.us](mailto:churchills@ci.milwaukie.or.us)>, Mike Miller <[millerm@ci.milwaukie.or.us](mailto:millerm@ci.milwaukie.or.us)>, Dave Hedges <[hedgesd@ci.milwaukie.or.us](mailto:hedgesd@ci.milwaukie.or.us)>, Mark Gamba <[gambam@ci.milwaukie.or.us](mailto:gambam@ci.milwaukie.or.us)>, "Monahan, Bill" <[MonahanB@ci.milwaukie.or.us](mailto:MonahanB@ci.milwaukie.or.us)>  
**Subject: I oppose allowing the Wine:30 Parklet to stay up over the winter**

I am a Curves member and so have observed the building and use of the platform in front of Wine:30. I have been to Wine:30 and am generally in favor of activities that bring people into the downtown area. However, it is my understanding that this test policy was quite clear in requiring that the structure be removed over the winter months. The owner accepted that, and now wants to be allowed to have the structure remain, even though it will not be used during the winter months because of the weather. What good are rules if the first time they are applied they are flouted?

I understand the owner is making a "hardship" case that it is too expensive for him to disassemble the structure. That's really his problem as he is the one who had it designed and built, and could have made sure it would be easily deconstructed. Allowing it to stay means that public space is gifted to the business in effect without any public benefit, because the supposed public benefit of bringing people downtown will not be occurring during the winter months. And at the same time there are elderly women who come to Curves every day who should be able to park as close to it as possible in the inclement weather we have in the winter months.

I ask that the council deny this request.

--

"It Takes a Choir To Raise a Song" - Everyone Welcome Community Choir, Anne Weiss, Director  
Extraordinaire ([www.anneweiss.com](http://www.anneweiss.com))

Leslie Schockner  
Milwaukie, OR  
503/659-1371  
[leslieschockner@gmail.com](mailto:leslieschockner@gmail.com)

**Stauffer, Scott**

---

**From:** Ruth Krening <kreningr@gmail.com>  
**Sent:** Monday, November 17, 2014 6:14 AM  
**To:** Milwaukie OCR  
**Subject:** Wine 30 parklet

I do support leaving this in place. This business overall has done much for downtown Milwaukie and I would love to see that supported and to continue.....

Sent from my iPad

**Stauffer, Scott**

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**From:** Heather Hobson <hheather@wcpsolutions.com>  
**Sent:** Monday, November 17, 2014 6:42 AM  
**To:** Milwaukie OCR; Ferguson, Jeremy  
**Cc:** Heather Hobson; Monahan, Bill  
**Subject:** Wine 30 Deck

Greetings City Council and Mayor Ferguson,

I am writing to voice my opinion regarding the removal of the Wine 30 deck and to ask council to consider keeping the deck.

Over my 20 years residence in Milwaukie I have seen several small businesses open and close, it is encouraging when I see a business owner surpass the crucial two year mark. Wine 30 has shown us the ability to sustain in our growing community by providing an establishment where a variety of community members are able to gather; Jesse is building a community comradeship. Jesse as well, through his business, has been generous supporting several community based fundraiser.

Wine 30 adds a sophisticated vibrancy to our downtown, a place to gather outdoors during first Fridays, farmers markets, and simply in the evening where you are able to sit, enjoy, and view the great changes revitalizing our downtown. I was working the Rotary booth selling wreaths at the last first Friday where two friends meet me, one from Beaverton and one from Tigard, as we were walking downtown both commented 'I had know idea Milwaukie was such a hopping place!' We enjoyed a glass of spirits on the deck at Wine 30 then proceeded to dinner at Cha Cha Cha's finally purchasing a dessert treat at Enchante. I was extremely proud to show off my community that evening.

I believe one of the concerns with Wine 30 is parking; I have the luxury of frequenting Enchante, K-Marie, and other businesses downtown during their open business days/hours. I have never worried about parking, there are several options within a block radius.

I feel that the City Council should do all that they can to support and encourage small businesses in Milwaukie, I hope that you will consider my comments and vote to keep the deck in place.

In closing, I appreciate you're reviewing my comments and I appreciate your service to our community.

Respectfully,  
Heather Hobson, Citizen of Mikwaukie  
503.201.2922

Heather Hobson,  
Sent from my iPad

\*\*\*\*\*  
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**Stauffer, Scott**

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**From:** Bjeiswerth <bjeiswerth@gmail.com>  
**Sent:** Monday, November 17, 2014 7:07 AM  
**To:** Milwaukie OCR  
**Subject:** Park let

Hi

I would like to support Jesse on leaving parklet for use all year round.

So I vote yes for it to stay,

Thank you,

Barbara Eiswerth

Sent from my iPad

**Stauffer, Scott**

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**From:** Jeff & Chris Davis <hosts@davisgraveyard.com>  
**Sent:** Monday, November 17, 2014 7:31 AM  
**To:** Milwaukie OCR  
**Subject:** Support for Wine:30 Parklet staying up year round.

I would like to voice my support of the Parklet in front of Wine:30 in downtown to stay up the entire year. I believe the parklet adds to the growing uniqueness of downtown and is yet one more new improvement in our downtown business landscape that is attracting more and more people to downtown as a destination.

After Jesse discovered the yearly cost involved of taking down and setting up the Parklet (even though it was designed to do so) which no one could have estimated and the short amount of time that it has been up along with the fact that he is the only business that has participated in the pilot program it just seems to make more sense to amend the program to make this a year round feature for downtown.

The arguments against the Parklet staying up the entire year, Parking, maintenance and appearance, and “because the pilot program says so” are not good enough reasons to remove what has become a unique addition to our downtown area and something that adds an intangible element that is much more invaluable to the community as a whole.

Jeff Davis  
25 year Resident of Milwaukie  
Wine:30 Customer since it was established  
Contributor to the Wine:30 Kickstarter campaign

**Stauffer, Scott**

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**From:** Debra Melnychenko <melnychd@gmail.com>  
**Sent:** Monday, November 17, 2014 7:42 AM  
**To:** Milwaukie OCR  
**Subject:** Please allow Wine30 to keep the Parklet deck

To whom it may concern,  
Please allow Wine30 to keep the Parklet deck. It will encourage business for everyone in the area. It is a good thing.

--

Debra Melnychenko

**Stauffer, Scott**

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**From:** Nick Hendrickson <nehendrin@gmail.com>  
**Sent:** Monday, November 17, 2014 7:45 AM  
**To:** Milwaukie OCR  
**Subject:** Parklet / Deck in front of Wine30

To the Milwaukie City Council:

My wife and I would like to encourage the Council to keep the deck in front of Wine30 available all year long. Since the opening of the deck my wife and I have come to downtown much more frequently than in the past. It is a pleasant place to sit, have a glass of wine or snack and watch people. On the week end dropping by after farmers' market was always a treat. Even now when there is a chill in the air (OK not when it is in the teens) it is fun to bundle up and sit outside and enjoy the crisp weather, wander the shops before or after and talk with neighbors, friends, and friends to be.

Does it take up a few parking spaces? Absolutely. Does it impact parking availability? Not that we have seen. There have always been adequate places to park. I would think that having the deck would entice more shoppers and visitors to the area.

Thanks for listening,

Nick & Pam Hendrickson

--

[nehendrin@gmail.com](mailto:nehendrin@gmail.com)

**Stauffer, Scott**

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**From:** kellie <kellie@equitygroup.com>  
**Sent:** Monday, November 17, 2014 7:47 AM  
**To:** Milwaukie OCR  
**Subject:** Park let on Main St

Hi,

I vote that the park let remain year round. It's a great attraction that makes people notice, slow down and stop. Even if no one is sitting there.

Best,  
Kellie Jenkins  
RE/MAX equity group  
503.784.3535  
7886 SE 13th Ave  
Portland, OR 97202  
Licensed in Oregon

**Stauffer, Scott**

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**From:** Judy Ferguson <judy97056@hotmail.com>  
**Sent:** Monday, November 17, 2014 8:00 AM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 deck structure

This structure was to be a temporary structure for the warmer months. Now the owner is not planning to remove it for the winter months. It takes valuable parking spaces for other businesses on this block. Curves members could use those spaces daily, especially during the Oregon inclement weather. Wine:30 is only open evenings yet commandeers these parking spots all day, every day.

Please consider requiring them to remove this structure as was originally planned and agreed upon.

~ Judy Ferguson  
Curves member and Milwaukie resident

**Stauffer, Scott**

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**From:** Rachelle Hobson <rachelle.hobson@gmail.com>  
**Sent:** Monday, November 17, 2014 8:31 AM  
**To:** Milwaukie OCR  
**Subject:** YES for Wine:30 Parklet

Dear Milwaukie City Council,

I am emailing today to show my support for maintaining Wine:30's parklet year round. There are a multitude of reasons for why I believe this is the right thing to do:

1. Complexity/Cost: the deck was A LOT more difficult to build due to the crown/slope/elevation of the road, the short curb, and angle of parking. This created it to be more expensive and lengthy to build than initially estimated. It was not possible to actually know the difficulty level until the actual build. This has/will make it much more expensive to breakdown and rebuild.
2. Precedence Already Set: A few miles away in Portland there are 12 of these that stay up all year round - so it's not like Wine:30 is trying to do something that is completely unheard of, but a neighboring city already does.
3. Postive for downtown: The Parklet can still be a positive attribute to downtown during all months of the year. Yes, it will be used less during the winter, but it would be great to decorate it for the holidays, and inevitably there are beautiful warm spring-like days during the winter, and the parklet would be a welcome sight!
4. There is not a parking problem in downtown for visitors coming to shop/eat/drink/visit - I wish we had one, it would mean downtown was active and busy! We also adjusted parking on part of 21st and Monroe to be extended to 4 hours.
5. The city asked Wine:30 to do this: This is not some Wine:30 specific agenda - this project was to support a city initiative and Wine:30 volunteered to support as it would be great for our downtown community, and with matching funds from the community built something great for downtown. Why would the city not be flexible?
6. Delayed start: The process to have requirements from the city completed, permitting, fundraising, building, all took much longer than anticipated and the deck was not completed until September, missing several of the initial approved months. Because of this and the combination of the factors above, let us simply keep the deck up over the winter months.
7. There is not another parklet that we can continue to learn lessons from on how best to utilize to continue to encourage growing our wonderful downtown community!

Please keep these considerations in mind when deciding whether to allow Wine:30 to keep their parklet up over the winter or not. I truly believe it is in the city's best interest to allow them to do so.

Respectfully,

Rachelle Hobson

**Stauffer, Scott**

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**From:** Jocey McGinley <Jocey.McGinley@aaaoregon.com>  
**Sent:** Monday, November 17, 2014 8:39 AM  
**To:** Milwaukie OCR  
**Subject:** Parklet - Keep it Open Year Round

Hello Milwaukie City Council,

I am in favor of keeping the PARKLET outside of Wine:30 in place all year long.

This is a welcome addition to downtown Milwaukie, and encourages the use of the space year round.

Thank you !!

Jocelyn (Jocey) McGinley  
4466 SE Pennywood Drive  
Milwaukie, OR 97222

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**Stauffer, Scott**

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**From:** Deb K. Skinner <deb\_skinner@genpt.com>  
**Sent:** Monday, November 17, 2014 9:01 AM  
**To:** Milwaukie OCR  
**Subject:** Wine 30

To Whom It May Concern,

On a trip to visit the Milwaukie local Farmers Market I ran across Wine 30. The outside seating area is what drew me. I did my shopping & headed over for an outdoor lunch. What a gem. Many of us love the outdoors & enjoy to sit outside whatever time of year. I am one of those people. Not only did I enjoy my lunch & the warm welcome from Wine 30 but it also prompted me to explore the neighboring shops. I live in S.E. Portland & am always checking out other neighborhoods to see what they have to offer. I feel Wine 30 & its outdoor seating is a great idea & to let the few grumpy ones take this away would be a shame. I have seen many outdoor eating areas within the city & there is always a huge draw which is good for all surrounding businesses & the city of Milwaukie in general. I for one & my friends will continue to support Wine 30 because of all it has to offer, it is worth the drive. Please I ask you to let the outdoor seating remain year around this has been such a wonderful addition to your cute neighborhood.

Thank You  
Debbie Skinner

Debbie Skinner  
Customer Support Representative  
Genuine Parts Company  
Portland DC  
(503)286-8851

**Stauffer, Scott**

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**From:** cjndahouse@aol.com  
**Sent:** Monday, November 17, 2014 9:27 AM  
**To:** Milwaukie OCR  
**Subject:** Wine 30

Please consider an alteration to the parklet pilot program (as pilot programs are intended to be tweaked). Wine 30 has become a very nice gathering spot in a town with very few gathering spots. The parklet is a good vision, in stark contrast to the smokers choking out the entire sidewalk at bars around town. It moves people off the sidewalk keeping it free and clear for families to walk unobstructed through the town, this is important! I understand the program had the intent of having these decks taken down through the winter, but it really is an unnecessary expense for a small business without budget for additional expenses. In fact if asked I am sure the owner would be willing to add seasonal lighting which could extend into the parking area and have an added security benefit for surrounding businesses. One thing we can all agree on, there is no shortage of parking spaces in the area during the winter months, a drive through the area at any given time day or night or weekend will reveal this. Milwaukie has a value added social benefit by having Wine 30 in the neighborhood, not a lot of businesses around town can say that. Let's work with the owners to make sure they can afford to keep it here.

Thanks for your consideration.

Chris Jones  
Milwaukie Resident - Lake Road Neighborhood

**Stauffer, Scott**

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**From:** ask@wine30bar.com  
**Sent:** Monday, November 17, 2014 9:31 AM  
**To:** Milwaukie OCR  
**Subject:** Fwd: Patio Area

-----Original Message-----

**From:** Korb, Kathy [<mailto:KJKorb@MarketTransport.com>]  
**Sent:** Saturday, November 15, 2014 10:26 AM  
**To:** [ask@wine30bar.com](mailto:ask@wine30bar.com)  
**Subject:** Patio Area

To the Community of Milwaukie

My partner and I, both in our late 50's, like to go to the different Farmers Markets throughout the city. When we went to the one in Milwaukie, which is a sweet small town, we were pleasantly surprised to discover this cute little wine bar down the street. The only reason we even went down the street was because of the patio area. Originally, we thought there wasn't much there & weren't even going to bother to walk down. We were just going to take off & go somewhere else to get some lunch. This was also what brought us to go into some of the adjacent businesses near Wine 30. We have heard that some of the towns people are upset with this patio area which is fairly new to them. It takes up two parking spaces. From what I could see, there were plenty of parking spaces available for many people to park in. Milwaukie is not a metropolis. We would think that you would want to draw people to your community so it can thrive instead of tearing down a good thing. We did eat lunch at Wine 30 that day, on the patio. What was interesting to us, as we like to people watch, were some of the reactions of the people walking by to the new patio area. One older gentleman walking by, actually stopped and said some very nasty things, not only about the patio area, but the place in general. We summed up his behavior as either being old and miserable to possibly being just a little crazy. Others walking by were excited about the patio area and either stopped to eat, or made comments about how cute it was and they would be coming back at a later date. They also thought they would check out some of the other businesses nearby. We live in the Mt. Tabor area. Where once was an old dry cleaners is now a wonderful Bistro called the Songbird. They also built a patio area. There are people sitting out there all year long. What a waste and a shame that someone would ever want to have it taken down during the winter. That's part of the adventure and adds charm to the area. This is a neighborhood with even less parking than is available in Milwaukie. Instead of complaining about it, our neighborhood supports this business. Many people outside of the neighborhood drive up to support it as well. Please don't let a few people destroy what many people support and enjoy. We now make a point to come to the town of Milwaukie where before there was nothing there that interested us.

Sincerely,

Kathy Korb and Debbie Skinner

**Stauffer, Scott**

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**From:** Daniale Lynch <daniale@gmail.com>  
**Sent:** Monday, November 17, 2014 9:39 AM  
**To:** Milwaukie OCR  
**Subject:** Downtown Milwaukie Parklet

Hello,

I am writing to voice my support for keeping the parklet located in front of Wine: 30 all year long. It adds so much to downtown, and I truly think it would be a shame to dismantle it. It adds beauty, provides a community gathering space, and give a space to decorate for the seasons, holidays, and special occasions. Please don't take down this beautiful addition to the community of downtown Milwaukie.

Sincerely,

Daniale Lynch

--

"You are not here merely to make a living. You are here in order to enable the world to live more amply, with greater vision, with a finer spirit of hope and achievement. You are here to enrich the world, and you impoverish yourself if you forget the errand."

[Woodrow Wilson](#)

**Stauffer, Scott**

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**From:** JIM SVIHLA <jimsvihla@earthlink.net>  
**Sent:** Monday, November 17, 2014 9:40 AM  
**To:** Milwaukie OCR  
**Subject:** WINE 30 OUTSIDE PATIO

**WE AS MILWAUKIE RESIDENTS LIKE THE USE OF THIS PROJECT.  
PAT SVIHLA AND JIM SVIHLA VOTE YES ON LEAVING IT THERE.**

JIM SVIHLA  
503-654-2826

**Stauffer, Scott**

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**From:** DAVID J KRISTA <kristadowns9165@msn.com>  
**Sent:** Monday, November 17, 2014 9:43 AM  
**To:** Churchill, Scott; Gamba, Mark; Hedges, David; Miller, Mike; Ferguson, Jeremy;  
Milwaukie OCR  
**Subject:** Supporting local business

Mayor Ferguson and Milwaukie City Council,

I'm writing on behalf of a downtown business, Wine 30. I'd like to add my support for the changes this business has made; and that includes the addition of the parklet.

I believe there are many reasons the Milwaukie City Council should support this business, but one of the most compelling is that Wine 30 supports the Milwaukie community. It is a business that not only brings people downtown, but encourages its patrons to shop the other businesses in downtown. This business also donates to local charities and fundraisers. They actively participate in the Milwaukie Sunday Farmers Market, First Friday events, and they are an independent supporter of the Arts community by presenting local artist and musicians. In fact, their support and display of Davis Graveyard during October is a great example of how they embrace the entire Milwaukie community and not just those located within a one block radius. It's nice to have a business that understands the success of Milwaukie as a whole is based on everyone working together.

The City of Milwaukie has come a long way in the last few years and I am excited to see the revitalization that downtown is experiencing. It seems like the right time for flexibility and compromise.

Regards,

Krista Downs

**Stauffer, Scott**

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**From:** Emily C Neuman <Emily\_C\_Neuman@Progressive.com>  
**Sent:** Monday, November 17, 2014 9:47 AM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 - Park let/Deck

Hi –

I feel compelled to write in and give my opinion on this matter. I was part of the opening ceremony for the Park let/Deck and was impressed with the turnout and enthusiasm of the community. An outdoor venue in the Portland metro area creates a vibe and energy like none other. With Oregon, you cannot predict the weather. This means on those one off warm, sunny days (not between July 5 – Sept. 30) people will want to sit outside. Wine:30 affords the community this pleasure. During the winter months, Wine:30 has plans to cover the park let and have heating elements so this can be enjoyed year round.

We are talking about a couple of parking spots. Every time I have enjoyed Wine:30, there has been plenty of parking. I believe the other business owners are being spiteful without just cause. I understand the original agreement was to have this torn down during the winter months but why would a business owner be o.k. with the park let in the summer but not in the winter? That's why it seems spiteful. Perhaps the business owners can come together on this one. Is there something Wine:30 can give to the other businesses in exchange for keeping this up year round?

Thanks

Emily Neuman

Mgr Claims Process

AK/AZ/HI/NM/NV/OR/WA

(503) 495-4536

(503) 806-2702 (Cell)



**Stauffer, Scott**

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**From:** Molly McDevitt <lilmcdevitt@gmail.com>  
**Sent:** Monday, November 17, 2014 9:51 AM  
**To:** Milwaukie OCR  
**Subject:** Wine :30 parklet

I am writing in support of the parklet. Wine :30 is what brought me back to downtown Milwaukie, rather than heading to Portland. Because I started going to Wine :30 when it opened, I also began noticing the other business in downtown, and frequent many now. Wine :30 was exciting and fresh when T began it, and Jesse has really expanded it to be a go to spot!

The parklet was a wonderfully conceived idea, and the one Jesse put in is much more attractive than many I have seen. Perhaps no one realized the labor involved in taking these apart for winter storage. Jesse seems to be looking for ways to utilize it for the winter, including selling holiday trees as a benefit for Annie Ross House. Is this not good for the profile of the City of Milwaukie?

I was on Main a few times this weekend and never were the parking spaces full.

I can see that should these become more prevalent, it could be a problem. But maybe you can allow Jesse some latitude to figure out a solution rather than just saying it has to be taken down.

The City came up with this idea, Wine :30 was the first adopter, now everyone is having growing pains. Perhaps there needs to be a standard design for these that are made to be taken apart. The parklet is wonderful, and for now should stay. I don't see that it is really making a huge problem for anyone. All of the business owners should celebrate Wine :30s success. Going to Wine :30 makes a visitor notice the other business they might want to check out.

Thank you for asking for feedback.

Molly McDevitt

**Stauffer, Scott**

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**From:** Laura Paz Smith <duckgrl@hotmail.com>  
**Sent:** Monday, November 17, 2014 9:53 AM  
**To:** Milwaukie OCR  
**Subject:** Downtown Parklet/Deck

Hello,

My name is Laura Smith and I am a Milwaukie resident in support of Wine :30's parklet/deck downtown.

Given the sleepiness of downtown, I find it hard to believe that two missing parking spots is really making a difference in regards to traffic and/or parking. Also, if people are outside, other businesses are being exposed and owners should be looking at this as an opportunity, not a nuisance. They should be working with the parklet and not against it.

I think it brings much needed life and activity to the downtown area. It's a nice change of pace to see people out enjoying themselves and showing a sense of community downtown. In fact, I wish other shops and restaurants would do the same! Let's show everyone that Milwaukie is alive and not just a place you pass along 99 on your way to someplace else.

Above all, I hope we can all reach a reasonable compromise in this situation and continue to make Milwaukie a great place to live.

Thank you.

Laura Paz Smith  
971.235.9647  
[duckgrl@hotmail.com](mailto:duckgrl@hotmail.com)

**Stauffer, Scott**

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**From:** NICOLE PERRY <nicolepperry@msn.com>  
**Sent:** Monday, November 17, 2014 10:16 AM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 parklet

Hello-

I am sending this memo to support the parklet in downtown Milwaukie. I have frequented Wine:30, among other downtown establishments. I have never had a difficult time parking in the downtown area at the times I have visited. I've enjoyed sitting outside at Wine:30 and would love to continue to do so no matter what the season. It was very enjoyable the first evening I sat outside when a group of moms gathered and watched a French film from the parklet deck. It is a piece of uniqueness in downtown Milwaukie and I fully support it. Thanks for your consideration, Nicole Perry

**Stauffer, Scott**

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**From:** Elisabeth Goebel <goebel86@msn.com>  
**Sent:** Monday, November 17, 2014 10:24 AM  
**To:** Milwaukie OCR  
**Subject:** I support Wine:30

Let the deck at Wine:30 stay!

Elisabeth  
503-927-4325

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*Elisabeth Goebel  
Milwaukie, OR*

**Stauffer, Scott**

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**From:** N. Salazar <knicciis@hotmail.com>  
**Sent:** Monday, November 17, 2014 10:27 AM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 Parklet

Dear MCC:

Please allow Wine:30 to keep their Parklet open year round. This business is committed to Milwaukie and I believe we should show support in their investment.

Sincerely,  
Nicole M. Salazar

Sent from my iPad

**Stauffer, Scott**

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**From:** Joby Twigg <jobelina71@gmail.com>  
**Sent:** Monday, November 17, 2014 10:35 AM  
**To:** Milwaukie OCR  
**Subject:** parklet

Hello,

I just want to let you know how much I hope to see the parklet stay outside Wine:30 this winter. Wine:30 is one of the few reasons we have to visit our downtown on a regular basis, and I would love to see it remain a hub throughout the year. Losing 2 parking spots seems a very small price to pay to keep some foot traffic (imagine!) moving through downtown, which will only help other businesses, including those who are asking to have it removed.

Perhaps this is an example of thinking outside the box, but I truly believe that's what Milwaukie needs! My family wants to stay in Milwaukie, and I truly hope there are more businesses like this willing to come here too!

Thanks for your consideration,

Joby Twigg (& family)

Hector Campbell Neighbor

**Stauffer, Scott**

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**From:** Tom Rutger <trutger@comcast.net>  
**Sent:** Monday, November 17, 2014 10:47 AM  
**To:** Milwaukie OCR  
**Subject:** wine 30 deck

To the Milwaukie city council,

I am in full support of keeping the deck in place year-round. The deck provides a space to be outside in the sun in the middle of town. We do not have enough places to relax and meet our neighbors and friends downtown. And lastly a short season, due to complication in the permitting system and building time , really did not give the deck a fair chance.

Tom Rutger  
4300 SE Fieldcrest st  
Milwaukie OR, 97222

**Stauffer, Scott**

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**From:** Jody Schreffler <Jody.Schreffler@ics-world.com>  
**Sent:** Monday, November 17, 2014 11:04 AM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 parklet

I am in support of the Wine:30 parklet staying up all winter long.

As an active volunteer and promoter of the downtown Milwaukie business community, I think the parklet brings a sense of activity and progress to the downtown community. Just last week I suggested Wine:30 allow judges for the Umbrella Parade use the deck for their judging post.

Parking in downtown Milwaukie is NOT a problem, and asking Wine:30 to spend \$4K to remove the parklet WILL do harm to a small, independently owned business. Ask Wine:30 to come up with creative ideas for use of the parklet throughout the winter if you feel you need to justify its placement. I'd be happy to help with that.

Kindly,

Jody Schreffler  
p: (503) 342-6500 c: (503) 260-5634

**Stauffer, Scott**

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**From:** Lee Ann Petrie <lee@lifethymehealth.com>  
**Sent:** Monday, November 17, 2014 11:27 AM  
**To:** Milwaukie OCR  
**Subject:** "YES" to keep Wine30 Parklet through the winter

I STRONGLY support the allowance for Wine30 to keep the Parklet throughout the year, and not to tear it down during winter months.

I believe the parklet adds a wonderful charm to Milwaukie's downtown and will encourage people to come down and visit more often. This would increase create an overall growth in the interest of all businesses in the area.

Furthermore, there is no harm in leaving the structure up during the winter months...seems completely lame to require the structure to be torn down only to allow it to be put back up during summer months...makes absolutely no sense to me.

I see these structures already thriving in other areas of Portland and think it is a brilliant way to bring the small city of Milwaukie closer together.

The Parklet will be a positive attribute to downtown during all months of the year. It would be great to decorate it for the holidays, and inevitably there are beautiful warm spring-like days during the winter, and the parklet would be a welcome sight!

4. I have never had a parking problem in Milwaukie and do NOT see that this parklet would be an issue, ESPECIALLY during winter months when there are less visitors to the downtown area.

5. Wine30 was invited by the city to create this parklet - why would the city now want to hinder both Wine30 and the city from the parklet's benefits

Warmly, Lee Ann Petrie  
503.235-5967 - cell

[www.lifethymehealth.com](http://www.lifethymehealth.com)

I've fallen in love with doTERRA Essential Oils – [click here](#) to learn more!

**Stauffer, Scott**

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**From:** Vicki Strom-Medley <vhumingbird@gmail.com>  
**Sent:** Monday, November 17, 2014 11:55 AM  
**To:** Milwaukie OCR  
**Subject:** Wine 30

I'm writing in support of Wine 30 retaining their outdoor seating year around. There is not a parking issue for that area of downtown Milwaukie. I belong to Curves and always find close parking.

Wine 30 is a great addition to downtown Milwaukie. Hopefully it will bring in other downtown business and give Milwaukie the "face lift" it needs. The outdoor seating area creates interest and ambiance.

Vicki Strom-Medley

**Stauffer, Scott**

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**From:** Tasia Markoff <tasiamarkoff@gmail.com>  
**Sent:** Monday, November 17, 2014 12:05 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 parklet YES

I am writing to express my support for allowing Wine:30 to keep its parklet year-round. I, along with many of my friends, am a regular customer of Wine:30 and believe the parklet would add vibrance and livability to Milwaukie's downtown core.

Tasia Markoff  
[www.tasiamarkoff.com](http://www.tasiamarkoff.com)

**Stauffer, Scott**

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**From:** Yvonne McVay <mcvay@mackroberts.com>  
**Sent:** Monday, November 17, 2014 12:21 PM  
**To:** Milwaukie OCR  
**Cc:** Ferguson, Jeremy; 'Tory McVay'; ask@wine30bar.com  
**Subject:** Wine:30 parklet

Hello Milwaukie City Council and Mayor Ferguson,

As long-time citizens of Milwaukie we are asking you to allow Wine:30's parklet to remain installed all year long. We feel that the benefits of the parklet far outweigh any disadvantages for our city.

We do our best to support all the businesses in our community, and we have never had a significant problem finding parking downtown. The parklet has not changed the parking situation. More importantly, we believe that Wine:30 is an excellent incentive to bring people downtown. It is the kind of business that we want to see in our community, and we feel that city council should do whatever they can to encourage these types of positive businesses. Deconstructing, storing and reconstructing the parklet each year seems like an unnecessary and wasteful expense for the small benefit of two parking spots for a few months. As long as the parklet is well maintained and attractive we believe it should be allowed to stay. Also, we believe it will be used occasionally during the winter months – for holiday events such as the tree lighting and umbrella parade.

Thank you for your consideration.

Sincerely,

Tory and Yvonne McVay  
12951 SE Vernie Ave  
Milwaukie, OR 97222  
[mcvay@mackroberts.com](mailto:mcvay@mackroberts.com)  
503.887.7368

**Stauffer, Scott**

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**From:** Lenny Bennett <lenny@goodrootscommunity.com>  
**Sent:** Monday, November 17, 2014 12:28 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 Parklet

Dear Milwaukie City Council,

I, as well as many I'm sure, am writing to you today in support of allowing the parklet in front of Wine:30 to stand year-round rather than be taken down seasonally. I am writing as an original owner and resident of the North Main Village Condos, a regular patron of Wine:30 as well as several other downtown businesses, a financial supporter of the Kickstarter campaign which partially funded the parklet and garage door at Wine:30, and a friend of Jesse Cannelos.

I was present at the meeting on 11/13, and was happy to receive a copy of the Parklet Pilot Program as well as hear first-hand some of the concerns raised about its presence. However, I find it somewhat discouraging that the city would approach "several businesses" in the downtown area about such a program and then seriously consider moving against the only business that showed commitment to improving the downtown area by stepping up, taking on financial risk, and participating.

Yes, the pilot program document indicates both that the parklets be "designed for easy removal in case of an emergency" and that the program is seasonal, running 6/14-11/14 and then 4/15-11/15. However, the document also clearly states "the City reserves the right to adjust requirements as situations arise". I would suggest that the realization of the expenses involved (specifically \$4,050 needed to both take up and reinstall the parklet which cost approximately \$14k to originally construct and furnish), as well as the complications experienced by Jesse in both using his permits and construction of the parklet itself, qualify as arisen situations in light of which the City should exercise its right and adjust the requirement to move the parklet seasonally. The whole point of a pilot program is to learn and to adjust, after all.

I understand the expressed concerns regarding cleanliness and maintenance, both of which are clearly addressed within the pilot program document. I understand the expressed concern about appearances, which Jesse himself addressed at the 11/13 meeting. I also understand the expressed concern about parking, but this point is moot in light of both the fact that Jesse himself found room for two additional parking spots within a block (which the city has recognized and will be added when spaces are re-painted in the near future), and the findings of the parking report which was submitted orally at the 11/13 meeting and in writing to the council. Any other concerns of which I am personally aware range from petty and political, to vindictive in nature, which in my mind simply invalidates them as concerns regarding this situation.

Simply put, your allowing Jesse to avoid the onerous costs involved in removing and installing his parklet encourages other businesses to participate in either this or future programs with the city and also allows Jesse to confidently move forward with his plans to expand and improve Wine:30, all of which contributes greatly to our shared goal of developing, revitalizing, and building community in our historic downtown area. In light of these facts I've stated above, I ask that you adjust the seasonal requirements and allow Jesse's parklet to stay.

Thank you for your time, I look forward to the council meeting tomorrow night.

**Lenny Bennett**  
[Good Roots Community Church](#)  
**503-310-3296 cell**

**Stauffer, Scott**

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**From:** Janice Harvey <harveyjanice2@gmail.com>  
**Sent:** Monday, November 17, 2014 12:31 PM  
**To:** Milwaukie OCR  
**Subject:** Wine 30 Parklet/Deck

I am in complete support of allowing Wine 30's Parklet/Deck remain up and open on a year round basis. Having lived in the Milwaukie area for 25 years, it's nice to see some new life and ideas being put into revitalizing downtown Milwaukie. I wish all the downtown store owners success, but the loss of two parking spaces is not going to make or break a store. In fact, it brings more people to support those additional downtown retailers. There are ALWAYS parking spaces available in Milwaukie, even during busy events like First Friday. The Deck will be a great place to sit when we are blessed with those beautiful, chilly days without rain. It's a perfect addition to downtown and shows forward thinking, instead of remaining stagnant in our ideas.

Let's move forward Milwaukie, not backwards. I applaud Jesse's new ideas to downtown and look forward to additional new ideas for business owners.

Best regards,

Janice Harvey

**Stauffer, Scott**

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**From:** Melissa Fryer <melfryer@gmail.com>  
**Sent:** Monday, November 17, 2014 12:34 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet!

Hello,

I am a Milwaukie resident and believe that that parklet in front of Wine:30 should stay put through the Winter. It is an innovative and inviting way to bring consumers to downtown. It's something different and special for the downtown area and I think it's a great addition to the burgeoning downtown scene.

Thank you for the consideration,  
Melissa Fryer

**Stauffer, Scott**

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**From:** Penny Kozar <Penyk@aol.com>  
**Sent:** Monday, November 17, 2014 1:37 PM  
**To:** Milwaukie OCR  
**Subject:** I vote to keep the deck in front of Wine 30 all year round. We have lots of days nice enough to enjoy it.

**Stauffer, Scott**

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**From:** Lisa Ferguson <lisaferguson03@gmail.com>  
**Sent:** Monday, November 17, 2014 1:44 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet Support

Dear Council~

The Wine 30 Parklet has been a great addition to Milwaukie's downtown. It attracts far more people than it detracts due to two fewer spaces. As a resident of Milwaukie, I appreciate Jesse's efforts to grow his business and breathe new life into our downtown. It is good for all the local businesses whether they realize it or not.

Please consider allowing Wine 30 to keep the Parklet throughout the winter.

Respectfully,

Lisa Ferguson

**Stauffer, Scott**

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**From:** Lisi Belz-McCarthy <lisibmac@hevanet.com>  
**Sent:** Monday, November 17, 2014 2:03 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet

Hi! I am requesting that the Parklet at Wine 30 be allowed to remain up all year. Having read and researched the reasons for it, they seem much stronger than the reasons not to do it. I also believe that anything that would potentially help our downtown area to thrive more, is worth both trying and stepping out of the comfort zone. Thanks! Lisi McCarthy.

**Stauffer, Scott**

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**From:** Velma Marshall <vcmarshall2802@gmail.com>  
**Sent:** Monday, November 17, 2014 2:14 PM  
**To:** Milwaukie OCR  
**Subject:** Wine 30 Parking

To the members of the Council;

I have been drinking wine at Wine 30 for several years. It has been my personal "bonus" for scheduling a late afternoon journey through Milwaukie and, lately, my only reason for such a detour. Please allow me to add my voice to those wishing to retain (or increase) the number of parking places allotted to Wine 30.

Sincerely,

*Velma Marshall*

503-695-2802

**Stauffer, Scott**

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**From:** Beth Mitchell <tunkletunkle@gmail.com>  
**Sent:** Monday, November 17, 2014 2:20 PM  
**To:** Milwaukie OCR  
**Subject:** I LOVE the parklet at Wine30

Dear City Council,

I was sad and shocked to hear that there are people opposed to Wine30's parklet/deck. I live in Oak Grove, but my kids go to school in Milwaukie. My family spends time at local businesses and we love the farmers market. I know how wonderful Milwaukie is! But I'm often surprised that other people don't know how great it is. I recently met up with some friends at Wine30, and we were able to use the deck. Everyone in our group loved it and as we sat on it my friends (who live places other than Milwaukie) were noticing other businesses and commenting how they need to spend more time in downtown Milwaukie. "I had no idea it is this cute and has all these shops!"

It would be beyond sad to see it taken down! Please let Wine30 keep the parklet.

Thanks for your consideration,

Beth Mitchell

**Stauffer, Scott**

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**From:** Paula Webb <paulakwebb@gmail.com>  
**Sent:** Monday, November 17, 2014 2:28 PM  
**To:** Milwaukie OCR  
**Subject:** We support the parklet

Dear City Council

We are writing in support of allowing the parklet remain year round in front of Wine :30 on SE Main. We moved to Milwaukie in 2012 and have been very impressed with the reemerging vibrancy in the downtown area. The efforts of Mr. Cannelos have contributed greatly to the vibrancy. I would hate to see innovative ideas discouraged in an business district that needs them so badly.

I understand that parking is a hot button issue for business owners. This has been a main argument against the parklet, but in our observation there is rarely an issue finding parking on main street, the exception being during Farmers Market and First Friday which are both during the season the parklet is currently permitted.

Please allow the parklet to remain and let the Downtown Milwaukie Renaissance continue.

Sincerely,

Burk and Paula Webb

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Paula Webb  
Production Manager  
[503.310.1044](tel:503.310.1044) Cell phone

**Stauffer, Scott**

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**From:** Danna Freeman <danna@dannafreeman.com>  
**Sent:** Monday, November 17, 2014 2:37 PM  
**To:** \_City Council; Milwaukie OCR  
**Cc:** Butler, Stephen; jesse@wine30bar.com  
**Subject:** Milwaukie's Parklet

Greetings Milwaukie City Council,

With regards to Milwaukie's Parklet, I encourage you to agree to Jesse's request to leave the structure up year round. Clearly the effort and costs involved in setting up and removing the structure are far higher than the best estimates given when he researched the experimental project. The deck has been a delightful addition to downtown Milwaukie drawing people into the area on that part of Main Street in particular which should benefit rather than harm neighboring businesses. In fact I hadn't been in the cute neighboring retail shop next door until noticing it was open late while sitting on the deck on the last 1<sup>st</sup> Friday event.

As a real estate broker trying to promote our sweet community as an affordable, charming alternative to Portland, the parklet shows we are progressive and encouraging of a vibrant, community-oriented downtown. It would be truly unfortunate if the parklet becomes cost-prohibitive and a thing of the past rather than an example of community-building for other downtown businesses in the future.

Sincerely,

Danna Freeman

Danna Freeman  
Principal Broker/GRI  
Premiere Property Group LLC  
**503.307.4283**  
[www.dannafreeman.com](http://www.dannafreeman.com)

Five Star Professional Award ~ 2013 & 2014

**Stauffer, Scott**

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**From:** Dawn Reid <dawnabelle13@gmail.com>  
**Sent:** Monday, November 17, 2014 2:40 PM  
**To:** Milwaukie OCR  
**Subject:** Support for Wine:30 Parklet

As a resident of Milwaukie I have seen the downtown area come alive with the parklet and it is exactly the type of forward thinking we need to bring life and business back into our little town.

I attended the November work session and public hearing and heard a lot of great comments and some legitimate concerns and here is my take away:

1) A "Pilot Program" by definition is small scale test, to see how an project/program works. It is the period in which the project can be adjusted and re-adjusted as needed to find what works and what doesn't. As a resident I would hate see our great little town miss out on something wonderful because we are too focused on the black and white outline of the project.

Additionally if we do stick to the black and white of the contract, Wine:30 was to test the program for two 8 (7?) month sessions, due to issues beyond the city's or Wine:30's control the installation was delayed thus leaving the first test season to 3 months. If we stick to the letter of the outline Mr. Canelos should be granted the extension in order for the city to fulfill it's part of the contract we entered into with Wine:30.

2) There were some legitimate concerns brought up at the public forum, of which the owner of Wine:30 seemed more than willing to work with local businesses to address and correct/improve. Mr. Canelos took the feedback and asked questions in return of the other business owners around the parklet to try and seek a beneficial resolution and this went a long way for earning my respect.

3) There was a lot of talk about the parking, and I think it was shown at the public forum that parking is not an issue in downtown. If this is the sole base of the initial complaint as a city council member I might question if there may be another issue going on that block of Main St. Is there something else going on that is ruffling the petitioners feathers that really has nothing to do with parking?

4) While everyone knew the build parameters (easy up/easy down), I think we can all agree that construction never goes as planned and there was no way to know how difficult it would be to build on that section of road. Between the grade of the street, the low curb and the hump in the middle of the spots the build became a much more detailed project than even our city engineer had anticipated. I believe asking one of our small business owners who agreed to participate in the city's pilot to endure the cost of tear down just to reset up in just a few months has a much larger negative impact on our community than leaving the parklet up through the winter. (Even if it is unused)

We are a small town located just steps outside a major metropolitan area where there are parklets up year around and have proven to be successful. I am a supporter of small businesses in our town and want to all of them thrive and grow and these types of projects are how we will achieve that.

Thank you,  
Dawn Reid  
15 year Resident of Milwaukie

**Stauffer, Scott**

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**From:** Sarah Bohnenkamp <decor10@comcast.net>  
**Sent:** Monday, November 17, 2014 2:50 PM  
**To:** Milwaukie OCR  
**Subject:** wine 30 - parklet

Keep it OPEN ... Help Milwaukie grow and draw the right people to our downtown ..  
Help it stay vibrant..

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*SARAH BOHNENKAMP*  
Bohnenkamp Interiors Inc.  
503-513-0100

**Stauffer, Scott**

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**From:** Judi Ranton <judi.ranton@gmail.com>  
**Sent:** Monday, November 17, 2014 3:11 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 deck structure

I am a long-time member of Curves, located next to Wine:30, and to have discovered recently that they'd like to keep their "temporary" deck structure, taking up at least 2 parking spaces close to Curves, is unacceptable to me. There have been more than one occurrence this past summer and fall where I've had to park on a different block than Curves as parking on that part of Main has become hard to find at times. Also, several of our members are elderly and, despite their Curves membership and desire to move as much as they can, do have some mobility issues, and I'm sure they have issues with parking at times.

I was told by Curves that this structure was to come down after the summer weather was gone and no outside seating would occur for this business. I hope that you will require them to take it down for the winter months. Perhaps they can offer this type of seating in the back in the permit parking area instead, where fewer people take advantage of parking.

Thank you for your consideration.

Judi Ranton  
Curves Member

**Stauffer, Scott**

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**From:** Becky Cooper <bcooper@stmpdx.org>  
**Sent:** Monday, November 17, 2014 3:27 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet/Wine30

After 15 years of living near downtown Milwaukie, I am starting to feel the positive vibe necessary to support a community literally on the banks of the Willamette river and on the verge of greatness. The parklet at Wine30 adds value to help support the new energy Milwaukie needs. Jazzercise is another awesome addition.

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*IT Person / Educator  
St. Thomas More School  
Portland, Oregon  
93-95589  
[bcooper@stmpdx.org](mailto:bcooper@stmpdx.org)  
[www.stmpdx.org](http://www.stmpdx.org)*

**Stauffer, Scott**

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**From:** Jude Matt <judebridges@gmail.com>  
**Sent:** Monday, November 17, 2014 3:32 PM  
**To:** Milwaukie OCR  
**Subject:** Deck support!

HI I support keeping the deck up...it is a wonderful addition to the 'flavor' of downtown Milwaukie!

Thanks!

Jude

November 12, 2014

To Whom It May Concern:

It has been brought to our attention that Wine:30 does not want to remove their deck structure that is unuseable during the winter months when we were told it was a temporary structure for the spring, summer and early fall. It is bad enough that we have been denied needed parking during these past months, but why should this structure remain now? It takes needed parking all day for a business that is open only in the evenings. Curves members need those parking spaces from 6 AM through 6:30 PM Monday - Friday and Saturday mornings. Besides the needs of our business, there are those who come to frequent other businesses, shop, attend the Sunday Market, and enjoy seasonal events, such as the Christmas ships. Having this deck sitting unused this winter does not serve the needs of the Milwaukie community.

|                     |                   |                       |
|---------------------|-------------------|-----------------------|
| Janet L. Karsten    | Curves Members:   | Cheryl Mc Clain       |
| Hanna Hector        | Sherryl Blair     | Jan Dagle             |
| Janne Niccum        | Mary Anne Mc Com  | Julie Hammond         |
| Spurley Johnson     | Karen Egan        | Judi Korta            |
| Nellie D. Lynn      | Norriet Tombs     | Margaret Penny Raynor |
| Ana Tufts           | Pat Conrad        | Karen Weaver          |
| Carol Aldrey        | Marilyn Winters   | Clair Zentner         |
| Ellen Rans          | Barbara Francisco | Fran Kamm             |
| Lon Ann Christensen | Stacy Kane        | Jeanne Rainforth      |
| Carol J. Lellema    | Margaret Reynolds | Judy Ferguson         |
| Christina Cameron   | Nancy Burt        | Isene Thompson        |
|                     |                   | Denise Jackson        |
|                     |                   | Jacque Schellert      |

**Stauffer, Scott**

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**From:** Neil Hankerson <neilh@darkhorse.com>  
**Sent:** Monday, November 17, 2014 3:38 PM  
**To:** Milwaukie OCR  
**Cc:** Lisa Batey; Karin Power  
**Subject:** Re: Wine 30 parklet

Dear Council,

I attended the open house discussion of the Wine 30 plan to not disassemble the parklet held at City Hall. There were a few business people there and many residents/patrons of Wine 30. Jesse was there, shared his thoughts and plans, he answered questions and listened to some comments from the audience. He seemed receptive to observations also.

I have some thoughts to share regarding both the Wine 30 parklet and the parklet program in general. I believe that we should use both discussion and history to shape the direction of the pilot program. Having had a dozen years in the food and beverage industry, I also know that cleanliness and maintenance are two of the more challenging and very necessary areas of a restaurant operation.

History to date:

1) Jesse is very happy with the parklet and what it has done for his business. He made it sound like he had quite a boost in sales. Patrons of Wine 30 like it as well. They use it/see it evenings and weekends.

2) I am a business resident. I see the parklet Monday - Friday during the daylight hours, when it is unused and the lighting is good. The parklet has felt like a lonely, unused place from my perspective.

3) Through the fall, the parklet has been covered in leaves. One expects leaves on the sidewalks and streets. However, leaves on the parklet gives the impression of abandonment or dereliction. Further, the street sweeper had trouble getting into areas around the parklet. This was all brought up at the meeting. Jesse said he would endeavor to clean up the leaves.

4) Having the parklet permanently sited can create a cleanliness/health issue. Leaves, debris, and food can collect under the deck and attract vermin. Jesse said he would address this too. However, even if Jesse does, this is an area to consider for the parklet ordinance language for other parklets.

I believe all the above points should be addressed in the pilot language whether the parklet is year around or not. I also think it worth considering the requirement of earth tone furniture for parklets. There is an interesting contrast at the Wine 30 parklet between the unseen bar stools and the bright chrome dining chairs.

For the future:

1) Accolades to Jesse for being proactive on finding offsetting parking for the parklet that the City did not find. I like the initiative. That does not change the situation regarding other parklets and potential parking conflicts. As I said in my last email, in the poor weather, customers want to park closer to their destination. This should be carefully considered, not just for Wine 30, but for the pilot program as a whole regarding making parklets permanent.

2) Jesse mentioned some things that could be done to utilize the parklet during the off season. He brought up a Christmas Tree sale for charity. This is not a food and beverage use as the ordinance intended. I believe this could be a slippery slope. If Christmas trees are OK, what about a comic book store parklet? How about one to sell window blinds? Used auto parts? I believe caution should be exercised.

3) Jesse made a comment regarding the possibilities of adding a roof to his parklet. He envisions it being 10 ft high at the sidewalk and sloping to 8 ft at the street. His intent is to not block the visuals of the surrounding businesses. But, it seems that is exactly what that height would do. I believe careful consideration should be given regarding specific language for the pilot program ordinance. This should have very tight and specific language regarding materials, colors and heights for these reasons:

- a) Materials could conceivably be wood, tin, plastic, canvas, or my favorite "blue tarps", if direction is not given.
- b) Colors could be anything from red and white TGIF awnings to blue tarp to earth tones. Color would make a huge impact on the effect in downtown.
- c) Height requirements are problematic too. A roof should not block line of sight to the windows, nor the signage on the facade above. Tree limbs need to be trimmed 12 ft above the pavement per ordinance. Shouldn't a roof be the same or higher?
- d) Should parklet coverings only be used when the parklet is in operation, rather than being up for the week, season or even year around?

4) With all the new recommended design standards being proposed to Council following the MFM process, careful consideration should be given as to what future parklet standards need to coordinate with new design standards.

Sincerely,

Neil Hankerson

17 November 2014

Wine:30 Inc  
10835 SE Main St  
Milwaukie, Oregon, 97222

Subject: Wine:30 Parklet – Response to Council

Dear Mayor and City Council:

As per discussion on the working council session Tuesday November 4<sup>th</sup>, the following details the reasoning behind the Parklet extension request; responses to emails provided at meeting; and plan for winter usage.

Reasons for Extension Request:

- A. Parklet was only put in place two months ago during the second week of September. This was not due to any negligence or fault of anyone – the process simply took much longer to obtain finalized requirements, design/architect, raise funds, have plans approved, permit review/authorization, and build. As the first several months – June, July, August, and part of September were missed – it would be a great benefit for the overall program to shift that time to the winter months.
- B. Build was more difficult due to the large crown of the road, short curb, uneven pavement, etc. – making the build take longer and cost more. These continue to be lessons learned from the program, and make it valuable to share and understand the challenges.
- C. Cost of removal and rebuilding of Parklet, due to the increased difficulty is far more than anticipated and places an unexpected additional burden on a small business that volunteered to take part of a city initiative to improve the vibrancy of downtown.
- D. No other Parklets are in place – therefore, there is not a difficulty of choosing one Parklet over another to be maintained over winter during the current program, and we can continue to evaluate and learn lessons over the winter months.

- E. A few miles away the city of Portland has a dozen Parklets approved for year round usage – some with and some without covers. There is an active precedence for yearlong usage.
- F. The Parklet has thus far shown itself to be a great success in drawing additional people to the downtown area and increase the overall welcome atmosphere and vibrancy to downtown. Even during the winter months this continues to be a positive addition to downtown and it can improve with lights, decorations, etc.
- G. Wine:30 as continued to increase hours and days since I have purchased it nearly 18 months ago. Wine:30 is now open consistently to include Saturdays and Sundays. To add Wine:30 is now serving additional food, including entrees. It takes a great deal of investment – both time and money to develop menus and add days/times. The goal of Wine:30 is to continue to grow our business and add vibrancy to downtown by eventually being open during lunch hours during the week. While it will continue to be our goal regardless of council’s decision – it would be greatly beneficial to the cause if the monies that would be spent on the Parklet could go towards this goal.
- H. Finally, a pilot program is to be flexible and adjust. Page one of the Parklet Application states:

**As a pilot project, the City reserves the right to adjust requirements as situations arise.**

In any new project the goal is to learn, adapt, overcome, and accomplish something positive – let’s do exactly that.

Response to emails shared 11/4/14:

- A. The majority of emails sent into council for review reflected upon parking issues.
  - a. I have submitted information prior to the project build, and after, showing pictures and counts of empty parking spots within the block and around the downtown area.
  - b. In addition, prior to building I discussed with my neighbor K. Marie the project, and she shared her thoughts on parking. As she was not present during the initial meetings I was happy to share those concerns to the city. In response the city changed parking along 21<sup>st</sup> and Monroe adjacent to Key Bank from 2 to 4 hours, alleviating much of the parking issues that were brought up with regards to employees parking for 2 hours and moving.

- c. Two parking spots have been identified by Wine:30 to be added during Spring relining of streets and confirmed by city engineering within 150ft – net loss downtown parking = zero.
  - d. There will be additional parking information supplied during multiple times a day during the week by individuals that work and live in downtown Milwaukie that will show there continues to be plenty of parking. Heck, I wish we did have a retail parking problem – that would mean lots of people would be downtown!
- B. Letter from Downtown Business Association: I have called and left a voicemail with a member of the association to see if I could discuss with the association. I'm also disappointed that I had never heard of this nor been invited.
- i. Letter indicates wrong dates of approval therefore misrepresents the facts. Heck I would have signed it myself if I was supposed to have had it down in October and the thought I was breaking the permit.
  - ii. Usage:  
From Oct 1 – November 10th the Parklet has been used approximately 65% percent of the days opened. Only 7 days in October were not used. The first two weekends in November the Parklet has been used as well as 3 days during the week. – we've had a sensational fall.  
Temps for Saturdays in Oct: 82/72/71/66 November 1: 54; Nov 8: 58.
    - 1. New people continue to see the deck and stop – As proof, please see Yelp Review on Wine:30 dated 11/11/14 – she saw the Parklet from the bus stop and came over to check out the block.
  - iii. Leaves:  
I have been, and have been witnessed by people, sweeping and bagging leaves both on the deck and in the street. If the decision is that I am responsible to bag street leaves as well, then I can adjust to do that around the Parklet. However, as the documents only showed I was to maintain the deck – the pictures show that it is clear as compared to the street. Again, a very good lesson learned and something to decide on how to document for the future
  - iv. Furniture storage: this was outstanding feedback, not a reason to tear down the deck. I have since changed how the furniture is stacked. In fact, to keep the deck looking inviting and welcoming I have purchased a long security cable to the tables can be left out during the day as they normally would.
- C. I spoke with another neighbor – Chopsticks, who signed a document requesting it to be removed for the winter. Their response was that as long as the city approves then they are okay with it, and to “Keep doing what you are doing.” Their concern was

that it was supposed to be taken down at the end of October and not approved by the city to be up at this time. They have said they have had customers complain they have to walk two more spots, but, “only a few.”

- D. The letter from Curves is confusing.
- a. The owner claims her ladies need the parking closer to feel safe. One, curves is not open late at night – I believe the latest is 6:30 p.m. Two, they have parking in the back labeled for customer parking that is rarely used. The additional people that the Parklet brings helps make the downtown area safer.
  - b. She makes an assumption that Wine:30 customers will not use the deck during the winter. There are plenty of warm spring-like days in the winter, and to attest the wishes of customers of another business is simply irresponsible.
  - c. She states she did not know anything about the deck being built. The city proactively announced several meetings regarding this project to all businesses before the build for input. She also did not show at the public forum held last week.
  - d. She was “disappointed” to see I have no intention of complying with the agreed upon terms as the Parklet was not down by November 3<sup>rd</sup>. The Parklet is approved until the end of November. She states she “heard” from another business owner October. If she was truly concerned about it – why would she not ask me, the city, or simply look up the documentation, or attend any of the meetings that were held prior, or the forum that was held last week?
  - e. Wine:30 tables have never obstructed the sidewalk and I ensure there is the minimum 4ft passage when setting up all tables and chairs for events. I also chalk out this 4ft clearance area so staff can advise people to keep it clear for pedestrians. Plus, these “busy” times happen for a couple hours during First Fridays – 6 times a year. If they feel uncomfortable walking by in their gym clothes from working out because there are a lot of people I can’t help that. Perhaps they should not be in a retail area right on Main Street.
  - f. In additional the owner stated she saw a group of teenagers “gleefully” run off with a glass of wine from a table.
    - i. First, she has a moral obligation to inform me or an employee of Wine:30 of any theft.
    - ii. Second, she has a legal obligation if she sees a theft in action to report it – she did not.
    - iii. Her windows are closed all day, all night, every day – in clear violation of city code, so how did she see them take it? That would mean she was outside and I find it hard to believe that would happen if there were people outside in clear sight.
  - g. I have not “infringed” on her or in any way made her business more difficult. The growth that Wine:30 has experienced has only increased the visibility of

her storefront to others – however, with closed blinds and nothing in the windows – many people pay little attention to what retail shop that may be. If anything, I would argue by her breaking city code every day and having blinds closed in fact, makes it more difficult for other businesses around her to succeed.

E. Letter from Darkhorse.

- a. Neil had some excellent constructive feedback and matches to some of those expressed in the letter from Kim Cairo, which I have already made changes.

Winter Usage:

Downtown Milwaukie has a unique opportunity to share with Portland in the experience of providing the community Parklets during the winter months.

Inevitably the Northwest provides some beautifully mild and warm winter days where the Parklet will become a welcomed respite from the winter.

Patio heaters have already been purchased and have been proved to radiate excellent heat for customers.

From November – December – Wine:30 would enjoy providing the community with a lighted and decorated Parklet during the holiday months. In addition, we would like to use the Parklet to sell Christmas trees on Main Street to the local community, and each Sunday of sales a portion of the proceeds will go to a different charity in our community.

January: Wine:30 would like to install an approximate 16x16 canvas canopy over the Parklet. These would be supported by metal poles secured to the structure. Quote from Beckel Canvas of Portland received.

February & March: Wine:30 would like to partner with “pop-up” shops within the community to include food and retail to share the space with small and upstart businesses to promote their new businesses. This would include other months as well, but to start over the winter.

Other promotions such as the Polar Bear Wine Club would be a great way to test, promote, and continue to generate interest and build community around the Parklet. Plus, we will continue to learn and adjust from promotions and hopefully incorporate other ideas into using the Parklet to help make downtown Milwaukie a true destination.

Thank you for your consideration.

---Jesse Canelos

**Stauffer, Scott**

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**From:** Phil Anderson <phil@pacific-land.com>  
**Sent:** Monday, November 17, 2014 4:39 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 Parklet

Dear Council members:

Thank you for your time and consideration with Wine:30's deck/parklet variance request.

We live in Tualatin, and prior to discovering Wine:30's business and the panoramic situation of the deck, we only occasionally drove thru the area to go somewhere east of the downtown area. We had never been "on" Main, just crossed it. Frankly we thought all the buildings in that area were vacant, because we rarely saw a car parked there.

The deck gave us a destination and pause, introducing us to the entire Main Street area and we now, even during this fall weather on dry days, have weekly snacks and wine on the deck, and shop, eat some more, and explore everything in the area. We can't believe we've missed this gem of an area all these years!

The momentum from your Main Street rejuvenation project has been nothing less than a miracle. As you know there are many sunshiny afternoons and unscheduled warm evenings during our falls and winters, and requiring the deck's removal will definitely stop us and many others from going to that area for months, killing that momentum. We can sit inside many other places. Let us come and see and participate with your community.

I could go on and on, so I'll stop here. Again, thank you for your consideration and please approve Wine:30's request for a variance.

Phil Anderson

\*Sent from my iPhone

**Stauffer, Scott**

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**From:** Robert Palandech <rpalandech@toast.net>  
**Sent:** Monday, November 17, 2014 4:55 PM  
**To:** Milwaukie OCR  
**Subject:** Wine:30 Parklet

I am writing in support of allowing Wine:30 to keep the parklet in place through the winter months.

The Pilot Program rules should have been silent on times of use other than June 2014 through November 2015. During the time of the Pilot Program, usage should be monitored, and at the end of the program review the collected data and at that point make the determination on what the times of use should be going forward.

Having to remove and reinstall the parklet for the winter months is something that shouldn't have been part the Pilot Program. With hindsight being 20/20 I'm sure the council wouldn't impose such an anti business financial burden today with the information now available.

I have been a resident of Milwaukie for 38 years. In my early years we would come to downtown Milwaukie to shop at Safeway, pick up prescriptions at Perry Pharmacy, pay our utility bills at Perry Pharmacy, get a milkshake at Dairy Queen, picked up stationary needs at Grahams, take our dry cleaning to Milwaukie Cleaners and visited Timm's Jewelry for repairs and purchases . We watched all these businesses go away plus many more.

For many years there weren't many reasons to go to Main Street.

The last few years we are seeing a resurgence in downtown Milwaukie happenings. Sunday Market, First Fridays, Winter Solstice, Umbrella Parade, new coffee shops and restaurants trying to make a go of it and Wine:30.

Jesse Canelos and Wine:30 are the best thing to happen in Milwaukie, so give him a break and grant his wish and keep the Renaissance of Milwaukie going.

Robert M. Palandech  
11851 SE 36th Ave.  
Milwaukie, OR 97222  
503-957-6465

**Stauffer, Scott**

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**From:** Tom Ziemann <tomzglassman@gmail.com>  
**Sent:** Monday, November 17, 2014 4:55 PM  
**To:** Milwaukie OCR  
**Subject:** Wine30

You folks had the wisdom to grant a permit to allow the building of his outside deck. Now you want him to remove it for the winter, at a cost of \$5000 out of his pocket??? Not only could this ruin him financially and possible force him to shut down a tax paying business, perhaps the NICEST Establishment in our city. We already have a plethora of empty business dotting Main Street in Downtown Milwaukie. Think about the business and good will he will bring in by being allowed to keep it. That's Good for our residents and Good for Milwaukie.

We vote; should he be forced to remove his deck...  
We will remember next election who was responsible for this travesty.  
Sincerely a CONCERNED TAX PAYER in MILWAUKIE

**Stauffer, Scott**

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**From:** Silky Mayer <[silkymayer@gmail.com](mailto:silkymayer@gmail.com)>  
**Sent:** Monday, November 17, 2014 5:03 PM  
**To:** Milwaukie OCR  
**Subject:** Keep the Wine:30 Parklet Open Year-Round

Hello:

We're writing to encourage the City Council to allow the Wine:30 parklet to remain open year-round. We support Wine:30 and the efforts of its great owner Jesse Cannelos to help further bolster Milwaukie -- our community -- among the public and the consumers. The parklet is a great idea -- beautifully designed -- and we have not only enjoyed it ourselves, but have witnessed numerous people consistently enjoy it this year.

We encourage the City of Milwaukie and other downtown Milwaukie merchants to work with Jesse Cannelos and use the beautiful parklet as a focal point for holiday and non-holiday events for Milwaukie's benefit.

We have seen the successful use of year-round parklets in other areas -- it can work in Milwaukie too. Allow Wine:30 to keep the Parklet open year-round.

Thank you for listening to your fellow residents.

Manuel and Callie Mayer  
[silkymayer@gmail.com](mailto:silkymayer@gmail.com)

**Stauffer, Scott**

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**From:** Chris Becker <becker2902@gmail.com>  
**Sent:** Monday, November 17, 2014 9:19 PM  
**To:** Milwaukie OCR  
**Subject:** Milwaukie park let

Hello,

I would like to let you know that I love that little park let in front of wine30, I hope that the decision is made to keep it there all year long. It adds a big cute factor to the downtown area and brings in lots of valuable business to the community. It would be a real shame to take it down.

Thank you,  
Chris Becker  
Milwaukie resident

**Stauffer, Scott**

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**From:** Matt at Mountain Soles <mtnsoules@hotmail.com>  
**Sent:** Monday, November 17, 2014 9:43 PM  
**To:** Milwaukie OCR  
**Subject:** Parklet Comments for Council

Dear City Council,

I am writing to let you know that I am in support of adjusting the City of Milwaukie Parklet Pilot Program to allow parklets to remain in the public right of way over the winter months.

Over the last few weeks I've passed by the Wine:30 parklet at various times of the day and night and there are always plenty of parking spaces available. The other businesses adjacent to Wine:30 typically need parking spaces available during the day time, when Wine:30 is closed, and conversely Wine:30 needs parking available in the evenings when most of the other businesses are closed. Most of the time I've been past there, at least 40-50% of the parking spaces along both sides of Main St on that block are available.

The only days that there is a lack of parking in downtown Milwaukie are on First Friday's and the Farmer's Market, both of which do not happen in the winter months. When those events do happen, Wine:30 is busier than most other businesses in downtown. Parking in downtown is simply not an issue the vast majority of the time.

Parklets bring much needed activity to the street and energizes a street that contains large sections which are void of vibrant and thriving retail activity. I would love to see two more parklets on Main St; perhaps at Windhorse Coffee and Cha Cha Cha.

I hope that you will consider modifying the pilot program. Pilot programs are experiments and when done well, they should allow for some change and modification to occur.

I am surprised that staff and the council passed this program with the winter removal rule in place. As a business owner who rented a commercial space in inner-SE Portland for 10 years, I would have never considered investing so much time and money into a temporary structure (like a parklet) if the winter removal requirement was in place. It does not make sense for most small businesses, and I would imagine that there might be another parklet or two in downtown (bringing more customers to spend money at local businesses) if this rule was not in effect.

Not only should you remove the winter parklet removal rule from the program, but I suggest that you ask staff to come up with permanent code language that allows parklets in Milwaukie, to be adopted at a future meeting. That language should take into account comments from the Parklet Open House held last week, as well as a good look and comparison of Portland's Parklet rules.

Thank you for your time and consideration.

Matt Menely  
Milwaukie Resident



**MILWAUKIE CITY COUNCIL  
REGULAR SESSION**

City Hall Council Chambers  
10722 SE Main Street  
www.milwaukieoregon.gov

**AGENDA  
NOVEMBER 18, 2014**

2,186<sup>th</sup> Meeting

- 1. CALL TO ORDER** **Page  
#**
  - Pledge of Allegiance
  
- 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
  - A. Milwaukie High School Outstanding Student Award for November 2014 to Brandon Kneebone**  
Mark Pinder, Milwaukie High School Principal
  - B. Milwaukie Poetry Series Report on Seventh Season, 2013 – 2014** **2**  
Tom Hogan, Milwaukie Poetry Series Chair
  - C. Portland Milwaukie Light Rail Update** **7**  
Staff: Stacy Bluhm, Light Rail Construction Manager
  - D. Earl Smith “Bud” Burdick Memorial Proclamation** **8**
  
- 3. CONSENT AGENDA**

These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the “Consent” agenda for discussion by requesting such action prior to consideration of that part of the agenda.

  - A. City Council Minutes** **10**
    - 1. October 21, 2014, Work Session;**
    - 2. October 21, 2014, Regular Session;**
    - 3. October 23, 2014, Study Session;**
    - 4. November 4, 2014, Work Session; and**
    - 5. November 4, 2014, Regular Session.**
  
- 4. AUDIENCE PARTICIPATION**

The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, only issues that are “not on the agenda” may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and submit it to the City Recorder. Pursuant to MMC Section 2.04.360, “all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous.” The presiding officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.
  
- 5. PUBLIC HEARING**

Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

  - A. Consider an Amendment to the Downtown and Riverfront Land Use Framework Plan to Remove the Planned 21<sup>st</sup> Avenue Extension** **28**  
**File #: CPA-2014-001 – Ordinance**  
Staff: Li Alligood, Senior Planner

**6. OTHER BUSINESS**

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

**A. Wine:30 Parklet Extension Request 46**  
Staff: Steve Butler, Community Development Director

**B. Clackamas Fire District #1 Intergovernmental Agreement – Resolution 95**  
Staff: Bill Monahan, City Manager

**C. Council Reports**

**7. INFORMATION**

**8. ADJOURNMENT**

**Public Notice**

Executive Sessions: The Milwaukie City Council may meet in Executive Session immediately following adjournment pursuant to ORS 192.660(2). All Executive Session discussions are confidential and those present may disclose nothing; representatives of the news media may attend as provided by ORS 192.660(3) but must not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and they are closed to the public.

The Council requests that mobile devices be set on silent or turned off during the meeting.

The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act. For special accommodations, please call 503-786-7502 or email [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) at least 48 hours prior to the meeting.



**Regular Session  
Agenda Item No.**

**2**

**Proclamations,  
Commendations,  
Special Reports,  
& Awards**



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: **RS 2. B.**  
Meeting Date: 11/18/14

To: Mayor and City Council

Through: Katie Newell, Library Director

Subject: **Milwaukie Poetry Series Report  
Seventh Season, 2013-2014**

From: Tom Hogan

Date: October 16, 2014

I'm pleased to send this report to the Milwaukie City Council and City Manager regarding the Milwaukie Poetry Series and **its Seventh Season, 2013-2014**. It's been another terrific year! Much thanks to the Milwaukie City Council and the City of Milwaukie for its ongoing support. Thanks also to the Ledding Library Director, Board and all the staff at the Library. And thanks to the Milwaukie Poetry Committee for their hard work and effort. It's wonderful teamwork!

Our first priority is sponsoring the series of **monthly poetry readings** by established local poets of their own work. The readings are the second Wednesday of the month September through June and have become established in the poetry community as the evening of the MPS. There are so many wonderful local poets in the metropolitan area that we were able to schedule another terrific season. The readers for this last year were: **Ralph Salisbury, Wendy Willis, Verlena Orr, John Sibley Williams, Michael McGriff, John Brehm, Brittney Corrigan, John Beer, Kirsten Rian and Stephanie Lennox**. All of the readings were well attended with several at 'Standing Room Only. I wish I had room to say something about each of them. I can tell you that I've started giving a talk to my Toastmasters club about each of the readings and it's been well worth the effort.

One of the goals of the Series is to encourage participation and expand interest in poetry. It's really meant to be read out loud for an audience. Consequently we sponsored six **Open Mic** readings of our own during the Season and an additional six in partnership with St. John the Evangelist. Attendance is in the 10-25 person range with 7-10 readers each time. This included a Friends of William Stafford Birthday Celebration on January 11 and another on August 16 as part of the Stafford Centennial. We also conducted an Open Mic during April to celebrate National Poetry Month and sponsored the sixth annual **Poetry Picnic** on July 26.

We also continued to partner with St. John the Evangelist in Milwaukie and sponsored another six Open Mics as part of the City's **First Fridays**, May through October. This year we continued Featured Readers, which included the Milwaukie Poetry Series Committee, St. John the Evangelist community, the City of Milwaukie staff and Milwaukie Community leaders, including City Counselors Scott Churchill and Dave Hedges. In June we sponsored a reception for Paulann Petersen acknowledging her term as Oregon Poet Laureate which was attended by 46 people. We also had our first solo featured reader, Emmett Wheatfall, who included some music in his reading.

This year was the **William Stafford Centennial** of his birth in 1914 and the Friends of William Stafford asked people to schedule events all year. We sponsored several:

\*Sat., January 11 – our Birthday Celebration with Featured Readers and an Open Mic.

\*Thursday, Feb. 13 – A personal appearance by Haydn Reiss, creator of the Stafford film, *Every War Has Two Losers*. Presentation by Haydn and viewing the film followed by a Question & Answer period.

\*Wednesday, April 2 – Showed the film *William Stafford and Robert Bly: A Literary Friendship*, created by Haydn Reiss, an Open Mic following.

\*Saturday, May 31 –Oregon Poet Laureate Alumna Paulann Petersen led a discussion of the Stafford book *Ask Me: 100 Essential William Stafford Poems*.

\*Saturday, July 26, Poetry Picnic, Featured Readers, music and dance followed by an Open Mic.

\*Saturday, August 16, Stafford Birthday Celebration, Featured Readers Lisa Steinman and Jim Shugrue followed by an Open Mic.

\*Wednesday, December 10, Kim Stafford, reading in the Milwaukie Poetry Series.

**Writing workshops** are another goal of the Series. We sponsored one by Oregon Poet Laureate Paulann Petersen in April as part of celebrating National Poetry Month and two by Andrea Hollander. Her first one was in February and was so popular we sponsored the same workshop in June. We plan to continue sponsoring workshops in the coming Season.

We provide a **broadside** for each reading and feature the poet's work in the library. The broadsides and Series posters are quality productions by Hannah Wells of the City. The library **collection of poetry** accumulated by Sarah Lander, Reference Librarian, is growing quite extensive. The Pond House is an excellent venue for the readings and has been filled to capacity or nearly so for every reading, even on dark and stormy nights. The comments from both poets and patrons are very positive and several poets have said it's the "best reading series in the State." A **DVD** is made of each reading and provided to the poet, the library and to cable access, as are posters. We continue to publicize the Series and regularly attend such events as the semi-annual Oregon Literary Coalition.

We did less with **Milwaukie High School** and the Milwaukie Arts Academy while continuing the relationship. Heidi Pullen, the Creative Writing teacher, had a different assignment and Paulann was unable to offer the writing workshop due to her schedule as Poet Laureate. We'll continue to sponsor as many youth events as desired and are talking with the MAA to partner in whatever ways are feasible.

The Series creates a **video** of each reading which is shown regularly on both Milwaukie Cable Access and Willamette Falls Cable. Thank you to the staff of WFTV. Many poets have told me they saw their reading or someone told them about seeing the reading on TV. Videos can be checked out at the Library.

We have a **Poetry Post** in front of the Pond House. It's being used and we'd invite you to visit it and share some writing. You can see more about Poetry Posts at [www.poetrypostspdx.com](http://www.poetrypostspdx.com).

The **Eighth Season** has begun with a reading by Paulann Petersen on Sept. 10 and Henry Carlile on Oct. 8. Paulann was our first reader in Nov., 2007 and it was very fitting that she kick off this Season. Dave Filer will be here November 12 and this season is another stellar one! The Committee had continued to receive more submissions from poets than we have slots.

There are **artist's showing** in the Pond House on a 2-3 month basis. Susanna Lundgren has been diligent in working with the artists to hang the paintings. We have begun scheduling artist **receptions** at the beginning of a show and held one for Harriet Levi in June and recently in October for Gary Michael. We also are collaborating with the artMob in showing art in the Pond House.

**Financially** we were just at \$100 under budget with paying the honorariums, books for the library, sponsoring workshops, DVD creation and related expenses. We continue to look for creative ways to help develop the Series.

We extend a grateful **thanks** to the City Council and the City of Milwaukie for its continued support of the MPS; to the Ledding Library Director and staff for their support and to the Poetry Committee for its hard work and dedication. And finally to all the volunteers and supporters of the Series who come to participate in the various events. It's a great honor to serve as the Project Director! We anticipate continuing the readings as well as sponsoring the other items in this report. We also plan to participate as much as possible in arts consortiums in the community and expand where possible. Broadsides and schedules are attached. Thank you again!

Respectfully submitted,  
Tom Hogan  
Project Director

*Willows never forget how it feels  
to be young.*

William Stafford  
*Climbing Along the River*

Attachments:

1. MPS Seventh Season
2. MPS Eighth Season

# MILWAUKIE POETRY SERIES

## {SEVENTH SEASON}

**September 11, 2013 – Ralph Salisbury**

**October 9, 2013 – Wendy Willis**

**November 13, 2013 – Verlena Orr**

**December 11, 2013 – John Sibley Williams**

**January 8, 2014 – Michael McGriff**

**February 12, 2014 – John Brehm**

**March 12, 2014 – Brittney Corrigan**

**April 9, 2014 – John Beer**

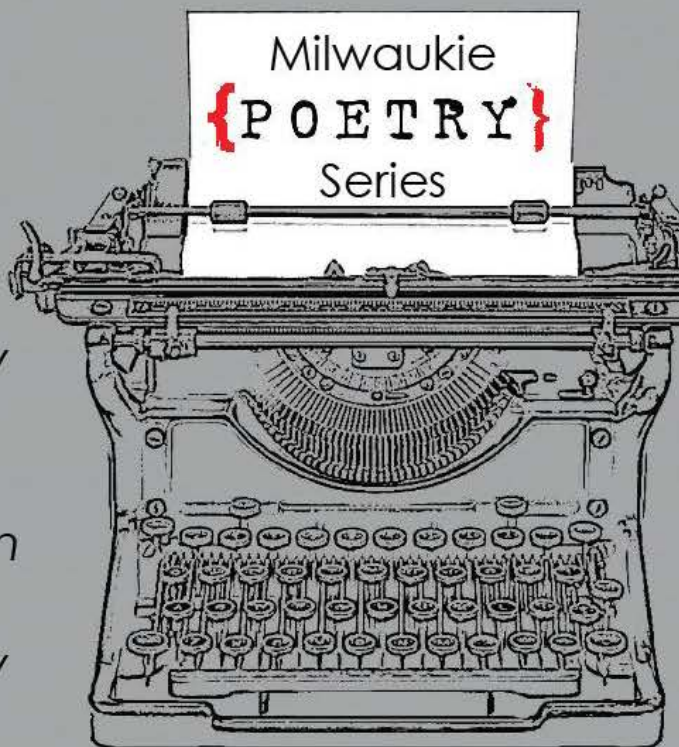
**May 14, 2014 – Kirsten Rian**

**June 11, 2014 – Stephanie Lenox**

*Wednesdays  
@ 7 p.m.*

*Ledding Library  
Pond House*

*2215 SE Harrison  
adjacent to  
Ledding Library*



# MILWAUKIE POETRY SERIES

## {EIGHTH SEASON}

**September 10, 2014 – Paulann Petersen**

**October 8, 2014 – Henry Carlile**

**November 12, 2014 – David Filer**

**December 10, 2014 – Kim Stafford**

**January 14, 2015 – David Biespiel**

**February 11, 2015 – Samiya Bashir**

**March 11, 2015 – Lex Runciman**

**April 8, 2015 – Harold Johnson**

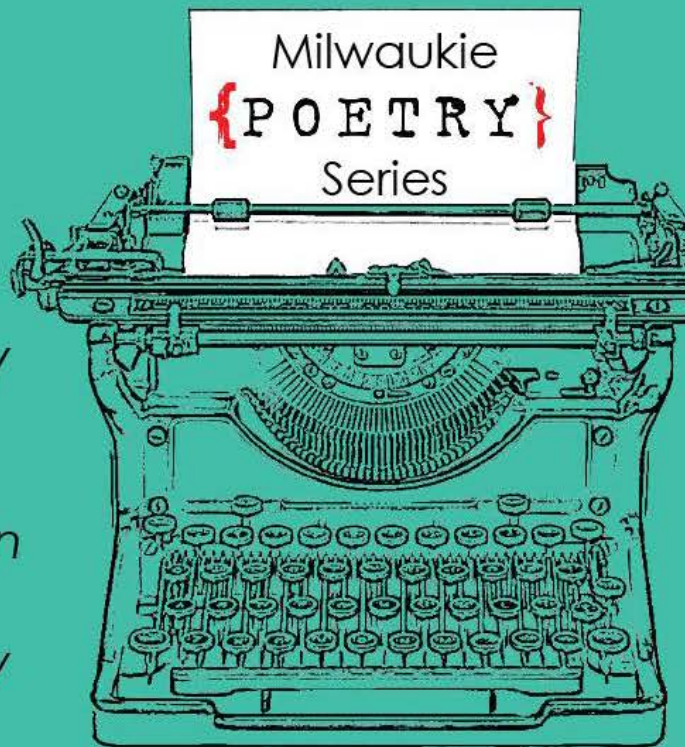
**May 13, 2015 – Lisa Steinman**

**June 10, 2015 – Annie Lighthart**

*Wednesdays  
@ 7 p.m.*

*Ledding Library  
Pond House*

*2215 SE Harrison  
adjacent to  
Ledding Library*





Agenda Item: **RS 2. C.**  
Meeting Date: **11/18/14**

## **COUNCIL AGENDA ITEM SUMMARY**

**Issue/Agenda Title:** Portland-Milwaukie Light Rail Transit Project Update

**Prepared By:** Stacy Bluhm, Light Rail Construction Manager

**City Manager Approval:** Bill Monahan

**Reviewed by City Manager:**

### **ISSUES BEFORE THE COUNCIL**

Staff will present an update to City Council on the latest Portland-Milwaukie Light Rail Transit project construction efforts.

### **STAFF RECOMMENDATION**

This item is informational; for discussion purposes only.

### **KEY FACTS & INFORMATION SUMMARY**

Milwaukie's Light Rail Construction Manager will provide an update on the most recent PMLRT construction efforts and anticipated traffic impacts. An update on the status of the Kellogg Lake Pedestrian & Bike Bridge will be presented as well.

### **OTHER ALTERNATIVES CONSIDERED**

Not applicable.

### **CITY COUNCIL GOALS**

Not applicable.

### **ATTACHMENT LIST**

None.

### **FISCAL NOTES**

No new fiscal issues.



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**RS 2. D.**  
**11/18/14**

**PROCLAMATION**

**WHEREAS**, Earl Smith "Bud" Burdick Jr., a lifelong resident and steadfast supporter of this community, passed away on Friday October 31, 2014; and

**WHEREAS**, upon graduation from Milwaukie High School, Bud served in the United States Coast Guard as a radioman in the South Pacific during World War II; and

**WHEREAS**, Bud dedicated his professional career to protecting the public as a Fire Systems Inspector, traveling the State to ensure that all structures were equipped to prevent fires; and

**WHEREAS**, Bud served his community as a Master Mason for over seven-daces in the Milwaukie Masonic Lodge and as a Charter Member of Milwaukie Presbyterian Church; and

**WHEREAS**, the Burdick family has continued an eight-decade tradition of civic engagement and community service that was initiated by Bud's father, former Milwaukie Mayor and City Manager Earl Smith Burdick Sr.; and

**WHEREAS**, it is fitting to memorialize this Son of Milwaukie, who witnessed so much of the transformation and development of this City and community.

**NOW, THEREFORE**, I, Jeremy Ferguson, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby memorialize the life and accomplishments of Earl Smith "Bud" Burdick, Jr., a son of Milwaukie, and I ask all citizens of *The Dogwood City of the West* to reflect upon his commitment and devotion to family and community.

**IN WITNESS WHEREOF**, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 18<sup>th</sup> day of November, 2014.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

\_\_\_\_\_  
Pat DuVal, City Recorder

*Milwaukie Remembers*



**In Memoriam**



**Regular Session  
Agenda Item No.**

**3**

# **Consent Agenda**



**MINUTES**  
MILWAUKIE CITY COUNCIL  
www.milwaukieoregon.gov

**WORK SESSION**  
OCTOBER 21, 2014  
City Hall Conference Room

**Mayor Ferguson** called the work session to order at 5:00 p.m.

**Council Present:** Council President Hedges and Councilors Scott Churchill, Mark Gamba, and Mike Miller

**Staff Present:** City Manager Bill Monahan, Administrative Specialist Scott Stauffer, Assistant to the City Manager Mitch Nieman, Community Development Director Steve Butler, Public Works Director Gary Parkin, Planning Director Denny Egner, Associate Planner Vera Koliass, and Engineering Director Jason Rice

**City Manager's Report**

**Mr. Monahan** reviewed of the agenda and discussed the effort to fill vacant police officer positions and the possibility of hiring an additional officer.

**Councilor Churchill** and **Council President Hedges** expressed their approval of hiring an additional officer and acknowledged that police staffing would even out by January.

**Mr. Monahan** noted that funding was available to support hiring an additional officer and discussed the 2014 Ed Zumwalt Volunteer of the Year Award nomination process.

**Community Development Update**

**Mr. Butler** noted that the Riverfront Park in-water work deadline was approaching and he discussed a meeting with Clackamas County officials regarding park access points. He said the current master plan called for two access points and that additional design work from the engineering contractor David Evans and Associates (DEA) would have to be submitted to the Oregon Department of Transportation (ODOT).

**Councilor Gamba** and **Council President Hedges** discussed the county and ODOT concerns regarding road safety. They explained that there had been a misunderstanding about the number of access points that could be eliminated and they discussed reconfiguring the park to improve access after the park was done.

**Mr. Butler** recommended that Council consider the financial impacts of constructing two access points at the October 23, 2014, Study Session.

**Council President Hedges** remarked that two access points would make maneuvering boat trailers a nightmare, and **Mr. Butler** added that there was currently no way for pedestrians to get across the narrow bridge from the southern overflow parking lot.

**Mayor Ferguson** reported that County Commissioner Paul Savas had offered to help the City identify funding for additional pedestrian and vehicle bridge work.

The group discussed the financial impact of building two access points.

**Mr. Butler** announced the upcoming Four Parks Master Planning sessions, and provided brief updates on the Tree City USA program, a heritage tree program, the 17<sup>th</sup> Avenue Multiuse project, and the McBrod Street waterline replacement project.

**Mr. Monahan** noted the legal and code enforcement issues regarding the privately owned railroad in the proposed work area around McBrod Street.

**Mr. Butler** reported that the Adams Street project contractor had come in under budget and noted that the agreement would be submitted for Council consideration in March with the goal of completing the project by the end of June.

**Mr. Egner** discussed recent and upcoming Planning Commission agenda topics including the recommendation to remove the 21<sup>st</sup> Avenue Extension from the Comprehensive Plan, a variance request for a house at 37<sup>th</sup> Avenue and Harvey Street, several Moving Forward Milwaukie (MFM) code related issues, and a proposed code amendment to allow for eating establishments along 32<sup>nd</sup> Avenue. He announced upcoming MFM and Monroe Street Greenway project open houses and workshops.

**Mr. Butler** and **Mr. Egner** reported that Council would be meeting with a developer interested in the Triangle Site, and they provided an update on Reliable Credit's plan to build an employee parking lot on Main Street.

### **Emergency Management Program**

**Mr. Parkin** introduced Linda Hedges, the City's Community Emergency Response Team (CERT) Coordinator, and provided an update on the City's emergency management program. He reported that members of the staff were required to complete National Incident Management System (NIMS) training and he described the semi-annual citywide Emergency Operation Center (EOC) exercises.

**Councilor Gamba** inquired about post-earthquake staff EOC reporting protocols, and **Mr. Parkin** replied that staff reported to the EOC based on the need not necessarily on a call to report and added that staff are instructed to report to their closest EOC facility.

**Councilor Gamba** expressed concern about the City's physical infrastructure being fixed after an emergency, and **Mr. Parkin** remarked that many members of the Public Works staff live in or very near the City and could respond in an emergency.

**Councilor Churchill** suggested compiling a list of EOC personnel from other agencies who live in the City, and **Mr. Parkin** agreed that would be useful information.

**Ms. Hedges** reported that the Basic Earthquake Emergency Communication Node (BEECN) program had been included in grant funding requests and she described BEECN's work to establish an emergency communication system and to assemble equipment at locations around the City. She said the program hopes to develop a training curriculum so that volunteers can be recruited by next summer.

**Councilor Gamba** asked if there was a difference in using radios versus satellite phones. **Ms. Hedges** replied that the biggest cost was prepaid minutes, and **Mr. Parkin** estimated the cost of a satellite phone would be \$1,500 or less.

The group discussed the seismic status and automatic shut-off system of the water tower located at 40<sup>th</sup> Avenue and Harvey Street. **Mr. Parkin** reported that staff had recently determined the structure was not likely to catastrophically fail in an earthquake.

**Councilor Miller** asked if staff that live in the City had been assigned to a BEECN area to respond to in an emergency. **Mr. Parkin** said that the NIMS model does not assign staff to specific areas and added that the Public Works staff knows the City very well.

**Council President Hedges** inquired about the differences in volunteer training for the BEECN and CERT programs. **Ms. Hedges** said that they were two separate recruitment processes, and **Mr. Parkin** added that BEECN required less training.

**Councilor Gamba** asked if the City maintained a list of hazardous material storage areas, and **Ms. Hedges** replied that the county maintained such a list within its hazard mitigation plan which the City participates in as part of the inter-agency response team.

The group noted that EOC documents are kept in paper for use in power outages and that emergency response agencies keep and maintain power generators. The group discussed the City's access to large-scale emergency water filters.

**Ms. Hedges** discussed purchasing a small-scale water filter for each BEECN location, and **Mr. Parkin** noted that the City could pursue grant funding to purchase a large-scale emergency water filter. He also reported that the City had requested to host one of the regionally located large-scale water filters.

**Councilor Churchill** and **Ms. Hedges** discussed purchasing satellite phones and identifying unreinforced masonry buildings (UMB) which do not hold-up in earthquakes.

**Mr. Parkin** said staff would seek supplemental funding for BEECN and EOC exercises.

### **Economic Development Update**

**Mr. Butler** said the goal of economic development was to retain and expand business. He reported that staff receives daily inquiries about development sites and he reviewed possible code changes and business process improvements aimed at building the City's relationships with businesses. He noted the City's regional economic development partners including Clackamas Community College and Greater Portland, Inc. (GPI).

**Ms. Kolias** and **Councilor Churchill** discussed the creation of an employment and business tracking database that would be kept confidentially on GPI servers.

The group discussed what business data should be tracked and Council provided input to staff on which businesses should be asked for feedback on City services.

**Council President Hedges** asked what advertising was in place to attract businesses to Milwaukie, and **Mr. Butler** noted that the City had partnered with other agencies and would be highlighting the benefits of doing business in Milwaukie on the City's website.

**Mr. Egner** suggested that the grand opening of the light rail line would be a good opportunity to highlight local businesses, and **Mr. Butler** remarked that anecdotal evidence confirmed a positive image of the City as a good place to do business.

**Mayor Ferguson** noted that TriMet, GPI, and the North Clackamas Chamber of Commerce (NCCC) all worked to promote the City around the region.

**Mr. Butler** reported that staff had attended NCCC, GPI, Rotary, and Clackamas County Economic Development Commission (EDC) meetings to build regional relationships.

**Council President Hedges** asked if the City partnered with Portland International Airport (PDX), and **Mr. Butler** agreed that connecting with transportation networks was important and noted the City's work with the Portland Development Commission (PDC).

**Mayor Ferguson** discussed partnering with GPI and Metro to connect the City with businesses around PDX in the hope that they may consider relocating to Milwaukie.

**Councilor Churchill** suggested staff contact Portland Incubator Experiment (PIE) to see if that group's models might drive growth in Milwaukie.

**Mr. Butler** discussed a City-organized business leader forum and ways the City works with regional partners to spotlight opportunity sites. He announced that the EDC had made the North Industrial Area (NIA) its top priority and said that Council would consider potential NIA projects at the November 4, 2014, Work Session.

**Mayor Ferguson** commented that he was glad the City had the right staff in place to support the City's role with GPI.

**Mayor Ferguson** adjourned the work session at 6:47 p.m.

Respectfully submitted,

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Scott S. Stauffer, Administrative Specialist II



**MINUTES**  
MILWAUKIE CITY COUNCIL  
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**REGULAR SESSION**  
OCTOBER 21, 2014  
City Hall Council Chambers

**Mayor Ferguson** called the 2,184<sup>th</sup> meeting of the City Council to order at 7:04 p.m.

Council Present: Council President Hedges and Councilors Scott Churchill, Mark Gamba, and Mike Miller

Staff Present: City Manager Bill Monahan, Administrative Specialist Scott Stauffer, Assistant to the City Manager Mitch Nieman, Community Development Director Steve Butler, and Light Rail Construction Manager Stacy Bluhm

**CALL TO ORDER**

PLEDGE OF ALLEGIANCE

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Milwaukie High School (MHS) Outstanding Student Achievement Award for October 2014 to Courtney Ryman**

**Mark Pinder**, MHS Principal, introduced Courtney Ryman, and Council congratulated Ms. Ryman on her achievements.

**B. Portland-Milwaukie Light Rail (PMLR) Update**

**Ms. Bluhm** shared photos of the Tilikum Crossing lighting test, and reported that the middle span of the Kellogg Bridge pedestrian and bike path was done and that the landings would be more expensive as the price of steel had increased.

**Councilor Gamba** asked if there would be enough funding to complete the pedestrian and bike bridge if other parts of the project were cut-back. **Ms. Bluhm** discussed the project's funding and stated that the inter-governmental agreement with TriMet clearly made funding the pedestrian and bike bridge the City's responsibility.

**Ms. Bluhm** reported on the status of the Milwaukie light rail station platform, the Crystal Creek area restoration, the Trolley Trail alignment and pole placement, and the various landscape elements recently installed around the Kellogg Bridge.

The group discussed safety concerns for pedestrians, bicyclists, and skateboarders heading west across the light rail and heavy train tracks on Monroe Street. The slope and presence of a retaining wall and black fence were noted as the cause of the lack of a site line of the tracks, and several possible solutions were noted including the possibility of installing swing gates and smart intersection systems.

**Ms. Bluhm** reported that the public art had been installed at the Park Avenue garage.

The group discussed the construction work, stop sign placement, and upcoming lane closures around the intersection of 21<sup>st</sup> Avenue and Lake Road.

**Councilor Gamba** asked if the budget overage would include work on both ends of the bridge, and **Mrs. Bluhm** commented that the north end is longer and more expensive.

**Ms. Bluhm** announced that TriMet would be holding an open house on the proposed bus route changes at MHS on November 6, 2014, and added that she hoped TriMet would have updated traffic modeling available soon. She confirmed that the downtown quiet zone should go into effect on May 1, 2015.

**Councilor Gamba** and **Ms. Bluhm** discussed concerns about the intersection of the Trolley Trail and 22<sup>nd</sup> Avenue and agreed that the intersection should be redesigned.

**Mayor Ferguson** invited Mike Abdich, Milwaukie resident, to make his public statement as Council was currently discussing the topic he wished to address.

**Mr. Abdich** stated that he disagreed with the placement of a stop sign and cited an academic study about the increase of distracted walkers. He advocated for the installation of a mechanical gate on Monroe Street at the train tracks. **Ms. Bluhm** said she would talk to TriMet about the safety concerns at that intersection.

**Mayor Ferguson** discussed his personal pedestrian-and-train accident experiences and stated that he hoped TriMet would address the blind spot on Monroe Street.

### **C. Four Milwaukie Neighborhood Parks Master Planning Community Events Announcement**

**Mayor Ferguson** announced the upcoming Four Parks Master Planning sessions and noted that the North Clackamas Parks and Recreation District (NCPRD) would also accept input by email to [kdunham@clackamas.us](mailto:kdunham@clackamas.us) or by phone to 503-742-4358.

### **CONSENT AGENDA**

It was moved by **Councilor Gamba** and seconded by **Councilor Miller** to approve the consent agenda as presented.

**A. Resolution 80-2014: A Resolution of the City Council of the City of Milwaukie, Oregon, Adopting the Bylaws of the Kellogg Good Neighbor Committee.**

**B. Resolution 81-2014: A Resolution of the City Council of the City of Milwaukie, Oregon, Accepting the Recommendation of the Kellogg Good Neighbor Committee increasing funding from the Good Neighbor Fund for the installation of landscaping for the purpose of providing visual and odor screening of the Kellogg Treatment Plant.**

Motion passed with the following vote: **Councilors Hedges, Gamba, Miller, and Churchill** and **Mayor Ferguson** voting “aye.” [5:0]

### **AUDIENCE PARTICIPATION**

**Mr. Monahan** reported that there was no follow-up from the last Audience Participation, and **Mayor Ferguson** noted that only speaker for the evening had spoken earlier.

### **PUBLIC HEARING**

There were none scheduled.

### **OTHER BUSINESS**

#### **A. Portland General Electric (PGE) Clean Wind Purchase Agreement – Resolution**

**Mr. Nieman** distributed a revised agreement proposal to Council and explained that the revisions included new facility efficiency calculations and participation levels. He stated that the staff recommendation was to renew the agreement at the silver level and reviewed prior City participation in the program. He introduced Anne Hall, with PGE, and Aaron Green, with Green Mountain Energy (GME); he noted that GME works with PGE to do outreach and marketing for renewable energy products.

**Mr. Green** discussed recent cost reductions in renewable energy and provided clarification on the price and marketing benefits associated with each participation level.

**Mr. Nieman** clarified that the recommendation was to power all City facilities by clean energy and noted that the gold level would cost the City \$3,209.79. He presented and discussed examples of PGE marketing materials at different participation levels.

**Mayor Ferguson** and **Ms. Hall** discussed public reaction to PGE marketing on behalf of its clean energy partners and how regional advertising could benefit the City's economic development efforts in attracting eco-friendly businesses and residents.

**Councilor Miller** commented on selling clean energy to citizens without having tangible results and asked about the budget impact of purchasing clean energy. **Mr. Green** noted that PGE has already done outreach to Milwaukie residents and they have noticed a warming to clean energy in the City.

**Mr. Nieman** pointed out that the proposed Council Resolution could be adjusted to reflect whatever participation level Council wanted.

The group noted other cities participating in the clean energy program and discussed other cities and agencies currently being recruited.

**Council President Hedges** commented on adopting policies for the good of the City even if the results were not visible and added that he personally powered his home by 100% renewable energy. He said the City should do it because it is the right thing to do, and **Councilor Gamba** expressed his agreement with Council President Hedges.

**Mr. Green** noted that the program is committed to purchasing e-certified renewable energy credits from Pacific Northwest facilities.

**Mr. Nieman** and **Mr. Monahan** reported that the funds were available for additional participation costs in addition to the funds budgeted to participate at the platinum level.

**Council President Hedges** remarked that the additional \$5,000 cost difference between the platinum and gold levels was worth the advertising spread over a year.

**Ms. Hall** said she would work with the City to create and strategically place ads.

**Mayor Ferguson** stated that he supported the City's participation in the program and stated he would like additional information on the marketing impact. He discussed how advertising through PGE would support the City's economic development and environmental stewardship efforts.

**Mr. Green** and **Mayor Ferguson** discussed community and employee events that GME could help organize to promote the renewable energy program.

**Ms. Hall** reported that Milwaukie would be the first City in Clackamas County to participate at the platinum level and noted that Portland did not participate at that level.

**Councilor Miller** said he was not opposed to the City's participation in the program but said he was concerned about PGE's guarantee that 100% of the City's power would come from wind farms. **Ms. Hall** discussed how PGE purchases renewable energy credits from e-certified wind farms.

**Mr. Green** added that the State oversees the sale of renewable energy credits.

**Mayor Ferguson** noted that the platinum level participation cost was \$8,479.80.

**It was moved by Councilor President Hedges and seconded by Councilor Gamba to adopt the resolution approving the City Manager to Enter into Agreement with Portland General Electric for Purchase of Clean Wind Renewable Power. Motion passed with the following vote: Councilors Hedges, Gamba, Miller, and Churchill and Mayor Ferguson voting "aye." [5:0]**

**Resolution 82-2014:**

**A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the City Manager to Enter into Agreement with Portland General Electric for Purchase of Clean Wind Renewable Power.**

The group discussed when PGE and GME would provide marketing updates to Council and PGE and GME were encouraged to share Milwaukie's decision with other cities.

## **B. Council Reports**

**Mayor Ferguson** announced that Council would not meet in Executive Session.

**Councilor Miller** discussed attending the Lake Road Neighborhood District Association (NDA) meeting and possibly the last NCPRD District Advisory Board meeting.

**Councilor Churchill** reported attending the Historic Milwaukie NDA meeting, and he discussed community concerns about illegal activity around Dogwood Park and MHS.

**Councilor Gamba** discussed Metro's work to reach emission targets and announced the North Clackamas Urban Watershed Council's (NCUWC) upcoming meeting.

**Council President Hedges** said he had attended several NDA meetings, the Sunday Farmer's Market, the unveiling of the Blue Star Memorial at Riverfront Park, and a meeting with Clackamas County officials regarding Riverfront Park access points.

**Mayor Ferguson** commented on the unveiling of the Blue Star Memorial and noted that the Milwaukie Garden Club planned to install a garden around the memorial next year. He announced upcoming events including the Johnson Creek Watershed Council salmon survey and several Halloween community events.

**Mayor Ferguson** and **Councilor Gamba** reminded voters to turn in their ballots.

### **ADJOURNMENT**

**It was moved by Mayor Ferguson and seconded by Councilor Churchill to adjourn the Regular Session. Motion passed with the following vote: Councilors Hedges, Gamba, Miller, and Churchill and Mayor Ferguson voting "aye." [5:0]**

**Mayor Ferguson** moved to adjourn the regular session at 8:42 p.m.

Respectfully submitted,

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Scott S. Stauffer, Administrative Specialist II



**MINUTES**  
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**STUDY SESSION**  
OCTOBER 23, 2014  
City Hall Conference Room

**Mayor Jeremy Ferguson** called the study session to order at 6:36 p.m.

Council Present: Council President Dave Hedges and Councilors Mark Gamba and Mike Miller

Excused: Councilor Scott Churchill

Staff Present: City Manager Bill Monahan, Administrative Specialist Scott Stauffer, City Attorney Dan Olsen, Community Development Director Steve Butler, Planning Director Denny Egner, and Engineering Director Jason Rice

**Medical Marijuana Facility Siting**

**Mr. Egner** reviewed previous Council discussion on siting medical marijuana facilities, and discussed buffer zones for schools and childcare facilities. He summarized that the Planning Commission had been working on a proposed ordinance that would prohibit marijuana facilities from co-locating with other businesses and would ban visible marijuana displays. He reported that Chief Bartol had recommended that the hours of operation be limited to avoid late night issues, and he asked for Council input on the proposed ordinance as drafted so far by the Planning Commission.

**Councilor Gamba** noted that medical marijuana was legal in Oregon and suggested medical marijuana facilities should be handled like drug or liquor stores. **Mr. Egner** discussed Oregon Liquor Control Commission (OLCC) regulation of liquor stores and distributed an example OLCC site evaluation form to Council.

**Councilor Miller** asked what "neighborhood commercial" meant, and **Mr. Egner** noted that such zones existed at Linwood Avenue and King Road and along 32<sup>nd</sup> Avenue.

The group discussed the possible negative effects of boarded-up medical marijuana facilities on the surrounding commercial areas.

**Council President Hedges** suggested the City consider the processes for siting recreational and medical marijuana facilities given the likelihood of voters legalizing recreational marijuana at the November General Election.

**Mayor Ferguson** summarized that Council supported enforcing the state's school buffer zone with the inclusion of former school sites where youth activities are conducted, and the ban on co-locating with other businesses.

**Councilor Gamba** suggested that banning a medical marijuana facility from co-locating with a business that sells marijuana accessories wouldn't make sense, and **Mr. Egner** suggested the accessory items could be part of the medical marijuana facility.

**Mayor Ferguson** said he would not want a 7-Eleven to co-locate with a medical marijuana dispensary and stated his support for limiting the hours of operation.

**Councilor Gamba** concurred that limiting the hours of operation was reasonable.

**Councilor Miller** noted the youth activities that occur at the North Clackamas School District (NCSD) office building on Lake Road and suggested it be designated a school buffer zone. **Mr. Egner** noted NCSD's conversations with the City regarding the possible relocation of their offices to the commercial building on Freeman Way and said the NCSD offices could be a buffer zone. He summarized Council's input and reported that the Planning Commission would draft an ordinance for Council consideration.

**Council President Hedges** asked about how the 1,000 feet from schools were determined, and **Mr. Egner** reported that it was from the property line as spelled out in the Oregon Administrative Rules (OARs).

### **Right-of-Way (ROW) Presentation**

**Mr. Olsen** said the objective was to review how ROWs are created and controlled, and **Mr. Monahan** added that the request for a ROW review came from neighborhood district association (NDA) conversations about the Monroe Street Greenway project.

**Council President Hedges** discussed ROW concerns along 42<sup>nd</sup> and Home Avenues.

**Mr. Monahan** said the goal was to have common ground between staff and Council when talking to the public about City programs and projects.

**Mr. Olsen** discussed the legal definition of ROWs, the public's use of ROWs, utilities' access to ROWs, how the City Code defines a ROW, and by what authority the City and other jurisdictions control ROWs.

The group discussed how cities, counties, and the state co-manage different roads.

**Mr. Olsen** explained that ordinances define what can or cannot be in a ROW, and talked about how an unimproved street can lead to questions about where the ROW is located. He reviewed how ROWs are created and what agencies can do for the "benefit of the public" in a ROW, noting that the presence of utilities can complicate a situation. He said a City could take ownership of a ROW through adverse possession after 10 years of open or adverse use by hostile owners. He discussed what the public can and cannot do in ROWs and cited several common examples.

**Councilor Gamba** and **Mr. Olsen** discussed the government's responsibility to obtain a full independent appraisal of a property before purchasing a ROW and how to assess the value of a tree in the ROW.

**Mr. Olsen** provided several examples of cases where property owners have limited the public's access to a ROW, and **Council President Hedges** commented on the common expectation that the public has the right to use a ROW.

**Mr. Monahan** remarked on the City's enforcement of ROW encroachment and the City's potential liability in accidents in the ROW involving permanent structures.

**Council President Hedges** discussed how years of ROW use by the owner builds the expectation that the ROW property is theirs exclusively, and **Mr. Olsen** commented that it is sometimes important to survey the property to identify where ROW line is located.

### **Sidewalk Enhancement Program**

**Mr. Rice** said that the idea of a sidewalk enhancement program has come-up in conversations regarding different City programs, and he explained that staff wanted to review ongoing sidewalk projects, receive Council input on new sidewalk projects, and discuss how a sidewalk enhancement program would be set-up.

**Councilor Gamba**, **Mr. Monahan**, and **Mr. Rice** discussed how a local improvement district (LID) could be financed through the City, who could be included in the affected assessment area, and how the perception of receiving the benefit could change based on distance to the improved street. They agreed that a City fee LID would be the best approach, and they discussed different approaches to prioritizing street projects.

**Council President Hedges** commented on selling a LID fee to residents of improved streets and suggested following the Surface Street Maintenance Program (SSMP) model where everyone contributes would allow for all streets to be improved one day.

The group discussed creating incentives for all residents to support a citywide sidewalk enhancement program and how former Councilors had successfully promoted the adoption of the SSMP to the public. The group agreed that Council should take the lead in recruiting public support for a sidewalk enhancement program.

The group discussed different styles and types of sidewalks, and how to establish flexible standards so sidewalks can blend into the neighborhood. The group agreed that sidewalks should meet Americans with Disabilities Act (ADA) requirements.

**Council President Hedges** and **Mr. Rice** discussed prioritizing several streets that need to meet ADA requirements and support the proposed TriMet bus route changes.

The group discussed concerns about narrow arterial street sidewalks and working with utility companies and property owners to move poles for better pedestrian access.

**Mayor Ferguson** discussed enacting a citywide sidewalk enhancement program and the concerns residents with improved streets and sidewalks might express.

**Council President Hedges** expressed his concerns about pedestrian accidents occurring on privately owned sidewalks and the property owners' liability.

**Mr. Monahan** said a citywide program would be all inclusive and would cost more.

**Council President Hedges** and **Councilor Gamba** agreed that property owners would need to improve the sidewalk to a good condition before the City took ownership.

**Mayor Ferguson** excused himself from the meeting at 8:00 p.m.

**Councilor Miller** suggested that an incentive for property owners with sidewalks could be that the City would maintain the sidewalks going forward, and the group discussed how to sell the incentive to owners and the need to provide an analysis of the increasing cost of an aging infrastructure and the possible costs of a citywide sidewalk program.

**Councilor Gamba** and **Mr. Rice** discussed the feasibility of establishing a fee system to support hiring a three-person City crew to build and maintain all sidewalks. They cited concerns about creating a long-term program and not a one-time set of projects.

The group discussed ways for the public to help prioritize which streets to improve and it was noted that the Transportation System Plan (TSP) had identified priority projects.

**Council President Hedges** suggested that increasing the current SSMP fee or gas tax could be ways to support a sidewalk program through existing funding methods.

**Councilor Gamba** suggested that the first sidewalk projects could focus on the areas around schools, which he said would help Council sell the program to residents.

**Mr. Rice** said he would report back to Council based on their feedback on the City building new sidewalks and taking ownership of all sidewalks within the City.

### **Riverfront Park Construction Update**

**Mr. Rice** discussed meeting with representatives of Clackamas County Water Environment Services (WES) regarding vehicle access points at Riverfront Park.

**Council President Hedges** and **Councilor Gamba** discussed the feasibility of eliminating the Washington Street exit and concerns about WES trucks and trucks pulling fishing boats turning left onto McLoughlin Boulevard.

**Mr. Rice** reported that WES liked the current Oregon Department of Transportation (ODOT) approved design and had suggested reviewing the design in 5 years. He expressed his concerns about trucks pulling fishing boats having to drive all over the parking lots and across the narrow bridge to go north at Washington Street.

**Councilor Gamba** inquired about the cost to build a pedestrian bridge between the parking lots, and **Mr. Rice** replied that the pedestrian bridge was in the permit but was not currently included in the project plans as it has become cost prohibitive and because of the possible completion of the Kellogg pedestrian and bike bridge.

**Councilor Gamba** suggested staff look into the design of a narrower pedestrian bridge.

**Council President Hedges** and **Mr. Rice** discussed the traffic safety concerns for the entire McLoughlin Boulevard corridor voiced by County Commissioner Paul Savas.

**Mr. Rice** reported that ODOT has refused to put in a traffic light at the new Riverfront Park access point next to the Kellogg Treatment Plant (KTP) unless the City removes the traffic light at Washington Street, which he noted the City cannot do as the number of TriMet buses on Washington Street is expected to increase with the opening of the Portland Milwaukie Light Rail (PMLR) line in 2015.

The group discussed how southbound traffic on McLoughlin Boulevard accesses downtown Milwaukie, the anticipated impact of additional buses on downtown street parking, and staff confirmed that direction signage will be installed around downtown.

**Mr. Rice** summarized that the Riverfront Park exit point at Washington Street will be pursued given the County's push-back and reviewed the additional costs associated with adding this back into the project plans. He discussed ODOT's additional traffic design requirements, noted that the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Marine Board (OMB) had provided funding for the additional change of orders costs, and added that the City had spent around \$30,000 of economic development funds on the Riverfront Park project. He reported that the City had about \$60,000 available for the project, and that the contractor had been working very hard with the City to save costs.

**Council President Hedges** commented on County Commissioner Savas' lack of support in the Board of County Commissioners (BCC) for a single access point.

**Mr. Rice** reported that County Commissioner Savas had said the problem was with the narrow bridge and had suggested the possibility of a partnership between the City, County, ODOT, and U.S. Army Corps of Engineers to widen and rehabilitate the bridge.

**Councilor Gamba** and **Mr. Rice** discussed the impact of the possible removal of the Kellogg Dam on the little park bridge, and the feasibility of draining the lake and using the concrete culvert at the bottom as a fish ladder.

**Council President Hedges** adjourned the Study Session at 8:32 p.m.

Respectfully submitted,

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Scott S. Stauffer, Administrative Specialist II



**MINUTES**  
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**WORK SESSION**  
NOVEMBER 4, 2014  
City Hall Conference Room

**Mayor Ferguson** called the work session to order at 5:00 p.m.

Council Present: Council President Hedges and Councilors Scott Churchill, Mark Gamba, and Mike Miller

Staff Present: City Manager Bill Monahan, Assistant to the City Manager Mitch Nieman, City Recorder Pat DuVal, Community Development Director Steve Butler, and Engineering Director Jason Rice

**City Manager's Report**

**Mr. Monahan** reviewed the evening's agendas, and Council members indicated they had no questions. Upcoming agendas would include recognition of the Ed Zumwalt Volunteer of the Year Award recipient and consideration of the Clackamas Fire District #1 facility agreement.

**Mile North Industrial Area (MNIA) Economic Development**

**Mr. Butler** was joined by **Catherine Comer**, Clackamas County Business and Economic Development Department manager, and **Rob Campbell**, Clackamas Community College (CCC) Small Business Development Center (SBDC) Director. There had been interest in the MNIA since the Tacoma Station Area Plan (TSAP) was adopted, and it was now moving forward more quickly than anticipated.

**Ms. Comer** said the Mission of the Economic Development Commission (EDC) was to create prosperity by fostering balanced economic development in the County through a close partnership with government and the private sector. There was not a lot of available employment land in the urban growth boundary (UGB), and the MNIA was identified as an opportunity site.

**Mr. Campbell** reviewed the process and said the goal was to help increase the economic viability of the region. The Board of County Commissioners (BCC) charged the EDC with studying the employment land inventory and identifying successful key employment areas and opportunities for sites that could be brought into the employment land inventory for the future. Two committees would be formed with one focusing on land and infrastructure outside the UGB and the other on the land and infrastructure inside the UGB. The intent of the EDC was to offer support on what was perceived as an opportunity site and to help ensure the MNIA was developed in a way the City wanted. He was seeking input from the Milwaukie City Council for a presentation before the BCC on December 2, 2014. His recommendation would be to make this the highest priority area given its proximity to Portland and potential for redevelopment.

**Mr. Butler** spoke to the opportunity of capitalizing on new light rail access and the connection with Oregon Health and Sciences University's (OHSU) South Waterfront Campus. He and others felt Milwaukie was well situated for serious consideration.

**Mr. Campbell** noted that Mike Williams, Oregon Business Development Officer for Clackamas and Washington Counties, believed this project was a perfect opportunity for collaboration between the State, County, and the City. He commented on the State's ability to create partnerships through Oregon Solutions.

**Ms. Comer** asked for the City Council's initial thoughts for the visioning process.

The group discussed possible redevelopment of the Oregon Liquor Control Commission (OLCC) site.

**Council President Hedges** asked what might happen to current MNIA businesses, how drastic the changes might be, and if OHSU might be able to repurpose some of the existing buildings.

**Ms. Comer** responded that one of the early steps will be to engage existing businesses to determine if they wanted to stay and possibly expand or relocate. She discussed the question of public funds, opportunities, and constraints.

**Councilor Churchill** commented on a report by Christian Kaylor, a Portland regional economist with the State of Oregon. Statistically, Clackamas County was doing poorly compared to Portland and Washington County in terms of population and job growth. He noted that single family residential building permits were stagnant. He asked Ms. Comer how Milwaukie could support the EDC's efforts.

**Councilor Gamba** suggested investigating local agriculture and how that might fit with storage and building on the momentum of Milwaukie businesses like Bob's Red Mill, Dave's Killer Bread, and Breakside Brewery. He discussed green tech and the proximity to heavy rail.

**Mr. Campbell** added that 2/3 of the region's farmers were 60 plus years of age with no succession plan. He discussed the potential synergy between health care and metals clusters.

**Mayor Ferguson** commented on Precision Castparts' current location and its relationship with Blount, International.

**Councilor Churchill** thought jobs per acre might actually be lost if land were given over to food production.

### **Wine:30 Parklet Extension Request**

**Mr. Butler** discussed the development of the parklet pilot program and history of prior actions. Mr. Canelos had requested an extension of the use of the approved parklet through the winter. Mr. Butler said the program could be modified administratively if the City Council provided clear direction. Given the current pilot structure of the program, Mr. Canelos would like to know whether to mobilize immediately to disassemble and remove the parklet.

**Mr. Canelos** requested that the program be extended from December through the end of March pointing out that the parklet had not actually been built until the end of August. As the parklet was being built it became clear that the project was more intricate than anticipated and took additional time. He noted 12 spaces were allowed on Main Street, but the other businesses that initially expressed interest decided not to move forward at this time. He added the Portland Street Seats program was year round, and he showed photos of these structures which provided an overall benefit in retail areas.

**Councilor Churchill** had heard complaints that the parklet was not Americans with Disabilities Act (ADA) accessible.

**Mr. Butler** said based on the pilot program guidelines, the platform was not accessible; however, the sidewalk and broader seating areas were ADA accessible.

**Councilor Miller** asked Mr. Canelos if he had discussed the year round proposal with other businesses on the block, and he replied that he had not. Councilor Miller understood that other businesses had chosen not to participate in the pilot since the parklet had to be removed after a short period of time.

**Mr. Canelos** discussed other permit parking areas on 21<sup>st</sup> Avenue and Monroe Street and thought additional parking spots could be added on Jackson Street west of Main Street. He provided a series of photos demonstrating parking usage on Main Street.

**Councilor Churchill** said the owners of businesses that were open during the day thought there was a lack of available parking, and he felt that needed to be looked at. It seemed the rules relating to ADA accessibility were bent somewhat, and he suggested hiring an ADA consultant.

**Councilor Miller** thought Mr. Canelos had done a good job on the parklet, but he did not see how it could be used year round. His main concern was that the other six businesses on the block had not been consulted about the extension. It was important to engage fellow business owners and collaborate on how to make this work. Some businesses may have chosen not to participate because of the conditions of the program. This was a pilot program and needed more time for testing. He suggested staff talk with other business owners downtown for their input.

**Councilor Churchill** suggested that letters of endorsement from other businesses on the block would be helpful, but at this point Mr. Canelos was not meeting the conditions of approval.

The group agreed to schedule consideration of the parklet as a regular session item on the November 18, 2014, agenda and allow for public comment.

**Councilor Gamba** said his experience was that the parklet enlivened the downtown in the evening. The point of a pilot program was to determine what did work and what did not work in order to make adjustments as needed. Except for Farmers' Market days he had seen quite a few open parking spaces.

**Mayor Ferguson** had spoken with Wind Horse and Cha Cha Cha, and the owners decided not to participate at this time for a number of reasons that were not necessarily influenced by the pilot program itself.

**Mr. Canelos** said he would like an extension to test the year round concept, and Council President Hedges encouraged him to come back in two weeks with a concept for year round usage.

**Mayor Ferguson** recessed the Work Session at 6:17 p.m. and announced that the Council would meet in Executive Session pursuant to ORS 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

**Mayor Ferguson** reconvened the Work Session at 7:15 p.m.

#### **Ed Zumwalt Volunteer of the Year Award**

**Mayor Ferguson** said a number of people had been nominated for this year's award and collected the Councilors' ballots.

**Mayor Ferguson** adjourned the work session at 7:23 p.m.

Respectfully submitted,

---

Pat DuVal, Recorder



**MINUTES**  
MILWAUKIE CITY COUNCIL  
www.milwaukieoregon.gov

**REGULAR SESSION**  
NOVEMBER 4, 2014  
City Hall Council Chambers

**Mayor Ferguson** called the 2,185<sup>th</sup> meeting of the City Council to order at 7:20 p.m.

Council Present: Councilors Mark Gamba, Mike Miller, and Scott Churchill

Excused: Council President Dave Hedges

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Community Development Director Steve Butler, Public Works Storm/Street Supervisor Kenny Hill, and Civil Engineer Brad Albert

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**Chaplain Jerry Craig** and members of American Legion Post 180 led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Veterans Day Proclamation**

**Mr. Craig** expressed his appreciation for the collaborative relationship between the City and American Legion Post 180.

**Mayor Ferguson** read the proclamation naming November 11, 2014, to be Veterans Day in the City of Milwaukie and commended its observance to all citizens of the *Dogwood City of the West*.

**B. 17<sup>th</sup> Avenue Multiuse Path Update**

**Mr. Albert** and **Aaron Isenhardt, PE, Harper Houf Peterson Righellis, Inc. (HHPR)** provided an overview of the project since the City received notice to proceed from the Oregon Department of Transportation (ODOT) on April 15, 2014. Most recently, the preliminary plan set was submitted to ODOT for review on October 16, 2014, and the first open house, which was well attended, was held on October 27, 2014. Mr. Albert noted that some renderings were available that he could post on the City website.

**Mr. Isenhardt** discussed the preliminary design and the general premise of a shared use path. He showed typical sections at the intersections with Lava Drive and McBrod Avenue, the retaining wall south of Waverly, the rockfall catchment area near Hwy 224, and the path adjacent to the Milwaukie Pioneer Cemetery.

**Councilor Churchill** understood the Pioneer Cemetery Board of Trustees had concerns and suggested staking out the location of the retaining wall for a better understanding.

**Mr. Isenhardt** said some of the big milestones coming up were the environmental closeout of the project footprint and acknowledgment that there were no environmental impacts. The cultural and historical elements of the project should be done the second week of January followed by the right of way (ROW) process.

**Mr. Albert** said during the well-attended project open house and ride along, public comments were generally positive, and people were excited about the project. There were some comments that signage and striping should be increased to improve safety. One person suggested deleting the bike lane on the east side of 17<sup>th</sup> Avenue and

adding the space to the multi-use path on the west side, but there were safety concerns with doing that.

**Councilor Churchill** suggested staff look into signage at St. Andrews Drive and post any survey work for a better understanding of the ROW acquisitions.

**Mr. Albert** said the acquisition phase would be in February 2015 with the goal of construction in 2016. He noted the Pioneer Cemetery concerns about parking and said the City would talk to adjacent properties about a shared use parking agreement for events.

### **C. TriMet Bus Service Changes Workshop Announcement**

**Mayor Ferguson** announced upcoming workshops on proposed bus route changes.

### **CONSENT AGENDA**

**Councilor Churchill** requested that the Library Expansion Task Force (LETf) be removed from the consent agenda and postponed to a future meeting when the City Council could select its representative.

**It was moved by Councilor Gamba and seconded by Councilor Miller to approve the consent agenda as amended.**

#### **A. City Council Meeting Minutes:**

- 1. September 18, 2014, Study Session;**
- 2. October 7, 2014, Work Session; and**
- 3. October 7, 2014, Regular Session.**

~~**B. Resolution 83-2014: A Resolution of the City Council of the City of Milwaukie, Oregon, Revising Membership to the Library Expansion Task Force.**~~

**Motion passed with the following vote: Councilors Hedges, Gamba, Miller, and Churchill and Mayor Ferguson voting “aye.” [5:0]**

### **AUDIENCE PARTICIPATION**

**Mr. Monahan** had no reports or follow-up from comments or questions from the previous City Council meeting.

**Mayor Ferguson** announced no one had requested to speak before the Council at this meeting.

### **PUBLIC HEARING**

None scheduled.

### **OTHER BUSINESS**

#### **A. Parking Lot Sweeping Service Memo of Understanding (MOU) with Oak Lodge Sewer District – Resolution**

**Mr. Hill** reviewed the elements of the MOU which would result in about a 2% work load increase that could be absorbed without additional resources. The revenue would be approximately \$300 annually for the parking lot sweeping service.

**It was moved by Councilor Miller and seconded by Councilor Churchill to adopt the resolution entering into a Memorandum of Understanding with Oak Lodge Sewer District for the purpose of providing parking lot sweeping services. Motion passed with the following vote: Councilors Gamba, Miller, and Churchill and Mayor Ferguson voting “aye.” [4:0]**

#### **Resolution 83-2014:**

**A resolution of the City Council of the City of Milwaukie, Oregon, entering into a Memorandum of Understanding with Oak Lodge Sewer District for the purpose of providing parking lot sweeping services.**

## **B. Council Reports**

**Mayor Ferguson** made several brief announcements about upcoming events

### **ADJOURNMENT**

**It was moved by Mayor Ferguson and seconded by Councilor Miller to adjourn the Regular Session. Motion passed with the following vote: Councilors Gamba, Miller, and Churchill and Mayor Ferguson voting “aye.” [4:0]**

**Mayor Ferguson** moved to adjourn the regular session at 8:02 p.m.

Respectfully submitted,

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Pat DuVal, Recorder



**Regular Session  
Agenda Item No.**

**5**

# **Public Hearing**



MILWAUKIE CITY COUNCIL  
**AGENDA ITEM SUMMARY**

Agenda Item: **RS 5 A**

Meeting Date: **11/18/14**

Title: **CPA-14-01 21<sup>st</sup> Avenue Extension**

Prepared By: Li Alligood, Senior Planner

Department Approval: Dennis Egner, Planning Director

City Manager Approval: Bill Monahan

Approval Date: 11/5/14

**ISSUES BEFORE COUNCIL**

Application to amend the Downtown and Riverfront Land Use Framework Plan to remove the planned 21<sup>st</sup> Avenue Extension from the document (Land use file CPA-14-01).

**STAFF RECOMMENDATION**

Approval.

**KEY FACTS & INFORMATION SUMMARY**

On August 5, 2014, Council initiated an application to remove the planned 21<sup>st</sup> Avenue Extension from guiding policy documents. Removal of the planned 21<sup>st</sup> Avenue Extension will formalize the termination of 21<sup>st</sup> Ave at the North Main Village development.

**OTHER ALTERNATIVES CONSIDERED**

None.

**CITY COUNCIL GOALS**

N/A

**FISCAL NOTES**

N/A

**ATTACHMENTS**

1. Ordinance  
Exhibit A: Recommended Findings in Support of Approval  
Exhibit B: Proposed Amendments to the Downtown and Riverfront Land Use Framework Plan Maps



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: RS 5 A  
Meeting Date: 11/18/14

To: Mayor and City Council

Through: Bill Monahan, City Manager  
Steve Butler, Community Development Director  
Dennis Egner, Planning Director

Subject: **CPA-14-01 21<sup>st</sup> Avenue Extension**

From: Li Alligood, Senior Planner

Date: November 11, 2014

### **ACTION REQUESTED**

Approve application CPA-14-01 and recommended Findings of Approval found in Attachment 1. This action would remove the planned 21st Avenue Extension from the Downtown and Riverfront Land Use Framework Plan, an ancillary document to the Milwaukie Comprehensive Plan, and formalize the termination of 21<sup>st</sup> Ave at the North Main Village development.

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

- **August 5, 2014:** Council initiated a land use application to amend the map and text of the Downtown and Riverfront Land Use Framework Plan to remove the unconstructed portions of the planned 21<sup>st</sup> Avenue Extension (Res. 74-2014).
- **September 19, 2000:** CPA-00-02, adoption of the Milwaukie Downtown and Riverfront Land Use Framework Plan<sup>1</sup> as an ancillary document to the Milwaukie Comprehensive Plan (Ord. 1880). This document included an extension of 21st Ave north of Harrison St, which was implemented through the Downtown and Riverfront Public Area Requirements (PARs).

### **BACKGROUND**

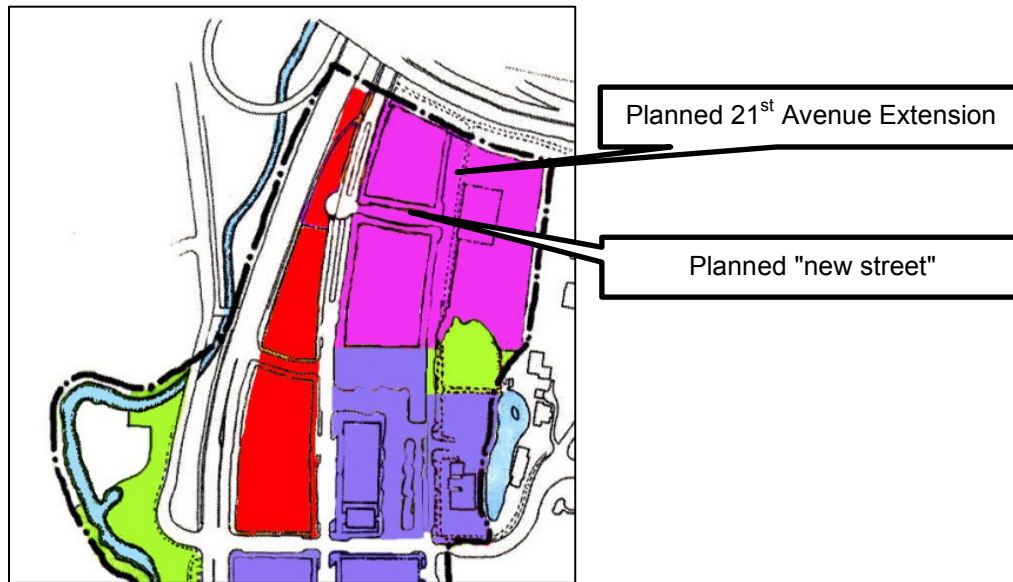
The Downtown and Riverfront Land Use Framework Plan (Framework Plan) was adopted in 2000 with the goal of reinvigorating downtown Milwaukie. The plan and implementing public works standards (Downtown and Riverfront Public Area Requirements, or PARs) proposed to reestablish the vacated street grid north of Harrison St by extending 21st Ave north from Harrison to Hwy 224 and a planned pedestrian connection to the Springwater Corridor Trail. The 21st Avenue Extension would lessen the depth of the lots in northern downtown and provide additional public frontage for redevelopment along the planned 21st Avenue Extension. A new street was proposed to connect the planned 21st Avenue Extension with Main Street.

See Figure 1.

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<sup>1</sup> Available online at [http://www.milwaukieoregon.gov/sites/default/files/fileattachments/DtwnRFLandUseFrameworkPlanCopy\\_0.pdf](http://www.milwaukieoregon.gov/sites/default/files/fileattachments/DtwnRFLandUseFrameworkPlanCopy_0.pdf).

**Figure 1. Planned 21<sup>st</sup> Avenue Extension**

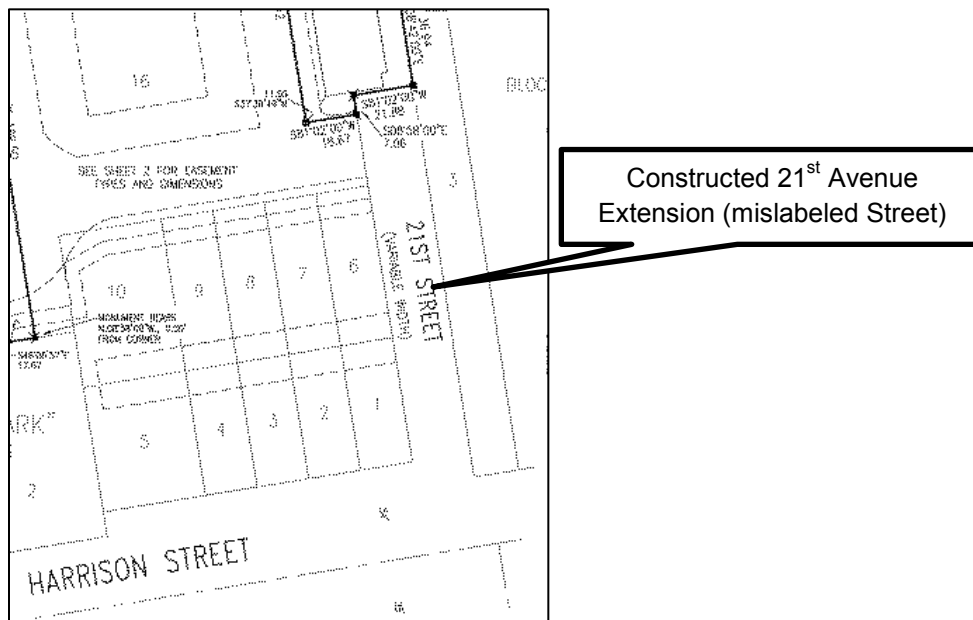


Source: *Downtown and Riverfront Land Use Framework Plan*

A small portion of the planned 21st Avenue Extension was constructed in 2005 by the North Main Village project. During construction, City staff determined that deed restrictions on the Ledding Library and Scott Park properties prevented construction of 21st Ave across those sites. Half street improvements on 21st Ave terminated at the southern end of the town homes, effectively preventing further extension of the street.

See Figure 2.

**Figure 2. North Main Village Condominium Plat**



Source: *Clackamas County Surveyor*

Construction of the remainder of the planned 21st Avenue Extension would remove existing library parking; limit the potential expansion of the library, and cross Scott Park and impact natural resources contained within.

On August 5, 2014, City Council initiated an application to formalize the termination of the planned 21st Avenue Extension by removing it from the guiding policy documents.<sup>2</sup> Because the Framework Plan is an ancillary document to the Milwaukie Comprehensive Plan, a Comprehensive Plan map amendment is required to remove the extension from the Framework Plan. Subsequently, the Public Works Standards will be revised to remove the planned 21st Avenue Extension cross section, and the zoning ordinance will no longer require dedication of public right-of-way and construction of the street when the affected parcels develop.

If the planned 21<sup>st</sup> Avenue Extension is removed from planning and public works documents, the City would be relieved of factoring construction of the extension into plans for the future expansion of Ledding Library.

The *Moving Forward Milwaukie: Enhancing Our Commercial Districts* project currently underway is anticipated to result in further amendments to the Framework Plan. The proposed amendments included in this application and shown as Attachment 1 Exhibit B would be formally incorporated into the Framework Plan document when maps and figures are updated as part of the Moving Forward Milwaukie project. In the interim, the relevant Public Works Standards would not be applicable to any development on the subject sites.

#### **A. Site and Vicinity**

The planned 21<sup>st</sup> Avenue Extension would cross 10660 SE 21<sup>st</sup> Ave, 10468 SE Main St, 10466 SE Main St, 10306 SE Main St, and 10282 SE Main St. The affected area contains the Ledding Library, Scott Park, a natural area to the east of 10466 SE Main St, the Kellogg Bowl property, and the Odd Fellows property. These sites do not currently have public access from the east, with the exception of the Kellogg Bowl site, which has substandard (less than the minimum required width) public access from 23<sup>rd</sup> Ave.

The surrounding area consists of a mix of commercial, mixed use, and multifamily development to the west, and a mix of commercial, multifamily, and single-family development to the east.

#### **B. Zoning Designation**

DOS Downtown Open Space, DR Downtown Residential, and DS Downtown Storefront, with some areas of Natural Resource Overlay.

#### **C. Comprehensive Plan Designation**

TC Town Center

### **CONCLUSIONS**

Staff recommendation to City Council is as follows:

1. Approval of the Comprehensive Plan Amendment to remove the planned 21<sup>st</sup> Avenue Extension from the Downtown and Riverfront Framework Plan. This will result in an amendment to the maps of the Downtown and Riverfront Framework Plan to remove the planned 21<sup>st</sup> Avenue Extension and connecting "new street" from the document.
2. Adoption of the attached Findings of Approval.

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<sup>2</sup> [Resolution 74-2014](#).

## **CODE AUTHORITY AND DECISION-MAKING PROCESS**

The proposal is to remove the planned 21st Avenue Extension from the Downtown and Riverfront Framework Plan ("Framework Plan"), an ancillary document to the Milwaukie Comprehensive Plan ("MCP). The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC Section 19.1008 Type V Review

This application is subject to Type V review, which requires the Council to consider whether the applicant has demonstrated compliance with the code sections shown above.

## **COMMENTS**

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering Department, Historic Milwaukie Neighborhood District Association (NDA), Metro, Department of Land Conservation and Development, affected property owners, and properties within 400 ft of the affected sites. Notice was also posted at City Hall, Ledding Library, the Public Safety Building, and the Johnson Creek Facility. No comments were received as of November 11, 2014. Any comments received before the hearing will be provided to the Council.

## **CONCURRENCE**

The City of Milwaukie Engineering Departments was notified of this application and has no objections. The Planning Commission held a public hearing on this application on October 14, 2014, and unanimously recommended approval of the application.

## **FISCAL IMPACTS**

None.

## **WORK LOAD IMPACTS**

None.

## **ALTERNATIVES**

- A. Approve the proposed amendments to the Downtown and Riverfront Land Use Framework Plan map as presented in Attachment 1.
- B. Approve the proposed amendments to the Downtown and Riverfront Land Use Framework Plan map with modifications to the materials in Attachment 1.
- C. Do not approve the proposed amendments to the Downtown and Riverfront Land Use Framework Plan map.
- D. Continue the hearing.

The application is a legislative action and is not subject to the 120-day clock.

## **ATTACHMENTS**

1. Ordinance
  - Exhibit A: Recommended Findings in Support of Approval
  - Exhibit B: Proposed Amendments to the Downtown and Riverfront Land Use Framework Maps



**CITY OF MILWAUKIE**

*"Dogwood City of the West"*

**Ordinance No.**

**An ordinance of the City of Milwaukie, Oregon, amending the Downtown and Riverfront Land Use Framework Plan to remove the planned 21st Avenue Extension (File #CPA-14-01).**

**WHEREAS**, the Downtown and Riverfront Land Use Framework Plan was adopted as an ancillary document to the Milwaukie Comprehensive Plan in 2000 by Ordinance 1880; and

**WHEREAS**, the planned 21st Avenue Extension was intended to establish the street grid north of Harrison St; and

**WHEREAS**, since its adoption, a small portion of the planned 21st Avenue Extension has been constructed; and

**WHEREAS**, construction of the remainder of the planned 21st Avenue Extension would remove existing library parking; limit the potential expansion of the library, and cross Scott Park and impact natural resources contained within;

**WHEREAS**, the City Council initiated an application to remove the planned 21st Avenue Extension by Resolution 74-2014; and

**WHEREAS**, the Planning Commission held a duly advertised public hearing on the amendments on October 14, 2014, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes, and recommended approval; and

**WHEREAS**, the City Council held a duly advertised public hearing on the amendments, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes;

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. Findings. Findings of fact in support of the proposed amendment are attached as Exhibit A.

Section 2. The Downtown and Riverfront Land Use Framework Plan is amended as described in Exhibit B.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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Pat DuVal, City Recorder

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City Attorney

**EXHIBIT A**  
**Findings in Support of Approval**  
**File #CPA-14-02, Planned 21st Avenue Extension**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Milwaukie City Council, has initiated an application to remove the planned 21st Avenue Extension from the Downtown and Riverfront Land Use Framework Plan (Framework Plan), an ancillary document to the Milwaukie Comprehensive Plan (MCP). The planned 21st Avenue Extension is located in the Downtown Open Space, Downtown Residential, and Downtown Storefront Zones. The land use application file number is CPA-14-01.
2. The applicant has requested the removal of the planned 21<sup>st</sup> Avenue Extension from the Framework Plan in order to remove the requirement that the street be constructed at the time of expansion or redevelopment of the adjacent properties. This would also result in the removal of a proposed "new street" to connect the 21<sup>st</sup> Avenue Extension to Main St.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Section 19.1000 Review Procedures
4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review.
5. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
  - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendment is proposed by the City of Milwaukie and was initiated by the City Council on August 5, 2014.
  - b. MMC Section 19.1008 establishes requirements for Type V review.
    - (1) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment and review. Opportunity for public comment and review has been provided. Public notice in the form of email to the Neighborhood District Associations, a Measure 56 notice, and information on the City website have publicized the Planning Commission's hearing on the proposed amendment to encourage comment by any interested party.
    - (2) MMC Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public. A notice of the Planning Commission's October 14, 2014, hearing was posted as required on September 12, 2014. A notice of City Council's November 18, 2014, public hearing was posted as required on October 17, 2014.
    - (3) MMC Subsection 19.1008.3.A.2 requires notice be sent to individual property owners if the proposal affects a discrete geographic area. The Planning Director has determined that the proposal affects a discrete geographic area and notice was provided to individual property owners within 400 ft of the site.

- (4) MMC Subsection 19.1008.3.B and C require notice of a Type V application to be sent to Metro 45 days prior to the first evidentiary hearing and to the Department of Land Conservation and Development 35 days prior to the first evidentiary hearing. This notice was sent to Metro on August 6, 2014, and to the DLCD on August 19, 2014.
- (5) MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the application would affect the permissible uses of land for those property owners. A Measure 56 notice was sent to the affected property owners on September 5, 2014.
- (6) MMC Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application. The Planning Commission held a duly advertised public hearing on October 14, 2014, and passed a motion recommending that the City Council approve the Comprehensive Plan Map amendment. The City Council held a duly advertised public hearing on November 18, 2014, and approved the Comprehensive Plan Map amendment.

6. MMC Section 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.4.A establishes the review process for changes to the Zoning Map.

The planned 21<sup>st</sup> Avenue Extension crosses 5 properties totaling 4.8 acres. The properties are owned by 3 separate parties. The City Attorney has determined that the application is legislative in nature and subject to Type V review per MMC 19.1008.

- b. MMC 19.902.4.B establishes criteria for approval of changes to the Comprehensive Plan Map.

The applicant has requested an amendment to the maps of the Framework Plan, which is an ancillary document of the MCP; therefore, the requested removal of the planned 21<sup>st</sup> Avenue Extension is an amendment to the Comprehensive Plan Map. The request does not include amendments to the text of Titles 14, 17, or 19, or other land use regulations within the Milwaukie Municipal Code. The application is subject to the approval criteria of MMC 19.902.3. The City Council finds that these requirements have been met as follows.

- (1) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

*The goals and policies of the Comprehensive Plan are not proposed to be amended.*

*The City Council finds that the relevant Comprehensive Plan goals and policies are those of Chapter 4 – Land Use; and the Downtown and Riverfront Land Use Framework Plan.*

*Chapter 4 – Land Use: Recreational Needs Element calls for the maximization of existing public recreational facilities. Removal of the planned 21<sup>st</sup> Avenue Extension will preserve the opportunity for maximization of the Scott Park recreational facilities in accordance with the 1990 Scott Park Master Plan.*

*The Downtown and Riverfront Land Use Framework Plan establishes policies that support a vibrant and attractive downtown, including enhancing its amenities and open spaces. The proposed amendment would protect Scott Park, which is a key downtown amenity.*

- (2) The proposed amendment is in the public interest with regard to neighborhood or community conditions.

*Scott Park is a small park that serves adjacent residents as well as downtown employees and visitors. Construction of the planned 21<sup>st</sup> Avenue Extension would reduce the size of the park by almost half, and would limit the future expansion of the Ledding Library.*

*Removal of the planned 21st Avenue Extension will protect the Ledding Library and Scott Park sites from the impact of a full street extension through the properties, which satisfies the public interest regarding protection of these facilities.*

- (3) The public need is best satisfied by this particular proposed amendment.

*Removal of the planned 21st Avenue Extension will protect the Ledding Library and Scott Park sites from the impact of a full street extension through the properties, which satisfies the public need for the retention of open space and continued access to Ledding Library.*

- (4) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.*

- (5) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.*

*No changes are being proposed to the permitted uses of these sites. As such, the proposed amendments are consistent with the Transportation Planning Rule. The findings regarding consistency with the MCP demonstrate compliance with the Statewide Planning Goals because the MCP is a DLCD acknowledged Comprehensive Plan.*

# MILWAUKIE DOWNTOWN AND RIVERFRONT LAND USE FRAMEWORK PLAN

ANCILLARY DOCUMENT  
TO  
MILWAUKIE COMPREHENSIVE PLAN



*Adopted September 19, 2000  
(Ordinance No. 1880)*

**MILWAUKIE, OREGON**

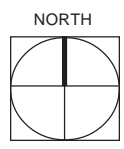
**RS38**

# Land Use Framework

## 1.3 Illustrative Plan

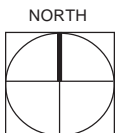
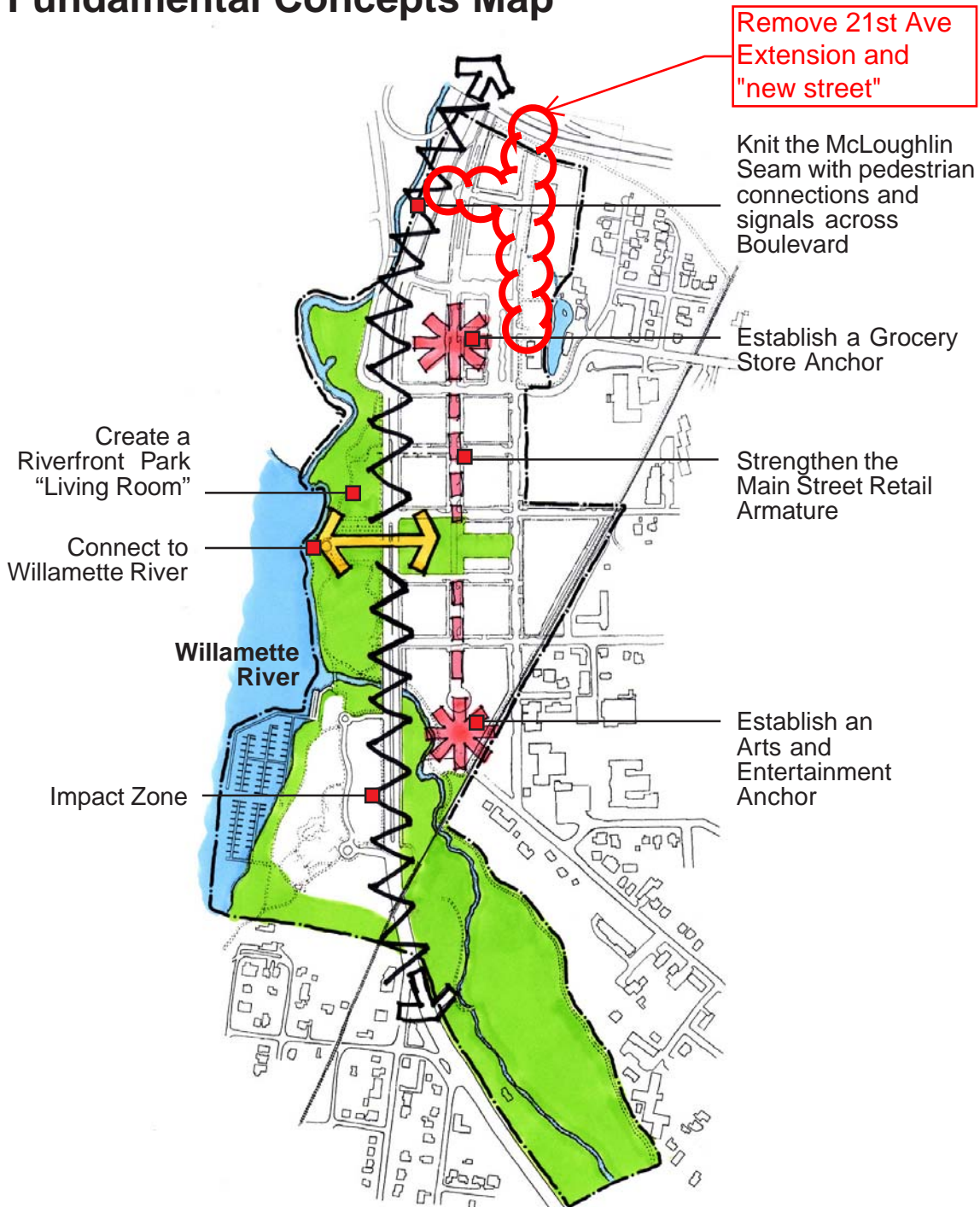
### Land Uses

-  Retail/Mixed Use
-  Housing
-  Office
-  Civic
-  Arts/Entertainment
-  Hotel
-  Parking Structure
-  Recreation and Opens Space



# Land Use Framework

## 1.6 Fundamental Concepts Map

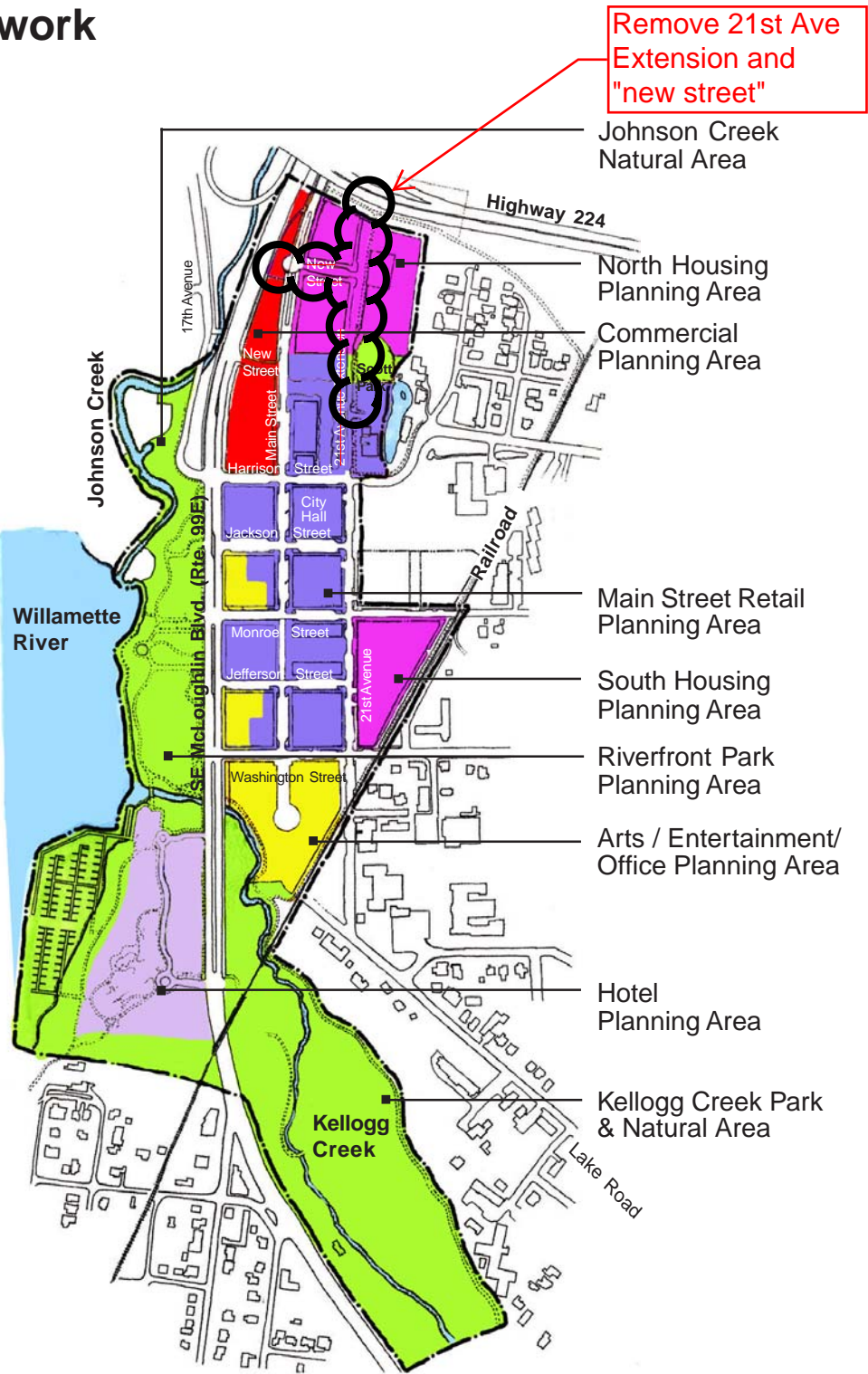


# Land Use Framework

## 1.8 Land Use Framework

### Planning Areas:

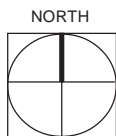
-  Commercial
-  Housing
-  Storefront Main Street
-  Arts/Entertainment/Office
-  Public Park
-  Hotel



# Land Use Framework

## 1.11 Housing North Area

Remove 21st Ave Extension and "new street"



**Character:**

Multiple-family residences: ownership/condominiums and rental (including townhouses and apartments).

**Approximate Area:**

10 acres

**Proposed Use:**

25 townhouse units (target)

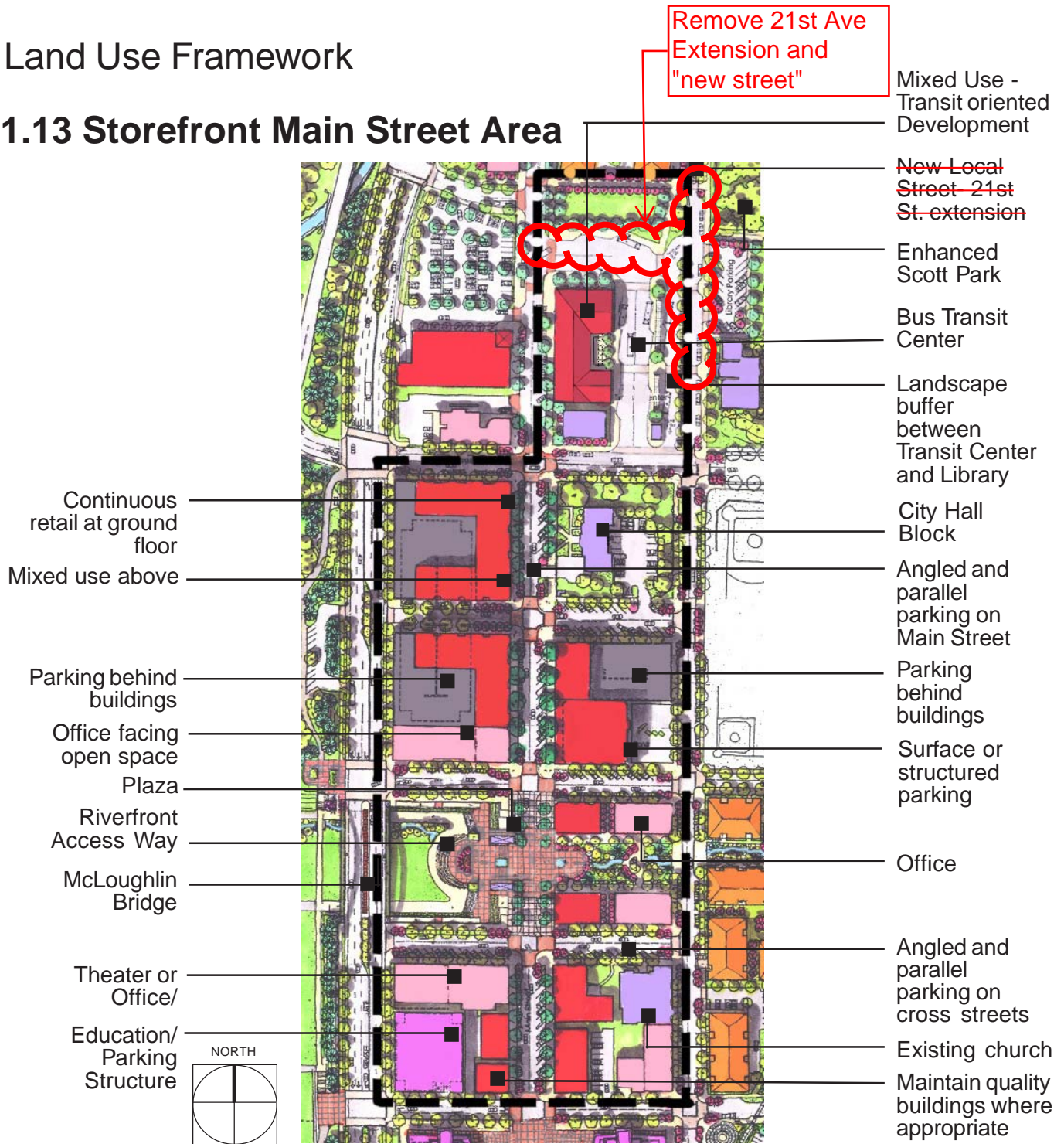
225 units apts/condominiums (target)

**Total units:**

250 (target)

# Land Use Framework

## 1.13 Storefront Main Street Area



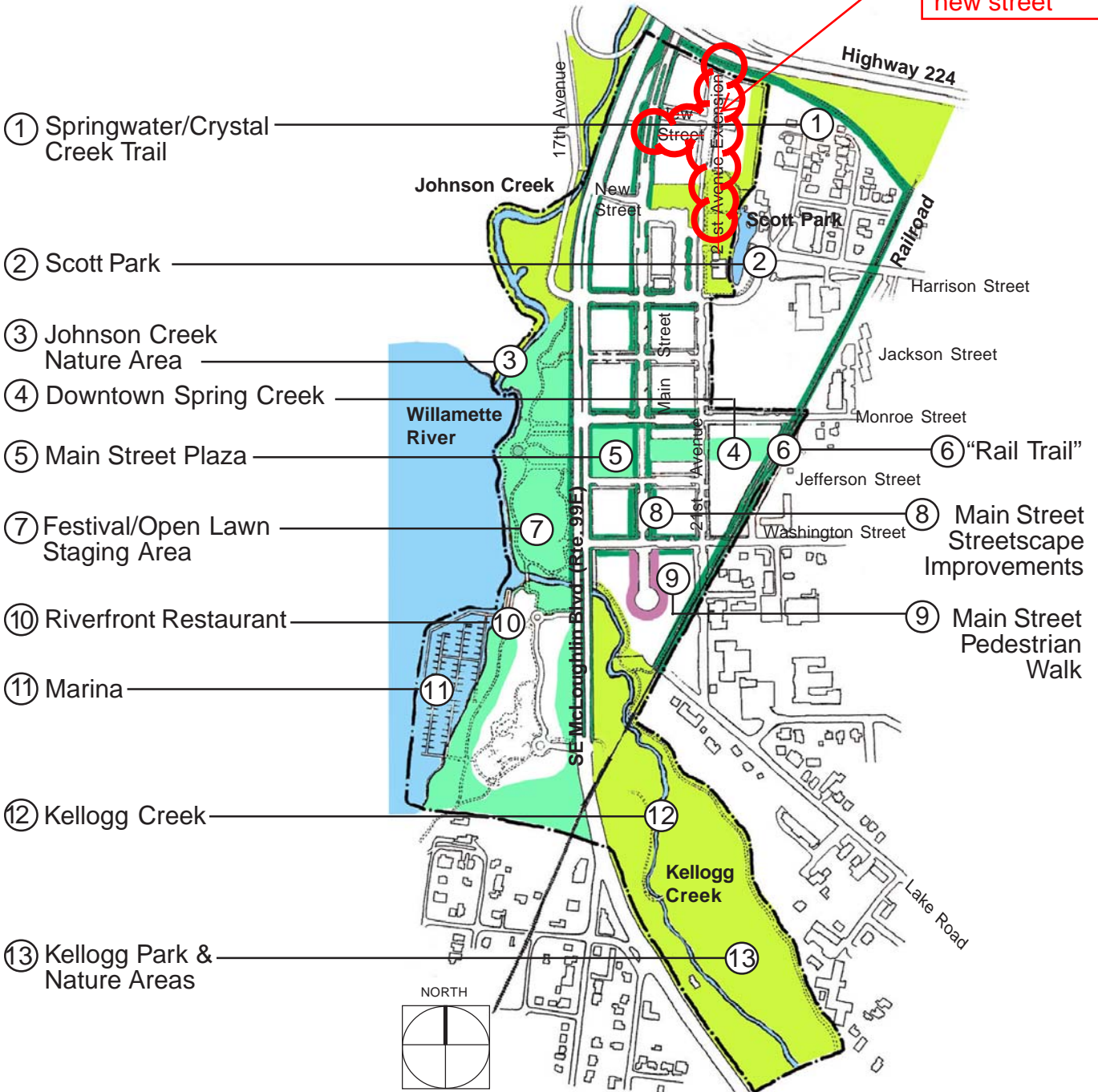
**Character:**  
 One block deep along Main Street, and including parking areas behind buildings. Retail uses at ground floor and second floor, and mixed uses of office and residential above. Maintains pedestrian orientation throughout.

**Approximate Area:** 8.5 acres  
**Proposed Use:**  
 retail: 115,000 SF (target)  
 office: 75,000 SF (target)  
 residential: 150 units (target)  
 theater: 25,000 SF

# Land Use Framework

## 1.18 Amenities and Open Space Framework Map

Remove 21st Ave Extension and "new street"



**Note:** All existing private ownership and use may continue, and no use of private property for public purposes is required.



**Regular Session  
Agenda Item No.**

**6**

# **Other Business**



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

To: Mayor and City Council  
Through: Bill Monahan, City Manager

Subject: **Follow Up to Wine:30's Request for a Year-round Parklet During the Remainder of the City's Parklet Pilot Program**

From: Steve Butler, Community Development Director

Date: November 7, 2014, for November 18, 2014 Regular Session

**ACTION REQUESTED**

Council action on the request by Jesse Canelos to extend the use of the approved Wine:30 parklet through the winter (i.e., December 1, 2014 through March 31, 2015) and beyond for the remainder of the City's Parklet Pilot Program term (which is currently set to expire on November 30, 2015).

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

Jesse Canelos, owner of Wine: 30 submitted an email on October 20, 2014 requesting approval to continue the use of the Wine:30 parklet through the winter, rather than disassemble and remove it at the end of November. At the November 4, 2014 Work Session, City staff and Mr. Canelos presented the extension request and answered questions from the City Council.

Prior to the 11/4/14 Work Session, staff had originally presented the concept for a parklet pilot program to Council in late spring. The Council discussed and ultimately approved a pilot program for a 2-year period. The pilot program currently allows the use of parklets from April through November. Mr. Canelos submitted

**BACKGROUND**

At the November 4, 2014 Work Session, the City Council expressed a desire for more time to discuss this issue and to consider the written materials that had already been submitted by other downtown businesses just before the November 4 Work Session, along with any new comments that may be forthcoming. The Council also requested the owner of Wine:30 to provide more information on what alterations would be made to the parklet for its proposed use between December 1 and March 31; Mr. Canelos will provide that information to the City, under separate cover, prior to the November 18 Regular Session. Finally, the Council asked City staff to: (1) research how other Oregon cities deal with "year-round" parklets; and (2) talk with downtown business owners and other interested persons. In order to facilitate the best opportunity for downtown businesses to express their opinions while learning of the proposal options for the parklet that are under consideration by the Wine:30 owner, a public forum has been scheduled for 11/13/14, 4:30-5:30 p.m. at the 2<sup>nd</sup> Floor conference room, City Hall, with emails having been sent to approximately 200 downtown businesses/property owners to solicit their input.

More background details on this topic may be found in the Staff Report that was prepared for the November 4, 2014 Work Session.

### **CONCURRENCE**

The Community Development, Planning, Engineering, and Public Works departments believe that the requested action can be accommodated and will not have a negative impact on City services.

### **FISCAL IMPACTS**

No fiscal impacts are anticipated.

### **RECOMMENDATION**

Pending review of additional information that is to be provided by Mr. Cannelos of Wine:30 and comments made at the November 13 public meeting/forum on the requested action.

### **ATTACHMENTS**

1. Staff Report, with attachments, from the November 4, 2014 Work Session
2. Information packet distributed by Jesse Cannelos at the 11/4/14 Work Session
3. Public comments received just prior to the 11/4/14 Work Session
  - a. Downtown Milwaukie Business Association
  - b. Vicki Cochran, Curves of Milwaukie
  - c. Julie Abbott
  - d. John Boyle
  - e. DeLoris Scherschligt
  - f. Neil Hankerson
  - g. Larry Cole
  - h. Doug Naef
  - i. Connie Kilby
  - j. Laura Edmonds
  - k. Alicia Hamilton



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

To: Mayor and City Council  
Through: Bill Monahan, City Manager

Subject: **Request for Year-round Parklet – Wine:30**

From: Steve Butler, Community Development Director

Date: October 28, 2014, for November 4, 2014 Work Session

**ACTION REQUESTED**

Council consideration of the request by Jesse Canelos to extend the use of the approved Wine:30 parklet through the winter.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

Staff presented the concept for a parklet pilot program to Council in late spring. The Council discussed and ultimately approved a pilot program for a 2-year period. The pilot program allows the use of parklets from April through November.

**BACKGROUND**

In Milwaukie, use of parking spaces for seating has been done informally in the past for specific special events (First Friday, etc.). In the spring, the City was approached by a few downtown businesses interested in using parking spaces for seating on a regular basis. A meeting was held at City Hall with these businesses to talk about what they would like to do and to share some research on parklets. After this small group meeting, the concept was shared and discussed with the Downtown business community (and property owners). Staff received a positive response to the proposed parklet program and made a presentation to Council seeking approval.

After Council approved the 2-year Parklet Pilot Program, one application for a parklet was submitted, approved, and constructed – Wine:30. The grand opening of the Wine:30 parklet was on September 19<sup>th</sup>.

Mr. Canelos submitted an email on October 20, 2014 requesting approval to continue the use of the Wine:30 parklet through the winter, rather than disassemble and remove it at the end of November. The request includes statements addressing the benefits of the parklet (both in direct revenue to Wine:30 and overall downtown activity), parking impacts, the issue of foul weather, and risks to removal of the structure. A formal letter from Mr. Canelos will be forthcoming and will be sent to Council under separate cover.

**CONCURRENCE**

The Community Development, Planning, Engineering, and Public Works departments will discuss this request on October 29<sup>th</sup>, 2014, and staff will update the Council at the November 4<sup>th</sup> meeting.

**FISCAL IMPACTS**

No fiscal impacts are anticipated.

**RECOMMENDATION**

Allow the continued use of the Wine:30 parklet through the winter months – December through March.

**ATTACHMENTS**

1. Parklet application package
2. Approved Wine:30 parklet application

ATTACHMENT 1  
**11/4/14 RS Staff Report**

COMMUNITY DEVELOPMENT DEPARTMENT  
*6101 SE Johnson Creek Blvd  
Milwaukie OR 97206*

PHONE: 503-786-7630  
FAX: 503-774-8236  
E-MAIL: [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov)

# Parklet Pilot Program

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## INFORMATION and APPLICATION

### ABOUT THE PARKLET PILOT PROGRAM

The City of Milwaukie is introducing a 2014 Downtown parklet pilot program. This pilot program is geared toward applications for a semi-permanent parklet (regular or daily occupancy) – repurposing on-street parking spaces to add additional outdoor seating for a restaurant so people can stop, sit, and take in the life of the street. To justify construction expense, and help ensure active use, this is a 2-year pilot program: June 2014 through November 2014; April 2015 through November 2015.

### KEY ITEMS

- **Eligibility:** The pilot program is limited to eating/drinking establishments in the downtown area.
- **Location Limitations:** The City Council has agreed to a pilot program that uses a total of 12 parking spaces; no more than one parklet per block. Three establishments have been pre-selected (pending application submittal), having shown great interest in the program; one or two additional parklets would be possible.
- **Parking space stenciling:** Applicants recognize that parking space stenciling done by the City will not be done where parklets are in place.
- **Design Documentation:** Design document package required at time of application submittal. Parklet applicants will be required to submit a complete set of proposal drawings in order to be considered for approval, including a full set of detailed design drawings.
- **OLCC:** If applicable, applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits.
- **Change in ownership:** If your business changes ownership you will either need to remove your parklet or transfer the permit to the new owner.
- **As a pilot project, the City reserves the right to adjust requirements as situations arise.**



## **FEES**

All eligible applicants will be charged a \$150 base permit fee. If the parklet requires other changes to the street (e.g. parking sign or striping changes) the applicant will be responsible for those costs. City staff will provide accurate cost estimates of these charges based on location. Filing fee will be due upon filing of application.

## **INSURANCE**

If your application is approved, you will be required to provide evidence of at least \$1M in liability insurance – the same requirement as sidewalk seating and temporary special events – naming the City of Milwaukie as additional insured. Most businesses already carry this insurance; please check with your provider.

## **MAINTENANCE**

The parklet will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the parklet. If an application is approved, this represents that the applicant shall keep the parklet free of debris, grime, and graffiti, and to keep all plants in good health.

The permit obligates you to ensure that the facility is swept daily and debris is removed from under (if applicable) and around the parklet a minimum of once a week.



## DESIGN EVALUATION

The following evaluation criteria will be used to evaluate the design submissions and award approvals:

**Design quality:** The quality and creativity of the design; the quality and durability of proposed materials and furniture.

**Streetscape enhancement:** How the proposal will enhance the aesthetic quality of the streetscape.

## GENERAL GUIDELINES

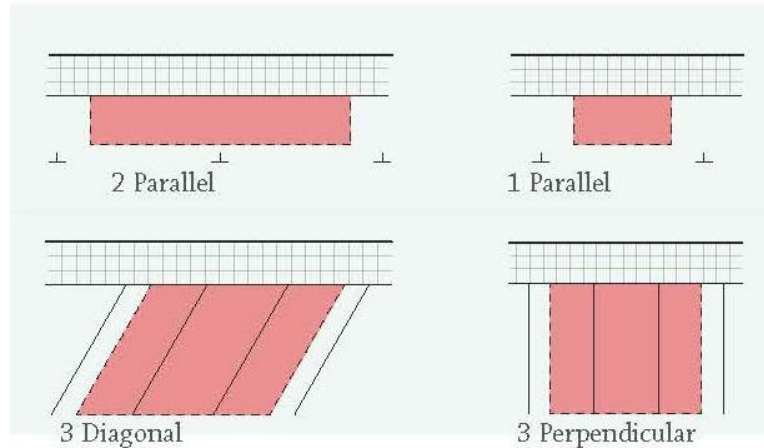
- The parklet must be located adjacent to the applicant's business; no more than one parklet per business will be permitted.
- In some areas of downtown, curb heights in combination with the slope of the street make the installation of a traditional parklet platform very challenging. In these cases, the applicant may propose to not install a platform, but must demonstrate compliance with ADA accessibility requirements to ensure that accessible seating is provided in the overall parklet.
- Design for easy removal. The parklet will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, they need to be designed for easy removal in case of an emergency.
- No advertising. Logos, advertising, or other branding is prohibited.
- Smoking is prohibited in parklets.
- The proposal must include detailed plans for securing furniture when the business is closed.
- Maintenance and litter removal is the responsibility of the applicant/owner. Failure to maintain the parklet may result in the revocation of the permit.
- Extended lack of use may result in the revocation of the permit.
- Be creative.

## LOCATION CRITERIA

- Parklets are not permitted in front of fire hydrants, in active bus service areas, across driveways, or over manholes or public utility valves or covers (including water shut off valves). As an alternative, if valves are present, the parklet must be designed for easy access.
- The proposed site should be located at least one parking spot in from a corner; otherwise a protected bollard, sidewalk bulb-out, or other similar feature must be present if located at the corner.



- The proposed site should be located on a street with a speed limit of 20 MPH or less.
- Multiple businesses may propose a shared parklet; details regarding the shared use agreement must be included.
- For parklets proposed on parallel parking spaces, a maximum of two (2) parking spaces shall be used. For proposals using angled parking spaces, a maximum of three (3) parking spaces shall be used. For proposals using perpendicular parking spaces, a maximum of three (3) parking spaces shall be used. Refer to Figure 1 for details.



### DESIGN ELEMENTS – applicable to all parklets

- The parklet design must include vegetation in the form of planters.
- The use of high quality, durable materials capable of withstanding year-round use is encouraged.
- All rails must be capable of withstanding a 200-lb horizontal force. No wall, planter, or rail may be higher than 3', as measured from the walking surface.
- Design must maintain a minimum four-foot clear pedestrian through zone in the sidewalk corridor.
- Parklet footprint: parallel parking. Twenty-four (24") inch setback on either end of the parklet, adjacent to parallel parking, shall be maintained. Wheel stops may be used but are not required. If proposed, wheel stops will be installed by the applicant and inspected by the City after final facility construction/installation is complete.
- Parklet footprint: diagonal parking. For diagonal and perpendicular spaces, the edge of the parklet must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the parklet space, and not be taken from the adjacent space.
- Parklet design must include a physical barrier along the street while maintaining clear visual sightlines to the street. Vertical elements, such as planters and umbrellas, should be included so that the facility is visible to vehicles.



- To protect a parklet in a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structure that can withstand light vehicular impact, must be installed on either end of the parklet and at the street edge. Parklets in diagonal parking spaces are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.
- The proposed number of table and chairs shall be approved by the City. Furniture must be able to accommodate those with disabilities, wheelchairs, or mobility devices.
- Proposed covers or shelters may have additional structural engineering requirements.
- Surface materials: loose particles, such as sand or loose stone, are not permitted on the parklet.

#### **DESIGN ELEMENTS – applicable to parklets with platforms**

- The platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.
- Platform must be designed to allow for curblinestormwater drainage.
- Platform must be designed to accommodate the crown and cross slope of the street surface.
- Parklet decking must be flush with the curb and may not have more than a ½ inch gap from the curb. If this is impossible, the submitted design must demonstrate compliance with ADA accessibility requirements to ensure that accessible seating is provided in the overall parklet (e.g. sidewalk café seating).
- All plans must clearly articulate the spans and supports to be used for the body of the parklet.
- Parklet platform rest areas cannot exceed two percent (2%) cross slopes.

For more information and ideas regarding parklet design and construction, you are encouraged to review the following:

- City of San Francisco Parklet program manual: <http://pavementtoparks.sfplanning.org/parklets.html>
- UCLA Parklet Toolkit: <http://www.lewis.ucla.edu/publication/reclaiming-right-way-toolkit-creating-implementing-parklets/>



## **DEVELOPING the DESIGN DOCUMENT PACKAGE**

Quality of design will be one of the prioritized evaluation criteria.

Site locations and parklet design are approved by City staff based on the attached Design Guidelines. Applicants are encouraged to communicate with staff during the design development phase. Staff can help flag potential design concerns early on, and foresee potential issues that could be arise later in the process.

Hiring a professional engineer is not required. Use of Google Earth or similar technology for planning purposes is sufficient. But accurate measurements are required for design details. Please provide as much detail as possible – it will speed the process of reviewing the application. The City prefers documents in 11" x 17" format.

1. Parklet Location and Context Plan. This drawing should show the parklet footprint in relation to the surrounding streetscape context. It should include footprint of the proposed platform in context with the surrounding streetscape, including:
  - "footprint" of the proposed parklet
  - building "footprints" and entrances
  - sidewalk width
  - existing parking stalls
  - existing curb cuts and driveways
  - adjacent bike lane and auto lanes
  - all surface obstructions within 15 feet of the proposed area (e.g. fire hydrants, utilities, streetlights, parking meters, street trees, tree pits, etc.)
  - required setbacks from adjacent parking stalls
  
2. Detailed Design Plan. This is a top-view drawing of your parklet design and should include:
  - Various elements included in the design.
  - Different materials to be used in the design.
  - Plant types and/or species to be used.
  - Parklet dimensions and elements (including required buffer areas).
  - ADA compliance.
  - If applicable, a detail showing how you will maintain positive drainage flow along the curb line.
  
3. Elevations. These are side-view drawings of your proposed design and should include:
  - Various elements included in the design.
  - Different materials to be used in the design.
  - Dimensions of platform, parklet elements and buffer areas.



4. Renderings and Perspectives (optional)
5. Construction Drawings (if applicable). These drawings should show how your parklet will be assembled or constructed. They will include:
  - Confirmation of all dimensions and materials to be used in the design.
  - Any hardware such as fasteners to be used in the construction process.
  - A detail showing how you will accommodate existing curb height and the cross slope of the road surface.
6. Right-of-way use drawing and construction information. This drawing identifies any right-of-way area to be temporarily used during the construction of the parklet. Identify any area of the street, parking spaces, sidewalk, etc. that are proposed to be temporarily used. A minimum of 4' of clear sidewalk access for pedestrians must be maintained at all times. Indicate the duration of construction including proposed dates and times.



## PARKLET APPLICATION and PROCESS

The following is an overview of the parklet application, approval, and installation process:

1. Applicant reviews application materials and design guidelines
2. A location is selected that meets location criteria.
3. It is strongly recommended that applicants request a meeting with City staff to review design ideas prior to submitting an application.
4. Business and property owner approvals are obtained using Application Form.
5. Work begins on detailed design document package.
6. Applicant should consider contacting City staff with any questions about their application submission. Questions can be sent to [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).
7. Completed application and all required attachments and fees are submitted at the Planning Department.
8. The City will review the application for completeness and that all design guidelines have been met. Incomplete applications will need to submit any required information.
9. Applications are reviewed for design and technical requirements.
10. Applicants with approved applications will be contacted by City staff to schedule a preconstruction on-site visit if needed.
11. Installation must occur within 30 days of permit issuance.
12. Once installation is complete, applicant is required to notify the City within 48 hours of the completion of parklet construction to schedule a post-construction on-site inspection.
13. Post Construction. The City will continue to monitor the parklet for compliance with your revocable permit and design guidelines. Failure to comply may result in revocation of your permit. The City may also request your participation in assessments and studies of the program.



Permit #: \_\_\_\_\_

**I. APPLICATION FORM**

Site Address: \_\_\_\_\_

Cross-Street 1: \_\_\_\_\_ Cross Street 2: \_\_\_\_\_

**Applicant Contact Information** (main contact assigned to work with City staff)

Project Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Business Information**

Name of Business: \_\_\_\_\_

Address: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Owner Phone: \_\_\_\_\_

Owner Email: \_\_\_\_\_

**Property Owner Information**

Name of Property Owner or Representative: \_\_\_\_\_

Name of Property Owner Company: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



**Business and Property Owner's Affirmation**

*I, the undersigned, do affirm that I am the owner or a duly authorized representative of the corporation owning the above referenced property. I have been made aware of the Applicant's intent to install a parklet in the parking lane in front of the business listed on this application and have no objections.*

Business owner \_\_\_\_\_ {Signature}

{Print Name} \_\_\_\_\_ {Date} \_\_\_\_\_

Property owner \_\_\_\_\_ {Signature}

{Print Name} \_\_\_\_\_ {Date} \_\_\_\_\_



**Site Information**

Proposed size of parklet (Square feet and # of parking spaces): \_\_\_\_\_

Is the parklet intended to span more than one storefront?    Yes    No

\* If “yes”, application must be received from each sponsoring business.

What is the proposed duration of the parklet? (Daily, every weekend, monthly, etc. Please describe expected timeframe.)

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**II.    REQUIRED DESIGN DOCUMENT PACKAGE**

Please refer to the design requirements in the Parklet Program Overview. You can use the following checklist to ensure that your design proposal package is complete.

- Parklet Location and Context Plan.** This drawing should show the parklet footprint in relation to the surrounding streetscape context.
- Detailed Site Plan.** A top-view drawing of the parklet design.
- Design Elevations.** Side-view drawings of the proposed design.
- Renderings and Perspectives** (optional)
- Construction Drawings** (if applicable)
- Right-of-way use drawing and construction information**

**Design/Architecture Services (if applicable)**

Designer Name: \_\_\_\_\_

Design Firm: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_



**Construction Services (if applicable)**

Contractor Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

**III. APPLICATION SUBMISSION INSTRUCTIONS**

How to submit your completed application package:

- Format drawings to an 11x17 page layout
- Provide five (5) copies of the application and Design Package
- Attach documentation of Insurance Requirements
- Filing Fee

Received:



ATTACHMENT 2  
11/4/14 RS Staff Report

PK-14-01

I. APPLICATION FORM

Site Address: 10835 SE MAIN ST

Cross-Street 1: SE JACKSON ST Cross Street 2: SE MONROE ST

Applicant Contact Information (main contact assigned to work with City staff)

Project Contact Name: JESSE CANNELOS

Phone Number: 503.334.7929 Email: jcannelos@msn.com

Business Information

Name of Business: WINE:30 LLC

Address: 10835 SE MAIN ST

Type of Business: RETAIL - WINEBAR - RESTAURANT

Owner Name: JESSE CANNELOS

Owner Phone: 503.334.7929

Owner Email: jcannelos@msn.com

Property Owner Information

Name of Property Owner or Representative: HOWARD DIENECH

Name of Property Owner Company: OREGON WORSTED COMPANY

Street Address: 9701 SE McLOUGHLIN BLD

City: MILWAUKIE State: OR Zip: 97222

**APPROVED**  
**CITY OF MILWAUKIE**  
AS NOTED  
BY Vera Kolias DATE 8/25/14  
**PLANNING DEPARTMENT**

Parklet Application Form

- Per the Parklet Pilot program:
1. Installation must occur within 30 days of permit issuance.
  2. Once installation is complete, applicant is required to notify the City within 48 hours to schedule a post-construction on-site inspection.
  3. Furniture shall be secured when the business is closed.
  4. Smoking is prohibited in parklets.
  5. Logos, advertising, or other branding is prohibited.
  6. Failure to maintain the parklet may result in the revocation of the permit.
  7. In case of emergency, the parklet may need to removed.
  8. See additional notes regarding liability insurance and installation of reflectors.



**Business and Property Owner's Affirmation**

I, the undersigned, do affirm that I am the owner or a duly authorized representative of the corporation owning the above referenced property. I have been made aware of the Applicant's intent to install a parklet in the parking lane in front of the business listed on this application and have no objections.

Business owner J [Signature] {Signature}

{Print Name} JESSE S CANALES {Date} 8/9/14

Property owner [Signature] {Signature}

{Print Name} N/A {Date} \_\_\_\_\_

AS PER DISCUSSION



**Site Information**

Proposed size of parklet (Square feet and # of parking spaces): Approx. 500 sq ft - / 2 parking spaces

Is the parklet intended to span more than one storefront? Yes  No

\* If "yes", application must be received from each sponsoring business.

What is the proposed duration of the parklet? (Daily, every weekend, monthly, etc. Please describe expected timeframe.)

DAILY AS APPROVED FROM APRIL - NOV. AND LONGER  
IF PERMISSION AUTHORIZED

**II. REQUIRED DESIGN DOCUMENT PACKAGE**

Please refer to the design requirements in the Parklet Program Overview. You can use the following checklist to ensure that your design proposal package is complete.

- Parklet Location and Context Plan.** This drawing should show the parklet footprint in relation to the surrounding streetscape context.
- Detailed Site Plan.** A top-view drawing of the parklet design.
- Design Elevations.** Side-view drawings of the proposed design.
- Renderings and Perspectives** (optional)
- Construction Drawings** (if applicable)

**Design/Architecture Services (if applicable)**

Designer Name: DEIDNA PITKIN

Design Firm: PITKIN ARCHITECTURAL DESIGNS

Phone Number: 541-390-3993

Email: \_\_\_\_\_



Construction Services (if applicable)

Contractor Name: LES TAYLOR  
Company Name: Taylor Construction  
Phone Number: 503.913.6165  
Email: \_\_\_\_\_

III. APPLICATION SUBMISSION INSTRUCTIONS

How to submit your completed application package:

- Format drawings to an 11x17 page layout
- Provide five (5) copies of the application and Design Package
- Attach documentation of Insurance Requirements
- Filing Fee

# CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM



| Insureds Name | Policy Number | Effective Date | Endorsement Number |
|---------------|---------------|----------------|--------------------|
| WINE:30, LLC  | PAS 03949429  | 12/10/2012     |                    |

**THIS ENDORSEMENT CHANGES YOUR POLICY. PLEASE READ IT CAREFULLY.**

This endorsement modifies your insurance:

COMMERCIAL GENERAL LIABILITY COVERAGE PART  
COMMERCIAL INLAND MARINE COVERAGE PART  
COMMERCIAL PROPERTY COVERAGE PART  
COMMERCIAL UMBRELLA LIABILITY COVERAGE PART

## A. Cap on Losses From Certified Terrorism Losses

“Certified act of terrorism” means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act (“TRIA”). The Terrorism Risk Insurance Act provides that the Secretary of Treasury shall certify an act of terrorism:

1. to be an act of terrorism;
2. to be a violent act or an act that is dangerous to human life, property or infrastructure;
3. to have resulted in damage within the United States, or outside of the United States in the case of an air carrier (as defined in section 40102 of Title 49, United States Code) or a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), or the premises of a United States mission; and
4. to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

No act may be certified as an act of terrorism if the act is committed as part of the course of a war declared by Congress (except for workers’ compensation) or if losses resulting from the act, in the aggregate for insurance subject to TRIA, do not exceed \$5,000,000.

If aggregate insured losses attributable to one or more “certified acts of terrorism” exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of Treasury.

## B. Application of Other Exclusions

The terms and limitations of a terrorism exclusion or any other exclusion, or the inapplicability or omission of a terrorism exclusion or any other exclusion, do not serve to create coverage which would otherwise be excluded, limited or restricted under this policy.

| BILL | POLICY NUMBER | TC | PRODUCER NUMBER | AC | ACCOUNT NUMBER       | AUDIT |
|------|---------------|----|-----------------|----|----------------------|-------|
| D    | PAS 03949429  |    | 11284627        |    | MO19298258-001-00001 | NONE  |

10 552 BRANCH ST BRANCH TBD - NC RENEWAL EFF 12/10/2012



**ZURICH**

**PRECISION PORTFOLIO POLICY  
COMMERCIAL GENERAL LIABILITY DECLARATIONS  
PRECISION AMERICA  
RETAIL PROGRAM**

This coverage part consists of this declarations form, the common policy conditions, and the coverage forms and endorsements indicated as applicable on the forms list.

**COVERAGES AND LIMITS OF INSURANCE**

Some of these coverages are sublimits or are subject to aggregate limits. Refer to your policy to determine how they apply.

|   |             |
|---|-------------|
| GENERAL AGGREGATE                           | \$2,000,000 |
| PRODUCTS AND COMPLETED OPERATIONS AGGREGATE | \$2,000,000 |
| EACH OCCURRENCE                             | \$1,000,000 |
| TENANTS LEGAL LIABILITY                     | \$1,000,000 |
| MEDICAL EXPENSES - EACH PERSON              | \$ 10,000   |
| PERSONAL INJURY AND ADVERTISING INJURY      | \$1,000,000 |
| LIQUOR LIABILITY - AGGREGATE                | \$1,000,000 |
| LIQUOR LIABILITY - EACH COMMON CAUSE        | \$1,000,000 |

*(Handwritten notes and signatures)*  
 (Kip Johnson)  
 505-111-2200  
 11/14/12  
 11/14/12  
 11/14/12

Per the program requirements: The City of Milwaukie is not liable for any incidents occurring in the parklet and should be listed as an additional insured.

# A NEW DECK FOR... WINE : 30

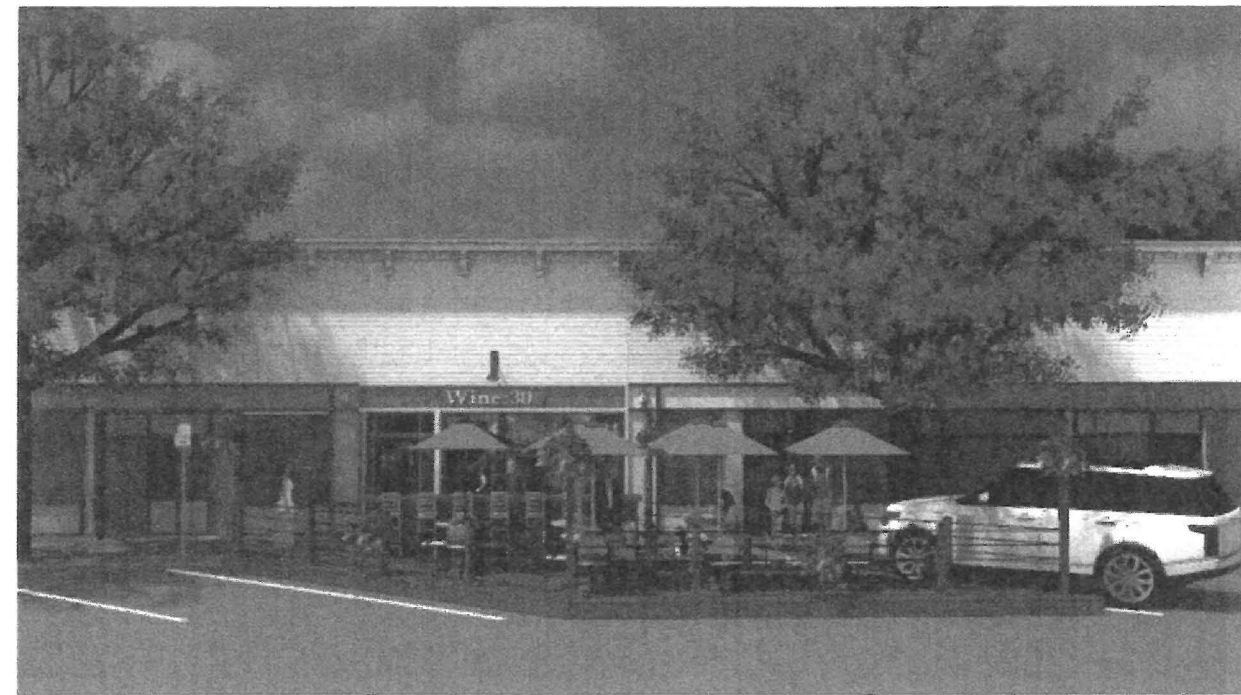
10855 SE MAIN STREET  
MILWAUKIE, OREGON

CITY OF MILWAUKIE 2014 DOWNTOWN PARKLET PILOT PROGRAM

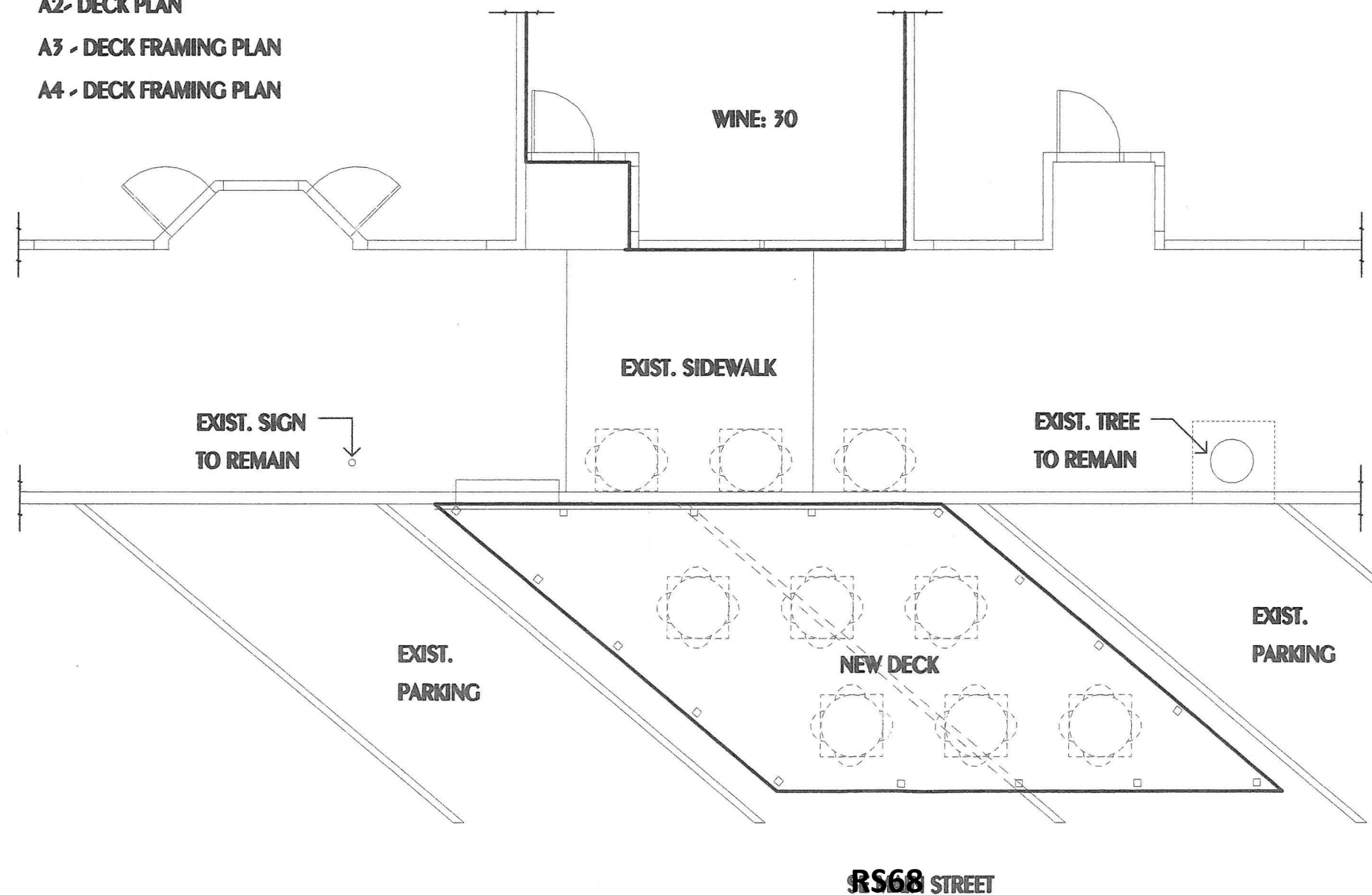
DECK SF = APPROX: 430 SF, OCCUPY (2) PARKING SPACES

## INDEX OF DRAWINGS

- A1 - COVER SHEET / SITE INFORMATION
- A2- DECK PLAN
- A3 - DECK FRAMING PLAN
- A4 - DECK FRAMING PLAN



CONCEPTUAL IMAGE OF NEW DECK



**APPROVED**  
CITY OF MILWAUKIE

AS NOTED  
BY *Vera Kolas* DATE 8/25/14  
**PLANNING DEPARTMENT**

- Per the Parklet Pilot program:
1. Installation must occur within 30 days of permit issuance.
  2. Once installation is complete, applicant is required to notify the City within 48 hours to schedule a post-construction on-site inspection.
  3. Furniture shall be secured when the business is closed.
  4. Smoking is prohibited in parklets.
  5. Logos, advertising, or other branding is prohibited.
  6. Failure to maintain the parklet may result in the revocation of the permit.
  7. In case of emergency, the parklet may need to be removed.
  8. See additional notes regarding liability insurance and installation of reflectors.

A NEW DECK FOR...  
 WINE : 30 LLC  
 10855 SE MAIN STREET  
 MILWAUKIE, OREGON

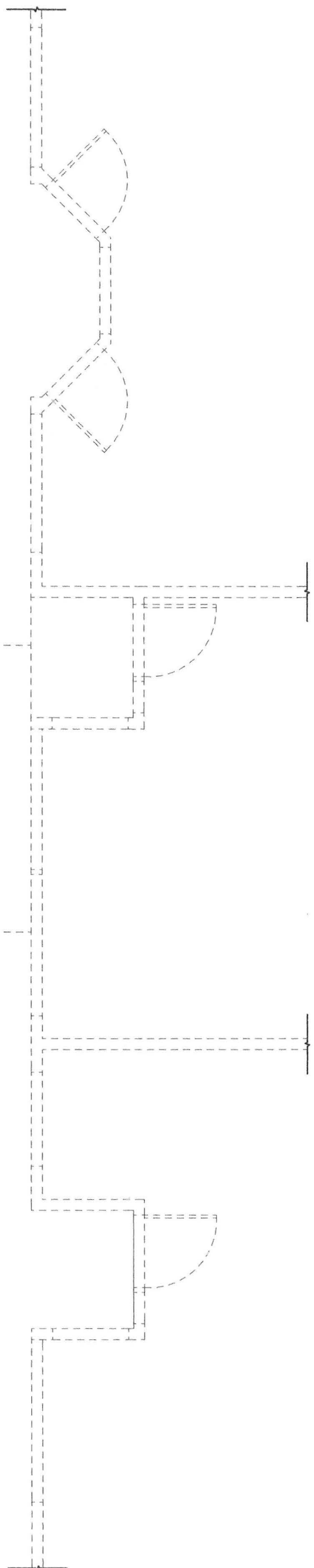
DRAWINGS:  
COVER SHEET  
SITE INFORMATION

FILE#: 020SP11  
SCALE: 3/16" = 1'-0"  
DATE: 07-16-14

REVISION:

|    |  |
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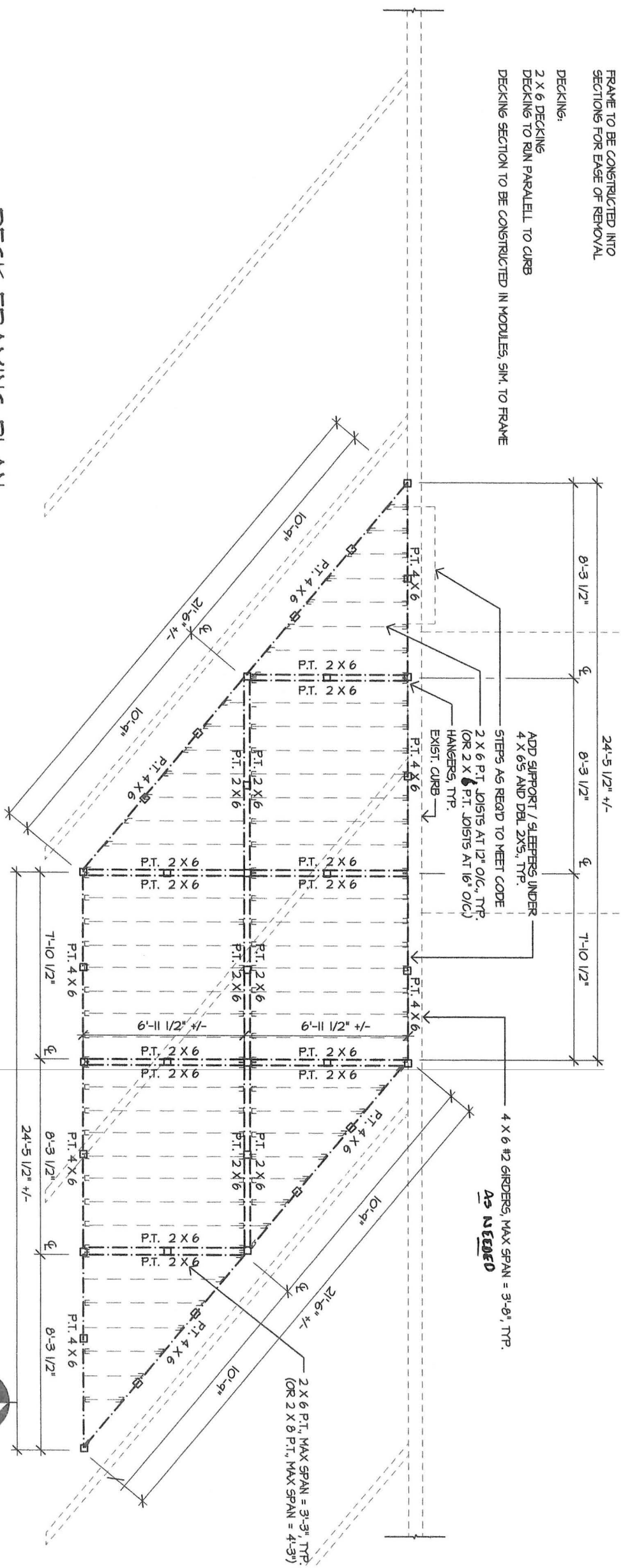
SHEET NO:  
**A1**  
OF 04 SHEETS



FRAME:  
FRAME TO BE CONSTRUCTED INTO SECTIONS FOR EASE OF REMOVAL

DECKING:  
2 X 6 DECKING  
DECKING TO RUN PARALLEL TO CURB

DECKING SECTION TO BE CONSTRUCTED IN MODULES, SIM. TO FRAME



**DECK FRAMING PLAN**

CONTRACTOR TO VERIFY NEW AND EXISTING CONDITIONS, TYP ALL DRAWINGS

FRAME STRUCTURE TO BE TAPERED TO ALLOW FOR Road Slope

A NEW DECK FOR...  
WINE : 30 LLC  
10835 SE MAIN STREET  
MILWAUKIE, OREGON

RS69

DRAWINGS:  
DECK FRAMING PLAN

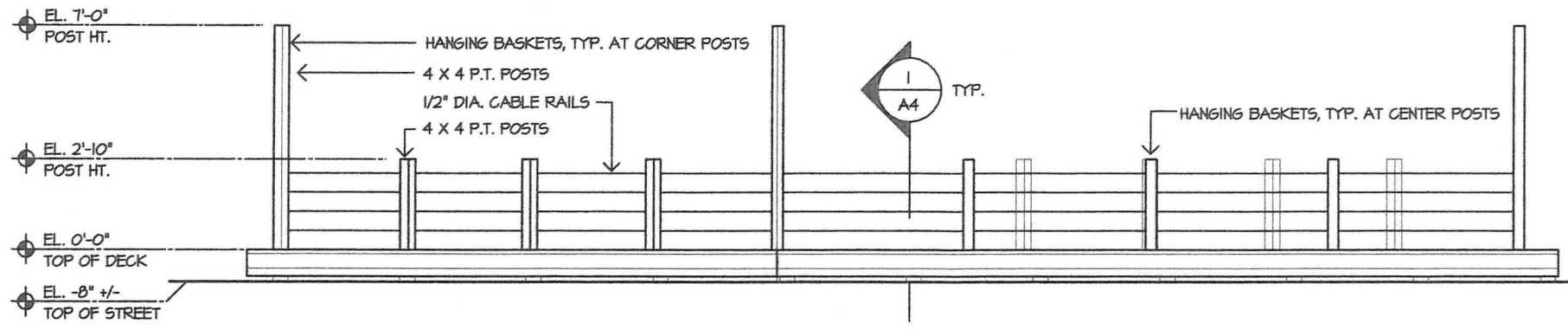
FILE# 020RF11  
SCALE: 3/16" = 1'-0"  
DATE: 07-16-14

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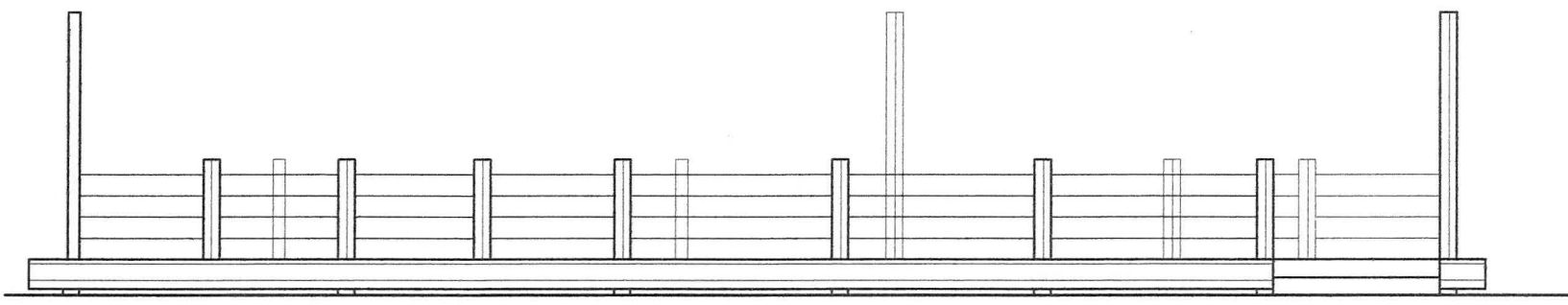
SHEET NO:

**A3**  
OF 04 SHEETS

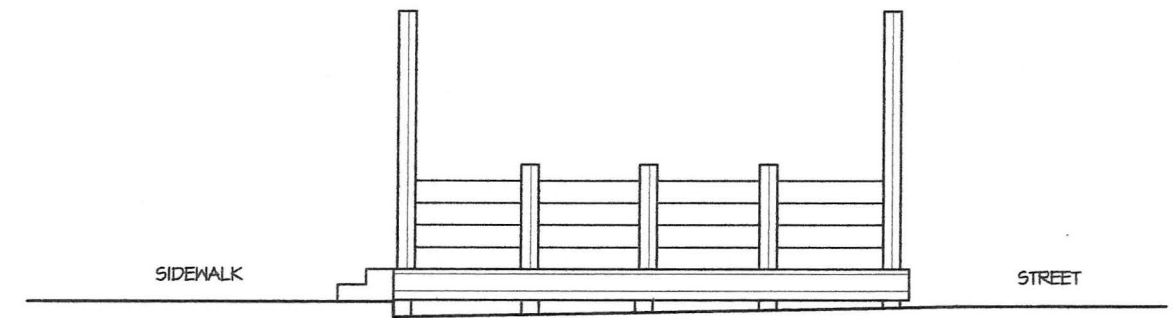


EAST ELEVATION

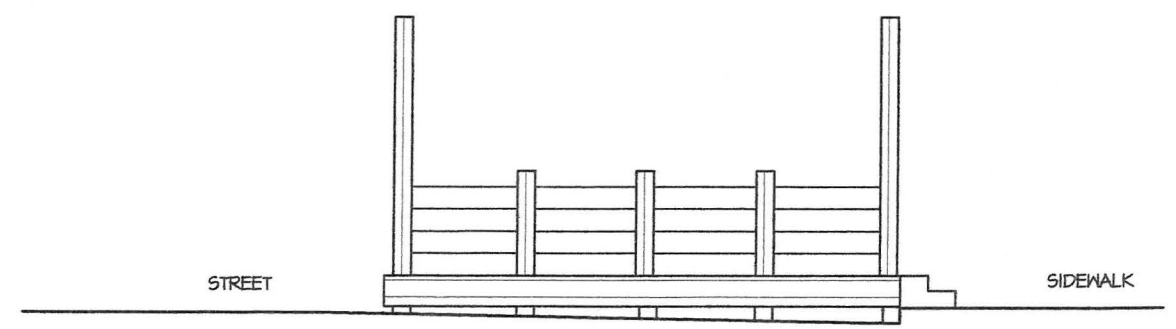
Reflectors should be added to the exterior of the posts to ensure visibility at night for motor vehicles.



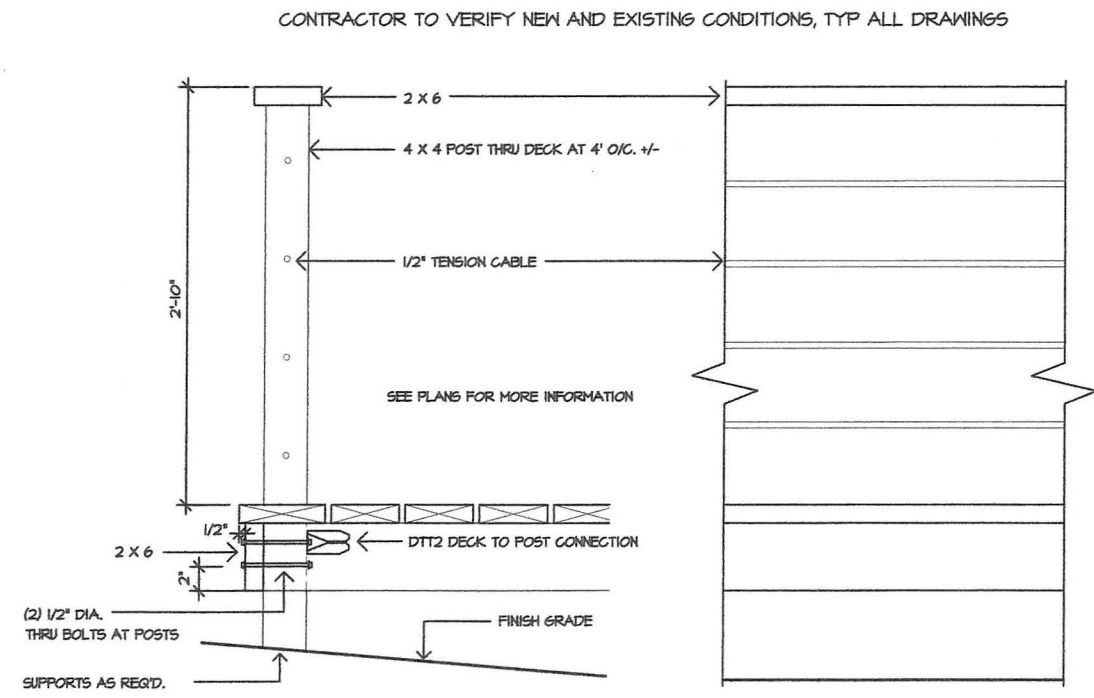
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



1  
A4 DECK RAIL DETAIL  
 SCALE: 3/4" = 1'-0"

A NEW DECK FOR...  
 WINE : 30 LLC  
 10835 SE MAIN STREET  
 MILWAUKIE, OREGON

DRAWINGS:  
 DECK ELEVATIONS  
 DECK RAIL DETAIL

FILE#: 0200E11  
 SCALE: 3/16" = 1'-0"  
 DATE: 07-16-14

REVISION:

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SHEET NO:

A4

OF 04 SHEETS

RS70

03 September 2014

Attention: City of Milwaukie – Planning and other necessary departments

Subject: Work area permit – Right of Way – for Deck (Parklet) build out at 10835 SE Main St. (Wine:30)

I respectfully request authorization for a designated work area in order to complete the approved Parklet project/permit designated for Wine:30 at 10835 SE Main St.

Area: attached is a map (not to scale) of the area in question to include:

- 4 Parking spaces in front of and adjacent to Wine:30 as map indicates. This is to allow for area to work, unload material, lay and prepare decking material and tools, and for work vehicles to park.
- Sidewalk area in front of Wine:30 – again to allow for keeping and working on material, lay and prepare decking material and tools. A 4 foot pedestrian lane will be maintained on sidewalk to ensure pedestrian access and safety.

Dates:

- It would be beneficial to ensure a cleared area is maintained from Sunday September 7th after Farmer’s Market closes (3 p.m.) to ensure no vehicles will park in those areas first thing Monday morning before work starts at approximately 8 a.m. All shops along block are closed Sunday afternoon.
- Work scheduled for Monday, Tuesday and Wednesday from approximately 8 a.m. – 6 p.m. Sunday September 8, 9, and 10, 2014.

Respectfully,

Jesse Cannelos

Proprietor Wine:30



SIDEWALK



Pedestrian Lane

LANE



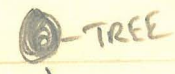
SIDEWALK.



TREE



WORK AREA ON SIDEWALK



TREE

Work Area

DECK AREA APPROVED

Work Area

MAIN ST

SIDEWALK

Key BANK.

RS72

10835 SEMAIN ST

CURVES

WINE:30

K MARIE

CHOPSTICKS

JACKSON ST

PARKING LOT

CITY HALL

**APPROVED**  
 CITY OF MILWAUKIE  
 AS NOTED  
 BY *[Signature]* DATE 9/9/2014  
 ENGINEERING DEPARTMENT

## ATTACHMENT 2

### Portland Street Seats Info

Two Types:

- Supported/paid/maintained by the city and open for public to use - these are temporary
- Approved for private business all year long... Now 12 year-long structures in the Portland area

Now in its third year, Street Seats is a program of the Portland Bureau of Transportation (PBOT) that allows businesses and non-profit organizations to convert on-street parking into other public uses, such as café seating or a mini-park. Based on similar programs in San Francisco and New York City, the program enlivens the streetscape by creating spaces for Portlanders to enjoy seating and a meal or drink outdoors, which in turn enhances street vitality and benefits local businesses.

While public support for the overall program has been positive, PBOT has received and is responding to public concerns about second hand smoke and sidewalk crowding. In addition to requiring that all locations be smoke-free, PBOT also is requiring new installations to leave a minimum width of eight feet of the sidewalk clear for pedestrians. Permit holders also are required to submit operations plans to ensure the upkeep and cleanliness of the Street Seats.

PBOT's response when these concerns came up on the SW Ankeny program, they feel there's a net positive in terms of public space with the program. "I think more members of the public can use this space, than if one person in a car was in it."



RS74



RS75



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### PARKLET RESEARCH

Study by UCLA of downtown Los Angeles Parklets:

<http://luskin.ucla.edu/news/school-public-affairs/study-downtown-la-parklets-improve-community-quality-life>

By comparing year-over-year data, the team found that a more vibrant, lively community has grown around the Spring Street parklets.

- The parklets appeared to contribute to the walkable neighborhood, with data showing that 50 percent of visitors to the area in 2012 arrived by foot, while in 2013, 63 percent of area visitors were pedestrians.
- The team found that 63 percent of parklet users were local residents.

The parklets also helped improved perceptions of the area, with positive reports of:

- maintenance (63 percent vs. 88 percent)
- safety (78 percent vs. 88 percent)
- cleanliness (49 percent vs. 68 percent)

All increasing with statistical significance from 2012 to 2013. Many business owners in the area, while a bit concerned about the loss of parking, told the researchers they would recommend parklets for merchants in other districts, especially those on small, pedestrian-oriented streets with cafes or restaurants in the area.

Research Study from Chicago Parklets:

<http://chi.streetsblog.org/2014/09/25/mpc-study-provides-data-on-the-economic-benefits-of-people-spots/>

Researchers observed about 450 parklet users, and interviewed more than 100 of them, as well as some 40 business owners.

About 80 percent of the merchants surveyed said that the People Spots increased foot traffic on their block, and helped bring customers to their establishments. Some credited the parklets with contributing to a 10 to 20 percent increase in sales since they were installed. For example, owner Michael Salvatore of Heritage Bicycles, 2959 North Lincoln, said the café-style parklet in front of his store is “Instagram Heaven,” which encourages customers to spread the word about his cycles and coffee via social media.

Dane Redway, manager of Akira clothing store, 5228 North Clark, said the adjacent People Spot serves as a “town square,” where “people sit and stare at the storefront windows.” Even if they don’t make purchases at the time, he thinks those parklet users are more likely to come back and shop in the future.

The study found that 93 percent of parklet users and merchants felt that the facilities created a more positive vibe on the retail strips.

Rec'd 11/4/14  
3:42 PM PAD

Downtown Milwaukie Business Association  
10883 SE Main Street Suite #205  
Milwaukie, Oregon 97222  
971-533-6050

November 4, 2014

Mr. Mayor and City Councilors,

We are a community of business owners in Downtown Milwaukie, that are aware of the request by Jesse Cannelos at Wine:30 to leave the parklet in place for the winter months. We would like to request that Mr. Cannelos' extension be denied based on the following information.

\* This pilot project was to be from May 2014 - October 2014, according the final "draft" that we received. It has come to our attention however, after questioning city staff, that somewhere along the line these dates were changed and extended through November 2014.

\* The parklet has been sitting empty, more than it has been in use since October 1st. Therefore, not providing the vibrancy intended by the pilot project.

\* The parklet has become an eyesore do to lack of maintenance by Mr. Cannelos. The fall leaves that are not being cleaned up, by Mr. Cannelos or the City of Milwaukie. We have been informed by city staff that a street sweeper is unable to access the three parking spaces at the north end of the block. Please see the attached photos.

\* The parklet has been turned into a storage space for the furniture, which is not an attractive appearance for those coming into our city. Please see attached photos.

\* Mr. Cannelos states that it is expensive to remove and store the parklet, however the guidelines were clearly spelled out for him prior to constructing the parklet.

Regards,

*Kimberly Cairo*  
Kimberly Cairo  
President

*Scott Campbell - Edward Jones*  
*David Lindblom - DUSTY TIGER*  
*Debra Davis - D. Rainst*  
*12.500 INC.*  
*Salon Senura*  
*Sammy Sam*  
*Kimberly Cairo's - Enchanté*  
*Kelli M. Zuber - K.H.A.E*  
*hopsticks @*  
*James J. Kava - Mander H + Kove, Attorneys*  
*Robyn Walters - Doug Naef Insurance*  
*Kathy Lyle Kathy Lyle Place*  
*DARCEL McI... - B... ..*

RS78

## Milwaukie Downtown Seating Pilot Program ("Chairs in the Street")

The City of Milwaukie is introducing a 2014 Downtown Seating pilot program: Chairs in the Street. This pilot program is geared toward applications for a semi-permanent parklet (regular or daily occupancy). To justify construction expense, and help ensure active use, this is a 2-year pilot program: May 2014 through October 2014; April 2015 through October 2015 (Parklets are typically installed for use between April and October.) If an application proposes year-round use, specific details regarding winter dis-assembly and re-assembly must be included. NOTE: Applicant recognizes that parking space stenciling done by the City will not be done where parklets are in place.

Applications from eating/drinking establishments will be accepted in the downtown area. Three establishments have been pre-selected, having shown great interest in the program; one or two additional parklets would be possible. The City Council has agreed to a pilot program that uses a total of 12 parking spaces; one parklet per block. The following evaluation criteria will be used to evaluate the design submissions and approvals:

- **Design quality.** What is the quality and creativity of the design? What is the quality and durability of proposed materials and furniture?
- **Streetscape enhancement.** How will the proposal enhance the aesthetic quality of the streetscape?

### REVIEW PROCESS

1. Submit an Application
2. Administrative Design Review
3. Final Approvals
4. Install parklet

### DESIGN GUIDELINES

#### General Guidelines

- The parklet must be located adjacent to the applicant's business; no more than one parklet per business will be permitted.
- In some areas of downtown, curb heights in combination with the slope of the street make the installation of a traditional parklet platform very challenging. In these cases, the applicant may propose to not install a platform, but must demonstrate compliance with ADA accessibility requirements to ensure that accessible seating is provided in the overall parklet.
- Design for easy removal. The Chairs on the Street platform will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, they need to be designed for easy removal in case of an emergency.
- No advertising. Logos, advertising, or other branding is prohibited.
- Smoking is prohibited in parklets.



RS80



RS81



RS82

November 4, 2014

To Whom It May Concern:

As a business owner in Downtown Milwaukie since the fall of 2003, I have been happy to welcome new businesses and see more people visit our city. However, I believe it is somewhat unfair for one business to infringe on others, such as Wine 30 taking up parking spots in front of my business in the evening that I need all day for my clients. Especially during the dark winter months, my ladies feel they need to park in front of my business for their safety. WHY should these parking spots be taken up by a deck that will go unused? It is surely not practical for Wine 30 customers to sit on an outside deck throughout the winter. I was never notified that this deck was going up, and when it appeared, I heard from another business owner that it was only permitted for April through October. It was disappointing to arrive at my business on November 3 to see that the owner of Wine 30 had no intention of complying with the agreed upon terms!!

I have been willing to hear complaints from my clients about losing the two parking spots taken up by the Wine 30 deck, but why should that business be allowed to impose this unused structure on us all winter? I am afraid the Wine 30 owner has a prevailing attitude that what he wants for his business is what should be! For example, he has placed tables in front of my business window without asking. One evening I observed a group of 4-5 teenagers walk by and grab glasses of wine when the table was unattended and gleefully hurry down the sidewalk. Wine 30 tables have obstructed the sidewalks and made my clients feel uncomfortable to pass. As much as I want to see downtown businesses succeed, I do not believe one business has the right to infringe upon its neighbors and make their business more difficult.

Sincerely,



Vicki Cochran, Curves of Milwaukie

---

**From:** Neil Hankerson <neilh@darkhorse.com>  
**Sent:** Tuesday, November 04, 2014 4:23 PM  
**To:** Butler, Stephen  
**Subject:** Parklets

Hi Steve,

I have been noticing that the Wine 30 parklet has (obviously) not been used for a few weeks now. Several people including employees and Main St business owners have made comment that the parklet is just used for furniture storage, is not being cleaned and will wastefully use parking over the winter.

Weren't these things supposed to be seasonal and removed in the winter when consumers are less willing to walk any further than necessary in inclement weather?

Best,

Neil

Mrs. John M. Boyle  
13290 SE Terra Cascade Dr.  
Happy Valley, Oregon 97086  
HYPERLINK "mailto:Boyle3jds@frontier.com" [Boyle3jds@frontier.com](mailto:Boyle3jds@frontier.com)

November 2, 2014

Mayor Ferguson  
Milwaukie City Council  
10722 SE Main St.  
Milwaukie, Oregon 97222

Dear Mayor Ferguson and The Milwaukie City Council,

I am writing to you today to express my concerns regarding the parklet that occupies the street space in front of Wine:30. I returned to Main Street the other day to do some shopping and meet with Kelli of "K. Marie" for an event planning. To my surprise the parklet was still occupying the street!

It was my understanding that this was to be a fair-weather parklet. That, once the farmer's market closed down for the year, the parklet was to be moved so as to reopen the much-needed front of business parking on Main Street.

Another concern is the safety and liability of this structure during the inclement weather with slippery leaves and possible ice and snow. As well as being unsightly storage for wet stacked tables and chairs.

I patronize many of the businesses and restaurants in downtown Milwaukie. Wine:30 is one that I truly enjoy. During the summer and early fall the parklet gave the street a bit of a European feel. But I believe there is an appropriate time and place for things. With the inclement weather and Holiday shopping season approaching, Main Street needs ALL of it's front of business parking.

Respectfully,

Mrs. John M. Boyle

From: DeLoris Scherschligt [mailto:ilgreenhouse@aol.com]  
Subject: City Hall - SE Main Street Parking  
Date: November 4, 2014 at 8:57 AM  
To: enchantekim@aol.com

While I am writing this letter as a customer of many businesses on Main Street (Wine30, Enchante°; and KMarie), my primary purpose is my objection is the wasted parking spaces in front of Wine30. I live in Lake Oswego and love driving into Milwaukie to these 3 businesses. However, the reduction of parking spaces leaves me slightly discouraged.

Even while shopping last night at the Open House for Enchante° and KMarie, I couldn't help but notice that I was waiting on a rainy evening for a parking spot to open up while there were wasted spaces that could have been utilized. I am willing to deal with a somewhat (in my opinion) eye sore of the deck built outside of Wine 30, but when the business itself it closed and it utilizes the very few parking spaces available, it leaves me slightly frustrated. Please help me to understand why that *especially in cold rainy months*, those parking spaces have not been opened up so that I (and others) can use them for the other businesses other than Wine 30?

I'm at the point where I am questioning if I want to walk further in the rain by having to park down the street. I surely can get a glass of wine closer to home, but I will miss out on one of the best little Chocolatier and specialty craft store in the Portland metroplex. Perhaps Milwaukie's city hall is not primarily focused on other communities coming inside this rising little area.

DeLoris Scherschligt  
2814 Overlook Drive  
Lake Oswego, OR 97034

Subject: Parklet

Date: November 4, 2014 at 8:17 AM

To: enchantekm@aol.com

Dear Mayor,

Milwaukie Oregon has begun to become a shopping and food destination for people in your city as well as people coming from other locations. I live outside your city, but I shop on Main St, because of your diverse businesses. I have had trouble with your amount of parking spaces due to the large deck in front of Wine 30. I understand the draw of outside seating during the summer months. I have had happy hour on that deck this summer. If the parking spots are all full, I will not park a block away in the rain and wind to shop or eat at my favorite businesses. I support all your wonderful shops and restaurants. I would encourage your consideration in removing the large deck from the Parklet in the winter months.

Thank you,

Julie Abbott

---

**From:** Neil Hankerson <neilh@darkhorse.com>  
**Sent:** Tuesday, November 04, 2014 4:23 PM  
**To:** Butler, Stephen  
**Subject:** Parklets

Hi Steve,

I have been noticing that the Wine 30 parklet has (obviously) not been used for a few weeks now. Several people including employees and Main St business owners have made comment that the parklet is just used for furniture storage, is not being cleaned and will wastefully use parking over the winter.

Weren't these things supposed to be seasonal and removed in the winter when consumers are less willing to walk any further than necessary in inclement weather?

Best,

Neil

**From:** [Lawrence Cole](#)

**Sent:** Saturday, November 8, 2014 2:41 PM

**To:** [Stephen Butler](#)

From the not politically correct department: I find it interesting that the photo that you provided shows the parklet in its most favorable light, while ignoring the photos that were given to the council which shows it in a less favorable light.

This seems to me to be a flagrant attempt to "stack" the response and not presenting it in a true form. I request that the photos that were submitted at the last Council meeting be sent along with this photo to balance the scale.

Larry Cole  
ACME-TV DVDs

-----Original Message-----

From: Butler, Stephen

Date: 11/7/2014 5:11:24 PM

Subject: Wine:30 Parklet - Public Forum November 13

Greetings,

You are invited to attend a public forum to discuss Wine:30's request to extend the time period within which its Parklet may remain open.

When: Thursday, November 13, 2014 - 4:30 to 5:30 PM

Where: 2nd Floor Conference Room, Milwaukie City Hall

Jessie Cannelos, owner of Wine:30, has requested that the Milwaukie City Council allow continued use of his parklet through the "winter months." The City's 2-year pilot program for parklets only permitted the use of the right-of-way from April through November each year. The program requires that the structures be removed from December through March and then reinstalled. The City Council discussed Mr. Cannelos' request at their November 4 meeting, and requested that the City hold a forum for downtown businesses owners, property owners, and interested citizens to gauge community concern regarding the proposal. The City Council is expected to make a decision regarding the parklet extension at their regular Council meeting on November 18, 2014.

For more information, contact Steve Butler, Community Development Director at 503-786-7652 ([butlers@milwaukieoregon.gov](mailto:butlers@milwaukieoregon.gov)) or Vera Koliass, Associate Planner at 503-786-7653 ([koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov)).

**From:** [douгнаef@aol.com](mailto:douгнаef@aol.com)

**Sent:** Saturday, November 8, 2014 1:44 PM

**To:** [Stephen Butler](#)

I am unable to attend but am against any modifications to the TEST program. Applicants knew what the time frames were and should stick to them to be fair to other merchants. It already looks a mess with only our fall weather. Doug Naef

Sent from AOL Mobile Mail

Get the new AOL app: [mail.mobile.aol.com](http://mail.mobile.aol.com)

---

On Friday, November 7, 2014 Butler, Stephen <[ButlerS@milwaukieoregon.gov](mailto:ButlerS@milwaukieoregon.gov)> wrote:

Greetings,

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When: Thursday, November 13, 2014 - 4:30 to 5:30 PM

Where: 2<sup>nd</sup> Floor Conference Room, Milwaukie City Hall

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-----Original Message-----

From: Connie [<mailto:kilbys@eoni.com>]  
Sent: Sunday, November 09, 2014 10:39 AM  
To: Milwaukie Planning  
Subject: [Fwd: Wine 30 Parklet]  
Importance: High

Hello, I am forwarding this to you since I received an automated email from Vera Kalias, copied below:

Thank you for your email. I will be out of the office until Monday, November 17th with no access to email. If you need assistance please contact the Planning Department at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).

Please add this testimony to the record on this issue. Thank you.  
Connie Kilby

----- Original Message -----

Subject: Wine 30 Parklet  
From: "Connie" <[kilbys@eoni.com](mailto:kilbys@eoni.com)>  
Date: Sun, November 9, 2014 10:21 am  
To: [butlers@milwaukieoregon.gov](mailto:butlers@milwaukieoregon.gov)  
[kaliasv@milwaukieoregon.gov](mailto:kaliasv@milwaukieoregon.gov)

I am unable to attend the upcoming meetings/hearings on the issue of allowing Wine 30 to keep their parklet open during winter months. I am submitting my written testimony and would like to have it included in the record.

I have been impressed with Jessie Cannelos' innovation and enthusiasm since he purchased this business. He has poured his energy and money into making this a community establishment that reflects Milwaukie's vision for future development. The parklet he has implemented was a result of his tireless efforts and grassroots approach to work with our local residents as well as collaborating with other funding sources. This is the kind of forward-thinking entrepreneurial vision that Milwaukie needs and has been working towards with the Move Forward Milwaukie project.

Having a business with outdoor seating year-round is a unique and wonderful addition to our downtown community. It shows creativity and open-mindedness of our residents and city management. To deny this opportunity would be a mistake and would show that Milwaukie is not in tune with a forward-thinking city planning philosophy.

I have been a patron of this business over the years and have enjoyed taking out of town friends there to enjoy a friendly community experience.

Without exception, all of my friends have remarked that they were very impressed with the unique idea of the business and the friendly atmosphere. I often heard comments like "Wow, Milwaukie is really becoming an interesting and upbeat town", comparing it to other small town revitalizations such as Sellwood and the Hawthorne District in SE Portland.

Allowing year round access to outdoor seating is a fantastic opportunity to showcase Milwaukie's creative vision. I would love to have a fun place like this to enjoy all year long. As Oregonians, we like to pride ourselves on being unaffected by our famous rainy weather. This is a perfect way to highlight that pride while also promoting our wonderful town.

Please do not place restrictions on the ability to keep the outdoor seating available all year long.

Thank you for your consideration.

Connie Kilby  
2451 SE Lake Road  
Milwaukie  
[kilbys@eoni.com](mailto:kilbys@eoni.com)

**RS91**

**From:** [Laura Edmonds](#)

**Sent:** Monday, November 10, 2014 9:31 AM

**To:** [Stephen Butler](#)

**Cc:** '[Jesse Canelos](#)'

Stephen,

Unfortunately I have another meeting that same night that will go until 6:30 or I'd be there to voice my opinion.

I'm completely in support leaving the parklet in place. It's still user friendly during the winter months and frankly, looks like a challenge taking down. I can just imagine sitting out there if we happen to have another wonderful snow fall like we did last winter. Twinkle lights a glow and heaters blaring!

After hearing from some (two) neighboring businesses that "they don't like it" I'm afraid that they'll make trouble when it's going to be put back up and frankly, having Wine:30 downtown and the addition of the parklet has been good for business in downtown Milwaukie.

If I were going to offer a supporting statement to leave it and support it permanently here it is:

"As the Chamber of Commerce sees it, the addition of the Parklet has been good for downtown business. It brings in a hometown and welcoming feel to the area and promotes a positive culture that we've been needing for a long time. Other businesses are more noticeable than ever before because people are coming down and staying longer.

As a resident of old town Milwaukie these past 18 years, I've personally enjoyed coming downtown more and more often with the upgrades that Wine:30 has made and the other new businesses that have come in to town. It's a friendlier atmosphere and somewhere my husband and friends enjoy going now.

Please keep up the good work that you're all doing and keep this positive momentum going!"

Yours truly,

Laura Edmonds

President & CEO

**North Clackamas Chamber of Commerce**

7740 SE Harmony Road Milwaukie OR 97222

(503)654-7777

(503)653-9515 fax

[laura@yourchamber.com](mailto:laura@yourchamber.com)

<http://www.yourchamber.com>



**From:** Martin, Alicia [<mailto:MartinA@milwaukieoregon.gov>] **On Behalf Of** Butler, Stephen

**Sent:** Friday, November 07, 2014 5:08 PM

**Subject:** Wine:30 Parklet - Public Forum November 13

Greetings,

You are invited to attend a public forum to discuss Wine:30's request to extend the time period within which its Parklet may remain open.

**RS92**

When: Thursday, November 13, 2014 - 4:30 to 5:30 PM  
Where: 2<sup>nd</sup> Floor Conference Room, Milwaukie City Hall

Jessie Canelos, owner of Wine:30, has requested that the Milwaukie City Council allow continued use of his parklet through the “winter months.” The City’s 2-year pilot program for parklets only permitted the use of the right-of-way from April through November each year. The program requires that the structures be removed from December through March and then reinstalled. The City Council discussed Mr. Canelos’ request at their November 4 meeting, and requested that the City hold a forum for downtown businesses owners, property owners, and interested citizens to gauge community concern regarding the proposal. The City Council is expected to make a decision regarding the parklet extension at their regular Council meeting on November 18, 2014.

For more information, contact Steve Butler, Community Development Director at 503-786-7652 ([butlers@milwaukieoregon.gov](mailto:butlers@milwaukieoregon.gov)) or Vera Koliass, Associate Planner at 503-786-7653 ([koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov)).



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PUBLIC RECORDS LAW DISCLOSURE: This email is a public record of the City of Milwaukie and is subject to public disclosure unless exempt from disclosure under Oregon Public Records law. This email is subject to the State Retention Schedule.

MILWAUKIE SUSTAINABILITY: Please consider the impact on the environment before printing a paper copy of this message.

**From:** Milwaukie OCR  
**Sent:** Monday, November 10, 2014 2:07 PM  
**To:** Egner, Dennis; Martin, Alicia  
**Cc:** Monahan, Bill  
**Subject:** FW: In support of Wine :30 Parklet - Year-Round

This was in the OCR mailbox this morning.

**From:** alicia hamilton [<mailto:aliham10@hotmail.com>]  
**Sent:** Monday, November 10, 2014 10:12 AM  
**To:** Milwaukie OCR  
**Cc:** Jesse; Butler, Stephen  
**Subject:** In support of Wine :30 Parklet - Year-Round

Dear City Council members,

I am writing in support of Jesse Canelos request to allow his parklet to remain throughout the winter months.

Jesse is the epitome of what our downtown needs; innovative, action-oriented, business-minded and successful people. He does this through his ability to create a community environment that welcomes and encourages people to spend time and money in downtown Milwaukie. As an organizer of First Friday, I have always been grateful for his initiative to embrace the event in ways that not only improve his business, but bolster the event as a whole.

I have no doubt that Jesse will put this parklet to great use throughout the year. Please support this business which supports our community!

Thank you, in advance, for your consideration.

Alicia Hamilton



**RS 6. B.  
11/18/14**

**To: Mayor and City Council**

**From: Bill Monahan, City Manager**

**Subject: Intergovernmental Agreement with CFD#1 for Facilities**

**Date: November 10, 2014**

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### **ACTION REQUESTED**

**Approve an Intergovernmental Agreement with Clackamas Fire District No. 1 to continue the sharing of the City of Milwaukie Public Safety Building.**

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

In 1992, the voters of the City approved a bond to construct a Public Safety Building (PSB) at 3200 SE Harrison Street. The building has housed the City of Milwaukie Police and Fire departments. The building was constructed and the two departments moved in and occupied the facility in 1994.

In 1997, the City began to step back from providing fire protection services. Rather than continue to maintain its own city fire department, Milwaukie entered into an agreement with Clackamas County Fire District No. 1, now called CFD#1, for the provision of fire protection services. The agreement included provisions for a lease of the fire department portion of the PSB and the City transferred its fire personnel to the District. In March of 2005, the City adopted resolution 10-2005 to place a measure on the ballot to annex to the District. In June, 2005, following voter approval, the City annexed to CCFD#1.

Upon annexation of the territory of the City into CCFD#1, the agreement for provision of fire protection services was terminated and a new agreement negotiated. That agreement, an "Intergovernmental Agreement For Facilities", was entered into on June 21, 2005. The term was for five years with a provision that the Agreement would continue on a fiscal year to fiscal year basis until amended or extended in writing. The District has continued to provide service continuously under the extension provisions of the Agreement. The parties have been discussing possible terms for a new Agreement since 2012. The City Council has been updated on the status of the negotiations on several occasions during Council work sessions.

### **BACKGROUND**

The City of Milwaukie has a long standing relationship with Clackamas Fire District No. 1. The City built the Public Safety Building on Harrison Street to house both the City of Milwaukie Fire Department and the Police Department. Since the opening of the PSB in

1993, the two public safety providers have shared the facility while each contributing to the long term maintenance of the facility. After the City transferred fire personnel to the District, and then annexed into the District, an intergovernmental agreement was formed to allow the District to continue to use a portion of the facility in exchange for certain consideration. That term has expired requiring the development of a new agreement.

The City and District both wish to continue to have both public safety providers occupy the building. They both wish to have a longer term than the original five year term and they wish to better provide for the maintenance needs of the building. While the day to day maintenance has not been an issue over the years, there has not been a well defined agreement for the upkeep of some of the larger elements of the physical plant, in particular the roof and the emergency generator.

The City and District have met several times since early 2012 to discuss a new agreement. Some discussions have been staff to staff. Others have involved representatives from the City Council and District Board in inter-agency discussions. All negotiations have been focused on retaining the District as a long term tenant while better allocation costs.

Issues addressed by the negotiating teams have included:

1. Term. Both parties sought a longer term agreement. The original term of five years was deemed to be too short. The draft agreement provides for a ten year lease.
2. Maintenance. The District has always paid its share of utilities. The draft agreement provides for an adjustment of the electricity costs to recognize that the City also houses its Information Systems Technology (IST) department in the PSB. As a result, the initial allocation of utility costs at 39% (based upon total square footage utilization) has been adjusted to 32% so the City has more obligation than the District. Other utilities remain at 39%. The District will continue to be responsible for ordinary cleaning services for the interior of its portion of the building, referred to as "Station 2".
3. Maintenance Fee. The District has paid a \$2,000 per month maintenance fee from July 1, 2005 through October 31, 2014. The proposed agreement calls for a reduction of monthly rent to \$500 as of November 1, 2014. In exchange for a reduced rent, the District will work annually with the city to develop a schedule to complete capital projects at the PSB.
4. Long Term Capital Expenses. The earlier agreement provided that the District would pay a share of the capital expenditures necessary for the preservation of or improvements to the PSB. The Agreement stated that such expenditures would be negotiated between the parties. During the life of the original agreement, the District has paid for some small replacement of items (examples – air compressor, dishwasher, stoves, commercial washer, washer

and dryer) but no one item exceeded \$7,000. The City made several larger expenditures (examples – refrigerators, kitchen cabinets, floor coverings, HVAC for the Fire living quarters, radiant heat for the apparatus bay, water heater) ranging from, \$7,500 to \$135,000. The proposed agreement calls for the District to contribute to major capital expenditures such as a roof replacement in 2015 and replacement of the emergency generator. The parties have agreed that the roof replacement will take place in 2015. The District has allocated \$50,000 within its present budget to partially fund its contribution to the roof project. The City will allocate funds to complete the project and expect reimbursement of the remainder of the District's share after the District allocates funds in its next budget. The District has made numerous efforts to obtain grant funds for a replacement generator. It will continue to do so. In the meantime, the City will purchase some replacement parts for the present generator to keep the unit functioning while a grant is sought. If a grant is determined to not be feasible, the parties plan to discuss an allocation of costs to replace the generator at a later date, following the terms of the proposed Agreement for capital projects.

### **CONCURRENCE**

The Public Works Facilities Division has been involved in discussions throughout the last couple years and is in concurrence that the proposed Agreement will provide for long term care of the PSB.

### **FISCAL IMPACTS**

The Agreement will provide for a balanced allocation of funding of the long term maintenance of the PSB while maintaining the outstanding working relationship of the parties. Until the District has fully paid for its 39% share of the roof replacement, the City will contribute an excess portion of the funding, however, reimbursement of the District share will be made through the normal budget process.

### **WORK LOAD IMPACTS**

The City and District have expended staff resources to negotiate the agreement. Work load will be allocated to annual coordination sessions between the facility staff of the City and the District as they develop a schedule for completion of improvements.

### **ALTERNATIVES**

1. Continue the original 2005 agreement under the stated terms.
2. Discontinue the agreement. If this course is taken, the District is likely to seek a different location for its fire station.

### **ATTACHMENTS**

1. Intergovernmental Agreement For Facilities – subscribed on June 21, 2005
2. Proposed Intergovernmental Agreement For Facilities - clean version
3. Proposed Intergovernmental Agreement For Facilities - red-lined version
4. Proposed Resolution

**INTERGOVERNMENTAL AGREEMENT  
FOR FACILITIES**

This AGREEMENT is entered into pursuant to the authority granted in Chapter 190 of the Oregon Revised Statutes, by and between the Clackamas County Fire District No. 1, herein after called "Clackamas", a fire protection district established pursuant to Oregon Revised Statute Chapter 478, and the City of Milwaukie, a municipal corporation, organized and existing under the city charter and laws of the State of Oregon, hereinafter called "Milwaukie".

This AGREEMENT is to provide for sharing of a fire station facility located in Milwaukie for use by Clackamas as a fire station and for other uses beneficial to both agencies.

Whereas, Clackamas and Milwaukie recognize a common purpose in providing consistent availability of fire protection and emergency medical services throughout the area, and

Whereas, Clackamas and Milwaukie desire to cooperate to provide effective and efficient fire protection and emergency medical services; and

Whereas, Milwaukie owns a facility within the city limits of Milwaukie that is suitable for use as a fire station by Clackamas; and

Whereas, Clackamas owns a facility in close proximity to Milwaukie that is suitable for use as a public access studio by Milwaukie; and

Whereas, Clackamas and Milwaukie have a history of success in cooperative efforts between the two agencies.

In consideration of those premises which each party agree are sufficient , it is

AGREED:

**1. STATEMENT OF PURPOSE**

The common objectives of Clackamas and Milwaukie in entering into this Agreement are to provide an appropriate local facility for Clackamas's fire station and to provide Milwaukie with a building suitable for its public access programs.

**2. FACILITY RENT and USE**

Clackamas and Milwaukie agree as follows for the Clackamas fire station:

**2.1. SERVICES**

- 2.1.1. Milwaukie agrees to permit Clackamas the exclusive use of the fire station portion ("Station 2") of the Public Safety Building ("PSB") located at 3200 SE Harrison Street, Milwaukie, Oregon, associated parking areas and other areas currently used in common by Clackamas and Milwaukie pursuant to the Former Agreement hereinafter defined ("common areas").
- 2.1.2. Clackamas will have use of Station 2 and the common areas to provide and support a fire protection and emergency medical services program and associated activities.

## 2.2. CONSIDERATION

- 2.2.1. In consideration for the use of Station 2 and the common areas, Clackamas agrees to permit Milwaukie use of the building located at 6596 SE Lake Road (the "400 Building"), Milwaukie, Oregon and associated parking areas.
  - 2.2.1.1. Milwaukie will have exclusive use of the 400 Building and will limit its use of the 400 Building to those activities necessary to provide and support a public access studio.
  - 2.2.1.2. Milwaukie will pay utility, cleaning, and all other operating costs for the 400 Building. Clackamas will provide interior and exterior maintenance, as it deems reasonable and necessary. Any such maintenance may temporarily interfere with Milwaukie's use of the 400 Building and Milwaukie agrees that it will have no claim against Clackamas for any inconvenience, interruption or interference provided Clackamas is diligently pursuing the maintenance project.
- 2.2.2. Clackamas will pay Milwaukie a \$2000 per month maintenance fee, beginning July 1, 2005 to cover general maintenance on Station 2, Clackamas's share of maintenance expenses for the common areas and for any City-owned equipment located in Station 2.
  - 2.2.2.1. Clackamas will provide ordinary cleaning services for the interior of Station 2.
  - 2.2.2.2. Capital expenditures necessary for the preservation of or improvements to the PSB will be negotiated between the parties.
- 2.2.3. Clackamas will pay one dollar (\$1) per year for rent of Station 2, any City owned equipment located in Station 2 or used by Station 2 and the common areas. No other rent will be charged for the use of any of the foregoing.

2.2.4 Clackamas will pay utility costs associated with its occupation of Station 2. The utility costs will be allocated among Station 2 and other uses of the facility on an equitable basis.

2.2.4.1 Milwaukie and Clackamas agree that the initial allocation of utility costs to Station 2 will be 39 percent of the total utility costs of the PSB .

2.2.4.2 "Utilities" include natural gas, water services, sewer services, electricity, and refuse removal.

2.2.4.3 Clackamas agrees to contribute \$2,000 per year toward the PSB's energy loan until the loan is fully paid which will be June 5, 2014.

2.2.4.4 Clackamas agrees to pay telephone line charges and long-distance costs for its use of Milwaukie's telephone system. Clackamas and Milwaukie will negotiate the allocation of costs required to provide for capital upgrades to the telephone system.

### 3. TERM OF AGREEMENT

This Agreement shall be in effect for five (5) years, beginning on the effective date of annexation of the territory within the City to the District . The Agreement shall continue thereafter on a fiscal-year-to-fiscal-year basis until amended or extended in writing. Either party may terminate this agreement at any time by giving not less than one year nor more than 18 months advance written notice that it desires to do so.

Upon termination of the agreement, equipment installed by Clackamas will remain the property of Clackamas and equipment installed by Milwaukie will remain the property of Milwaukie. Clackamas and Milwaukie agree that, upon termination, the 400 Building and Station 2 will be returned to their respective owner in a condition in as good or better than they now are, excepting normal wear and tear, and excepting damage by flood, earthquake, earth movement, slide, casualty and/or obsolescence.

### 4. FORCED LIMITATIONS

If there is state-wide legislation beyond the control of either party, limiting either property tax or the services provided by Milwaukie or Clackamas, this Agreement may be renegotiated. Renegotiating shall begin upon the written request of either party.

### 5. INDEMNITY AND INSURANCE

Each party agrees solely to be liable for and hold the other harmless from any claims, actions or suits arising from its acts or those of its employees, officers, directors, agents, or volunteers in carrying out the purposes of this Agreement. Each party agrees to maintain liability insurance for risks arising out of this Agreement, which covers the other party as an additional insured.

Each party agrees to provide workers' compensation insurance for its employees, and to hold the other party harmless for injuries and work-related illnesses to its employees. Milwaukie agrees to insure the 400 Building and all of its contents and to provide Clackamas, at Milwaukie's expense, at full replacement costs an all-risk policy including earthquake, earth movement, wind storm, casualty and flood for any damage and/or destruction of the building, tenant improvements and betterments, and contents. Coverage shall include increased cost of construction, salvage expenses and demolition.

Milwaukie agrees to insure the PSB including Station 2 and Clackamas will insure its personalty in Station 2.

Each party agrees that neither party shall act as the agent of the other, nor shall any employee of one party shall be considered to be an employee of the other party for any purposc.

6. DISPUTE RESOLUTION

Both parties recognize that interpretation of the terms or intent of this agreement may be subject to interpretation or dispute from time to time. In the event of any disagreement, both parties agree to meet and discuss potential resolutions.

7. AMENDMENT

This Agreement may be amended only in writing upon the mutual consent of both parties.

8. TERMINATION OF PREVIOUS AGREEMENT

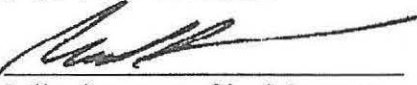
Clackamas and Milwaukie previously entered into an agreement for the provision of fire protection services by Clackamas to Milwaukie, which included provisions for lease of Station 2 (the "Former Agreement"). The Former Agreement is terminated on the effective date of the annexation of the territory within the City to the District.

Intergovernmental Agreement  
June 20, 2005

This Agreement, entered into in duplicate original, is subscribed to by the following parties:

Subscribed this 21<sup>st</sup> day of June, 2005

**CITY OF MILWAUKIE**

BY:   
Mike Swanson, City Manager

BY: \_\_\_\_\_

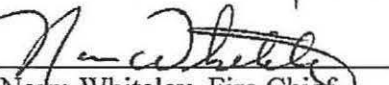
APPROVED AS TO FORM:

  
Legal Counsel

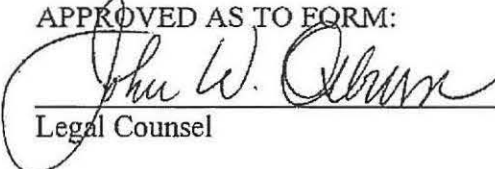
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Subscribed this 21<sup>st</sup> day of June, 2005

**CLACKAMAS FIRE DISTRICT #1**

BY:   
Norm Whiteley, Fire Chief

APPROVED AS TO FORM:

  
Legal Counsel

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## **Attachment 2**

### **INTERGOVERNMENTAL AGREEMENT FOR FACILITIES**

This AGREEMENT is entered into pursuant to the authority granted in Chapter 190 of the Oregon Revised Statutes, by and between the Clackamas County Fire District No. 1, herein after called “Clackamas,” a fire protection district established pursuant to Oregon Revised Statute Chapter 478, and the City of Milwaukie, a municipal corporation, organized and existing under the city charter and laws of the State of Oregon, hereinafter called “Milwaukie.”

This AGREEMENT is to provide for sharing of a fire station facility located in Milwaukie for use by Clackamas as a fire station and for other uses beneficial to both agencies.

Whereas, Clackamas and Milwaukie recognize a common purpose in providing consistent availability of fire protection and emergency medical services throughout the area, and

Whereas, Clackamas and Milwaukie desire to cooperate to provide effective and efficient fire protection and emergency medical services; and

Whereas, Milwaukie owns a facility within the city limits of Milwaukie that is suitable for use as a fire station by Clackamas; and

Whereas, Clackamas and Milwaukie have a history of success in cooperative efforts between the two agencies.

In consideration of those premises which each party agree are sufficient, it is

AGREED:

#### **1. STATEMENT OF PURPOSE**

The common objectives of Clackamas and Milwaukie in entering into this Agreement are to provide an appropriate local facility for Clackamas’s fire station and to provide Milwaukie with a building suitable for its public access programs.

#### **2. FACILITY RENT and USE**

Clackamas and Milwaukie agree as follows for the Clackamas fire station:

##### **2.1. SERVICES**

- 2.1.1. Milwaukie agrees to permit Clackamas the exclusive use of the fire station portion (“the Station”) of the Public Safety Building (“PSB”) located at 3200 SE Harrison Street, Milwaukie, Oregon. Clackamas has access and use of associated parking areas and

other areas currently used in common by Clackamas and Milwaukie to include the training room and mezzanine storage area.

2.1.2. Clackamas will have use of the Station and the common areas to provide and support a fire protection and emergency medical services program and associated activities.

2.1.3 Clackamas will pay Milwaukie a \$500 per month maintenance fee, beginning July 1, 2014. The maintenance fee was established to cover general maintenance on the Station, Clackamas's share of maintenance expenses for the common areas and for any City-owned equipment located in the Station. This maintenance fee will be reviewed and modified as needed each January for the next fiscal year as defined by July - June.

2.1.4 Clackamas will provide ordinary cleaning services for the interior of the Station.

## 2.2 Capital Expenditures

2.2.1 Capital expenditures necessary for the preservation of or improvements to the PSB shall be negotiated between the parties and tentatively agreed to in January for budgetary planning for the following fiscal year (as defined by July – June) and subject to approval by the parties' respective governing bodies in the annual budget process. In July, representatives from both parties will meet and develop a schedule to complete those improvements funded during their respective budget processes. Improvements that are tentatively agreed to by the parties in January, but not funded by one or both parties in the budget process, may be recommended for inclusion in the parties' budgets for the following fiscal year.

2.2.2 Milwaukie agrees to credit Clackamas with payments made toward improvement of the PSB if Milwaukie causes removal of Clackamas from PSB and the improvement(s) have not reached the end of their initial warranty period. The value of the improvement(s) shall be determined by Milwaukie using standard depreciated cost methods of asset valuation.

2.2.3 Other Personal Equipment – Milwaukie and Clackamas agree to work in good faith to determine the value of Clackamas installed equipment to satisfy any required financial contribution to the PSB at time of termination of this agreement.

## 2.3 Payments

2.3.1 Clackamas will pay one dollar (\$1) per year for rent of the Station, any city owned equipment located in the Station or used by the Station and the common areas. No other rent will be charged for the use of any of the foregoing.

2.3.2 Clackamas will pay 32% of electricity costs and 39% of all other utility costs incurred by the PSB. Milwaukie will provide Clackamas with a monthly statement detailing the utility costs owed by Clackamas for the prior month. Upon request, Milwaukie will provide documentation of the utility costs incurred by the PSB. Utility costs and allocation will be reviewed annually by Clackamas and Milwaukie and any modifications will be discussed.

2.3.3 “Utilities” include natural gas, water services, sewer services, electricity, and refuse removal.

2.3.4 Clackamas agrees to pay telephone line charges and long-distance costs for its use of Milwaukie’s telephone system. Clackamas and Milwaukie will negotiate the allocation of costs required to provide for capital upgrades to the telephone system.

## 3. TERM OF AGREEMENT

This Agreement shall be in effect for ten (10) years, beginning July 1, 2014. The Agreement shall continue thereafter on a fiscal-year-to-fiscal-year basis unless and until it is terminated. Either party may terminate this agreement at any time by giving not less than twenty-four (24) months advance written notice that it desires to do so.

Upon termination of the agreement, equipment installed by Clackamas will remain the property of Clackamas and equipment installed by Milwaukie will remain the property of Milwaukie. Clackamas and Milwaukie agree that, upon termination, the Station will be returned to Milwaukie in a condition in as good or better than it now is, and broom clean,

excepting normal wear and tear, and excepting damage by flood, earthquake, earth movement, slide, casualty, and/or fire.

#### 4. FORCED LIMITATIONS

If there is state-wide legislation beyond the control of either party, limiting either property tax or the services provided by Milwaukie or Clackamas, this Agreement may be renegotiated. Renegotiation shall begin upon the written request of either party.

#### 5. INDEMNITY AND INSURANCE

Within the limits of the Oregon Constitution and the Oregon Tort Claims Act, each party agrees solely to be solely liable for and hold the other harmless from any claims, actions or suits arising from its acts or those of its employees, officers, directors, agents, or volunteers in carrying out purposes of this Agreement. Each party agrees to maintain liability insurance for risks arising out of this Agreement, which covers the other party as an additional insured. Each party agrees to provide workers' compensation insurance for its employees, and to hold the other party harmless for injuries and work-related illnesses to its employees.

Milwaukie agrees to insure the PSB including the Station and Clackamas will insure its personal property in the Station.

Each party agrees that neither party shall act as the agent of the other, nor shall any employee of one party shall be considered to be an employee of the other party for any purpose.

#### 6. DISPUTE RESOLUTION

Both parties recognize that interpretation of the terms or intent of this Agreement may be subject to interpretation or dispute from time to time. In the event of any disagreement, both parties agree to meet and discuss potential resolutions.

#### 7. AMENDMENT

This Agreement may be amended only in writing upon mutual consent of both parties.

This Agreement, entered into in duplicate original, is subscribed to by the following parties:

Subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 2014

**CITY OF MILWAUKIE**

BY: \_\_\_\_\_  
City Manager

BY: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Legal Counsel

\_\_\_\_\_

Subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 2014

**CLACKAMAS FIRE DISTRICT #1**

BY: \_\_\_\_\_  
Fire Chief

APPROVED AS TO FORM:

\_\_\_\_\_  
Legal Counsel

\_\_\_\_\_

# Attachment 3

Clackamas – City of Milwaukie draft IGA

## INTERGOVERNMENTAL AGREEMENT FOR FACILITIES

This AGREEMENT is entered into pursuant to the authority granted in Chapter 190 of the Oregon Revised Statutes, by and between the Clackamas County Fire District No. 1, herein after called “Clackamas”, a fire protection district established pursuant to Oregon Revised Statute Chapter 478, and the City of Milwaukie, a municipal corporation, organized and existing under the city charter and laws of the State of Oregon, hereinafter called “Milwaukie”.

This AGREEMENT is to provide for sharing of a fire station facility located in Milwaukie for use by Clackamas as a fire station and for other uses beneficial to both agencies.

Whereas, Clackamas and Milwaukie recognize a common purpose in providing consistent availability of fire protection and emergency medical services throughout the area, and

Whereas, Clackamas and Milwaukie desire to cooperate to provide effective and efficient fire protection and emergency medical services; and

Whereas, Milwaukie owns a facility within the city limits of Milwaukie that is suitable for use as a fire station by Clackamas; and

Whereas, Clackamas and Milwaukie have a history of success in cooperative efforts between the two agencies.

In consideration of those premises which each party agree are sufficient, it is

AGREED:

### 1. STATEMENT OF PURPOSE

The common objectives of Clackamas and Milwaukie in entering into this Agreement are to provide an appropriate local facility for Clackamas’s fire station and to provide Milwaukie with a building suitable for its public access programs.

### 2. FACILITY RENT and USE

Clackamas and Milwaukie agree as follows for the Clackamas fire station:

#### 2.1. SERVICES

2.1.1. Milwaukie agrees to permit Clackamas the exclusive use of the fire station portion (“~~the~~ Station 2”) of the ~~p~~Public Safety Building (“PSB”) located at 3200 SE Harrison Street, Milwaukie, Oregon. Clackamas has access and use of associated parking areas and other areas currently used in common by Clackamas and Milwaukie to include the training room and mezzanine storage area.

2.1.2. Clackamas will have use of ~~the~~ Station 2 and the common areas to provide and support a fire protection and emergency medical services program and associated activities.

~~2.2.4~~ 2.1.3 Clackamas will pay Milwaukie a \$500 per month maintenance fee, beginning July 1, 2014. The maintenance fee was established to cover general maintenance on ~~the~~ Station 2, Clackamas’s share of maintenance expenses for the common areas and for any ~~City- Milwaukie-~~owned equipment located in ~~the~~ Station 2. ~~This maintenance fee will be reviewed and modified as needed each January for the next fiscal year as defined by July - June.~~

~~2.2.2.1~~ 2.1.4 Clackamas will provide ordinary cleaning services for the interior of ~~the~~ Station 2.

## 2.2 Capital Expenditures

~~2.2.2.2~~ 2.2.1 Capital expenditures necessary for the preservation of or improvements to the PSB shall be negotiated between the parties and tentatively agreed upon in January for budgetary planning the following fiscal year (as defined by July – June) and subject to approval by the parties’ respective governing bodies in the annual budget process. In July, representatives from both ~~the Clackamas and Milwaukie~~ parties will meet and develop a ~~list of projects to be completed and timeline.~~ schedule to complete those improvements funded during their respective budget processes. Improvements that are tentatively agreed to by the parties in January, but not funded by one or both parties in the budget process, may be recommended for inclusion in the parties’ budgets for the following fiscal year.

~~2.2.2~~ ~~Roof and Generator~~– Milwaukie agrees to credit Clackamas with payments made toward improvement of the PSB if Milwaukie causes removal of Clackamas from PSB and the improvement(s) have not reached the end of their initial warranty period. The value of the improvement(s) shall be determined by Milwaukie using standard depreciated cost methods of asset valuation.

~~2.2.3~~ Other Personal Equipment – ~~If both parties agree, in lieu of the City making payments to Clackamas, City Milwaukie may allow Clackamas to take fixtures purchased by Clackamas as satisfaction of Clackamas’ financial contribution to the PSB.~~ Milwaukie and Clackamas agree to work in good faith to determine the value of Clackamas installed equipment to satisfy any required financial contribution to the PSB at time of termination of this agreement.

### 2.3 Payments

~~2.2.2~~ 2.3.1 Clackamas will pay one dollar (\$1) per year for rent of the Station 2, any city owned equipment located in the Station 2 or used by the Station 2 and the common areas. No other rent will be charged for the use of any of the foregoing.

~~2.2.3~~ 2.3.2 Clackamas will pay 32% of electricity costs and 39% of all other utility costs incurred by the PSB. Milwaukie will provide Clackamas with a monthly statement detailing the utility costs owed by Clackamas for the prior month. Upon request, Milwaukie will provide documentation of the utility costs incurred by the PSB. Utility costs and allocation will be reviewed annually by Clackamas and Milwaukie and any modifications will be discussed.

~~2.2.4~~ 2.3.3 “Utilities” include natural gas, water services, sewer services, electricity, and refuse removal.

~~2.2.5~~ 2.3.4 Clackamas agrees to pay telephone line charges and long-distance costs for its use of Milwaukie’s telephone system. Clackamas and Milwaukie will negotiate the allocation of costs required to provide for capital upgrades to the telephone system.

3. TERM OF AGREEMENT

This Agreement shall be in effect for ten (10) years, beginning July 1, 2014. The Agreement shall continue thereafter on a fiscal-year-to-fiscal-year basis unless and until it is terminated. Either party may terminate this agreement at any time by giving not less than twenty-four (24) months advance written notice that it desires to do so.

Upon termination of the agreement, equipment installed by Clackamas will remain the property of Clackamas and equipment installed by Milwaukie will remain the property of Milwaukie. Clackamas and Milwaukie agree that, upon termination, the Station 2 will be returned to the City Milwaukie in a condition in as good or better than it now is, and broom clean, excepting normal wear and tear, and excepting damage by flood, earthquake, earth movement, slide, casualty, and/or fire.

4. FORCED LIMITATIONS

If there is state-wide legislation beyond the control of either party, limiting either property tax or the services provided by Milwaukie or Clackamas, this Agreement may be renegotiated. Renegotiation shall begin upon the written request of either party.

5. INDEMNITY AND INSURANCE

Within the limits of the Oregon Constitution and the Oregon Tort Claims Act, each party agrees solely to be solely liable for and hold the other harmless from any claims, actions or suits arising from its acts or those of its employees, officers, directors, agents, or volunteers in carrying out purposes of this Agreement. Each party agrees to maintain liability insurance for risks arising out of this Agreement, which covers the other party as an additional insured. Each party agrees to provide workers' compensation insurance for its employees, and to hold the other party harmless for injuries and work-related illnesses to its employees.

Milwaukie agrees to insure the PSB including the Station 2 and Clackamas will insure its personal property in the Station 2.

Each party agrees that neither party shall act as the agent of the other, nor shall any employee of one party shall be considered to be an employee of the other party for any purpose.

6. DISPUTE RESOLUTION

Both parties recognize that interpretation of the terms or intent of this Agreement may be subject to interpretation or dispute from time to time. In the event of any disagreement, both parties agree to meet and discuss potential resolutions.

7. AMENDMENT

This Agreement may be amended only in writing upon mutual consent of both parties.

DRAFT

This Agreement, entered into in duplicate original, is subscribed to by the following parties:

Subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 2014

**CITY OF MILWAUKIE**

BY: \_\_\_\_\_

City Manager

BY: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Legal Counsel

Subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 2014

**CLACKAMAS FIRE DISTRICT #1**

BY: \_\_\_\_\_

Fire Chief

APPROVED AS TO FORM:

\_\_\_\_\_  
Legal Counsel

## Attachment 4



### CITY OF MILWAUKIE

*"Dogwood City of the West"*

### Resolution No.

**A resolution of the City Council of the City of Milwaukie, Oregon, approving an Intergovernmental Agreement with Clackamas Fire District No. 1 to continue sharing of the City of Milwaukie Public Safety Building.**

**WHEREAS**, the Public Safety Building housed the personnel and equipment of the City of Milwaukie Fire Department and then the Clackamas Fire District No. 1 since the facility was built in 1994; and

**WHEREAS**, the City of Milwaukie and Clackamas Fire District No. 1 have twice entered into intergovernmental agreements to share the Public Safety Building since the City of Milwaukie was annexed into Clackamas Fire District No. 1; and

**WHEREAS**, the City of Milwaukie and Clackamas Fire District No. 1 have met several times to draft a new intergovernmental agreement since 2012, and have completed work on a proposal for a long-term agreement between the City of Milwaukie and Clackamas Fire District No. 1.

**Now, Therefore, be it Resolved** by the City Council of the City of Milwaukie that the City Manager is hereby authorized to enter into an Intergovernmental Agreement with Clackamas Fire District No. 1 for the continued long-term sharing of the facilities located at the City of Milwaukie Public Safety Building.

Introduced and adopted by the City Council on **November 18, 2014**.

This resolution is effective **immediately**.

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Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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Pat DuVal, City Recorder

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City Attorney