

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
January 15, 2008**

CALL TO ORDER

Mayor Bernard called the 2022nd meeting of the Milwaukie City Council to order at 7:05 p.m. in the City Hall Council Chambers.

Present: Mayor James Bernard and Councilors Deborah Barnes, Greg Chaimov, Joe Loomis, and Susan Stone

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Planning Director Katie Mangle, Police Chief Larry Kanzler, Community Development and Public Works Director Kenny Asher, Community Services Director JoAnn Herrigel, and Associate Planner Bob Fraley.

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

Chief Kanzler recognized Milwaukie Police Sgt. Steve Bartol for his being named Dean's Scholar for his outstanding performance at the Southern Police Institute in Louisville, Kentucky.

Mayor Bernard read a proclamation naming the month of January 2008 as *Big Brothers Big Sisters Month* in the City of Milwaukie.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Loomis to remove item 3.C, A Resolution Approving the Purchase of Real Properties Located at 3039 and 3103 SE Balfour Street for a Local Park Using Metro Local Share Funds from the Consent Agenda for discussion. Motion passed unanimously. [5:0]

A. City Council Minutes of the November 20, 2007 Regular Session

B. **Resolution 8-2008**: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Execute a Contract and Issue a Purchase Order with Milwaukie Plumbing for On-Call Plumbing Services in the amount of \$20,000 per year for a Maximum of Five Years.

Resolution 9-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Execute a Contract and Issue a Purchase Order with Milwaukie Heating and Cooling for HC+VAC Services in the Amount of \$20,000 per Year for a Maximum of Five Years.

Resolution 10-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Execute a Contract and Issue a Purchase Order with Dryer Electric for On-Call Electric Services in the Amount of \$40,000 per Year for a Maximum of Five Years.

It was moved by Councilor Stone and seconded by Councilor Barnes to adopt consent agenda items 3.A and 3.B. Motion passed unanimously. [5:0]

AUDIENCE PARTICIPATION

- **Rene Sanders, Milwaukie**

Ms. Sanders was an Ardenwald Neighborhood resident and spoke on behalf of the proposed purchase of the Balfour Street property. Her first point had to do with access. In the correspondence she had read some other parks were pointed out in the Ardenwald Neighborhood; however, the access for those living on the west side of 32nd Avenue as not very convenient. Hillside Park although on the west side of 32nd Avenue would require parents and children to use a very busy street. She commented on the speculation in the e-mail about the traffic on 32nd Avenue. While it was not as busy as River Road it was still a very busy road and traffic did not stop at the hospital. There were 2 buses that went beyond the hospital – 28 and 75 which runs every 15 minutes both ways. It was a very busy street, and despite the speed bumps some people still drove the street quite fast. The other parks mentioned, Water Tower Park, Ardenwald Elementary, were about a mile from this side of the Neighborhood. That was a 20-minute walk for an adult and increases to 30-minutes or more when she takes her child. A park should be a place one can get to quickly, let the children play, and have 10- or 15-minutes to get home without planning for 30-minutes or more. There was something very safe about where she lived on a dead-end street. It gave the children the ability to play outside and even in the street with quite a degree of safety. The only people using the street are those who live there and know the children are out in the street. The disadvantage of that was the children were less aware of the need for safety when approaching intersections. Even though she and her child walked and she drilled safety into him, she could not be sure even when he was older if he would be safe because there were no painted crosswalks. She also had difficulties crossing there. Could she be sure he would stop and be safe? She did not think she could. Her second point was preservation. She was unaware there was an Ardenwald Forest. Since she purchased her house she had driven by those 2 lots daily because she lived on Balfour. She had always been enthralled even when they were overgrown with laurel hedges and falling-down houses. She read in the e-mail that this was a forest, which was a wonderful thing. As Oregonians, that needed to be preserved. It was dear to the hearts of the people to keep old forests and open spaces. A lot of property was being over developed. Developers would buy those 2 lots and put 6 or 8 houses on them, which would increase traffic on the battered little road. Her final point was financial. The e-mail asked why spend over \$300,000 when the property down the street sold for \$200,000. This was 2 lots, so the City was not paying more than it had for the lot down the street. Properties in the Portland area were still appreciating and property values would only increase over time. If the City were looking to buy land in the future, it would cost even more.

- **Leonard and Christina Noakes, property owners on SE 55th Avenue**

Mr. Noakes said he had a rental unit at 9387 SE 55th Avenue. He had a question for the last 5 years because he believed he qualified for a reduced rate on his business license because his business grossed less than \$10,000. City staff made a number of mistakes that he questioned for the last 5 years in asking for information that was not even required to be filed by the IRS for that year. Mr. Noakes was asked for a copy of his 1040 and either Schedule C or E. Under standard business licenses none of that was required by anyone who had a business in the City. To qualify for the reduced rate he was required to submit those. He had done so in the past. He was yet to have a City employee point an item out to him on his 1040 that was in any way relevant to determine if he grossed \$10,000 on his rental property. He did not see why he had to provide those in order to get the reduced rate. He guaranteed he grossed less than \$10,000 on that rental property. He did not know how to approach it because he had

not had good relations with City staff. He got a letter in the past, which he did not have with him. He wanted to know what to do to get an answer.

Mayor Bernard recalled Mr. Noakes had talked with him before and recommended that the City needed to consider income verification requirements.

Mr. Swanson referred to Milwaukie Municipal Code § 5.08.030.B that set out business tax rates. The standard rate, which was applicable unless exempt or otherwise specified was \$100. A separate category called rate for taxpayers with gross income less than \$10,000 was \$40. The issue seemed to be how one proved the gross income was less than \$10,000. In the past it was a request for the 1040 and Schedule C or E. The City did not keep those in a file so they were not public record. The person issuing the license looked at the document to verify the gross income was less than \$10,000. It was not kept.

Mr. Noakes asked if it was the gross income of the business or was it the gross income of the individual.

Mr. Swanson replied it said, "rate for taxpayers with gross income of less than \$10,000." It did limit the language. It did not say the rate for the taxpayers of the business being licensed having an income of less than \$10,000.

Mr. Noakes understood he paid the same amount as a rental unit with one address as with 20 or 25 units.

Mr. Swanson said the definition of business was broad and said an enterprise or business, establishment, store, shop, activity, profession, or undertaking of any nature conducted directly or indirectly for private profit or benefit." It looked at location. If one had an apartment complex at one property as opposed to 1 house, the business license was the same for both even though the magnitude was different. Each FTE was an additional \$3, so that did not add up to much. The standard fee was \$100 regardless of the size.

Mr. Noakes understood size had no bearing. So in seeking a reduced fee, the City was privy to his 1040 and Schedule C or E. If he paid the \$100 the City was not privy. He was not a moneyed person so the \$100 seemed like a lot. In reading the code he understood it was the gross of the business. It was not stated that way. Oregon City and West Linn had exemptions for 1 to 2 houses for people in his circumstance. This was a passive activity for him. It was reported under Schedule E. It was not a business. In a letter from the city manager it said Mr. Noakes showed him a 1040 and Schedule C which qualified him. There was no information on that whatsoever that pertained to that property or the gross income of that property. He suggested the City might consider exemption for 1 or 2 houses like other municipalities.

Councilor Stone asked how many rental properties he had.

Mr. Noakes replied that he had 1 rental property. He had 2 adjoining properties on 55th Avenue. They were small trailers, and he had owned the properties since the 1960's. Suddenly a business license came up after the property had been rented over time and family members had used them. Now it was \$200. He gets \$400 to \$500 in rent a month, so it was grossly inequitable when apartments that have 30 units pay a \$100 business license. He was also subjected to examination of his tax forms. It was better for him just to pay the \$100. If that was the intent of the City Council then that was fine, but it was grossly inequitable. Mayor Bernard did not even produce a 1040 or a Schedule C or E. All he had to do was verify the number of employees and pay the \$100.

Councilor Barnes responded Mr. Noakes would not have to either unless he requested a lower rate. The City asks businesses to pay the \$100. If Mr. Noakes did not want to show other paperwork, then he would not get a reduction.

Mr. Noakes replied if he did not want to show something related to the business he was glad to show anything related to the business. The City was forcing him to show personal information that no other business owner had to show.

Councilor Barnes responded Mr. Noakes was asking the City for a lower rate. To do that he was asking the City to believe he was not making any money.

Mr. Noakes presumed that was related to what the City called a business. It was a passive activity. It was an investment, and he did not consider it a business. The City of Milwaukie considered it a business.

Councilor Chaimov asked Mr. Swanson if the City Council wanted to visit the issue of the propriety of license fees for small or passive businesses or both how that would be done.

Mr. Swanson suggested discussing it in work session and directing him to prepare an ordinance that reflected the desired changes.

Councilor Stone had gotten phone calls from people who had rental properties saying exactly what Mr. Noakes had about the inequities of large complexes with 30 units paying the same business license as those with 1, 2, or 3 individual house rentals. She thought it was a good idea to discuss this in work session and look at how it could be done better.

Councilor Loomis agreed. The intent of the code was to focus on the business and not the personal income.

Mr. Monahan said in order to interpret the code there would need to be some kind of Council direction supported by a record so staff could apply it uniformly.

Councilor Barnes understood there were a lot of 1-person businesses that feel they should not have to pay.

Mayor Bernard suggested it might be more equitable to charge based on the number of units versus reducing the fee. If one takes a write off, then it is considered a business.

Councilor Loomis thought the intent of the code was that if one made \$10,000 or less then one got a reduced rate. This was a business license and not a personal license. He understood Mr. Noakes was frustrated because it should be reflective of the business but not the total income.

Mr. Noakes took it to mean the gross of the business, but that was not what it said.

- **Ed Parecki, Milwaukie business owner**

Mr. Parecki addressed 2 issues one of which he brought up early December 2007. That was regarding the code. As we learned in the last session the code was the code and had to be adhered to. There was a resounding 'yes' from the entire City Council. The code was 3.15.015 that addressed the sale of City-owned property. He was specifically referring to the City-owned property at the Texaco site. None of the parameters of the code had been met. He wanted to know why that was. If one looked at the code and the North Main Village project none of the parameters of the code were met when that was sold or transferred. He also brought up the fact that Councilor Barnes made a statement about confusing the sale of the property and public area improvements for North Main Village. He showed the City Council and Planning Commission that North Main Village took out a \$738,000 loan – public funds – to fund

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APPROVED MINUTES

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the public area improvements for that project. There was no misunderstanding, and no interpretation was needed. The people of Milwaukie were paying for those public area improvements and would continue to pay for them for another 15 to 20 years. If the code was the code and needed to be adhered to then a contract was a contract that needed to be adhered to. This was in reference to the memorandum of understanding (MOU) for the Texaco site. In the contract, paragraph 9 clearly stated without need for interpretation that if a purchase and sale agreement were not executed by November 30, 2007 this MOU would automatically terminate. No questions. No extensions. No paragraphs to refer to. That contract was now null and void. Yet the City Council seemed to want to extend it or continue talking about it. He did not know what was going on because there was not much going out to the public. He wanted the City Council to address those 2 issues and come up with an answer. He had waited a month and a half on the code that was a code that needed to be abided by. It was not being abided by. He did not like being singled out when there was a code that was clearly unconstitutional that he had to abide by. MMC 3.15 had a reference to Oregon Statutes. It was clear and safe to say constitutional. Yet the City chose not to abide by it. Let's get an answer so the public that was listening and wondering the same thing can get some kind of answer. He added the City Council "ain't seen nothing yet."

Councilor Loomis commented he supported the project, and it would get worked out somehow.

Mr. Parecki was moving forward with the project. He resubmitted an application last Monday. He worked out some kinks and removed the elevator from the project, which lowered the value of the improvements to below the 50%. He was now being assessed 10% for public area improvements even though unconstitutional. He would do those to get the project moving. He was now being assessed half of what he offered the first time, and now he would move forward.

- **Ronn Palmer, Milwaukie**

Mr. Palmer was the Ardenwald Neighborhood Chair and made statements in reference to the purchase of the park on Balfour. He highly encouraged the City Council to move forward and purchase the property. As he walked and talked with various people living in the Ardenwald Neighborhood pretty much everyone was in favor of it. They were looking forward to it. One of the arguments when the neighborhood asked the City to step in regarding the so-called residential treatment facility was the fact that this park was anticipated on the same street. He lived one block away. Access was easy and would serve hundreds of people that lived west of 32nd Avenue. There were already children playing in the street and people walking up to it. He was not sure where the notion of the forest came from; it was not a forest. There were 2 lots that were grossly overgrown with dead trees and massive amounts of blackberries, noxious weeds, trash, and garbage. All of that was removed, and it was starting to look good already. It was beginning to take shape. He and the Mayor would talk about traffic calming devices and speed bumps. This would benefit not only the Ardenwald Neighborhood but also the rest of the City. It would be a nice respite from both Portland and Milwaukie city life. Speaking for the majority of people in Ardenwald he highly encouraged the City Council to move forward and purchase the property on behalf of the entire City.

- **Dave Aschenbrenner, Milwaukie**

Mr. Aschenbrenner discussed the business license issue. It was his understanding it was on the business and not the person. When he paid for his business license, it was based on the business and not his personal gross income. That was his understanding and that was what he paid on in the past. The City Council needed to clarify the matter. When the policy was put into effect on the Budget Committee side of things he believed

it was geared toward the business and not the personal income. It definitely needed to be clarified.

A few years back there was a map of the City that showed all the neighborhoods that did not have parks. He believed this was one of those areas. He had no problem purchasing the property with the Metro greenspace money set aside for acquisition. The issue would come up in his neighborhood about the order in which the parks were being done, and his was on the top. His was not done yet. There was a process for doing the parks. The development of the park was one thing; the purchase of the land was something else. If you get a chance to purchase land, then he saw no problem using Metro greenspace money. When it came to the development of the park, he wanted to make sure things were kept in order.

- **Lisa Batey, Milwaukie**

Ms. Batey said most of what she had to say was in her letter. She was sorry they were being pushed to do this with no notice to the other neighborhoods that might have had an interest. She heard from several people who agreed with the points she made in her letter, but they had no notice to gather for this meeting. She noted the group was made up of disparate people in the views in general. She got responses from 3 people, but it was a wide range in terms of the spectrum of public opinion. A week ago last night at the Planning Commission she complained to Mr. Asher and Ms. Mangle during a discussion of the work plan that the City tended to overanalyze things. There tended to be too much public process. On Friday, Ms. Batey saw this major purchase using half of the Metro greenspace money for this property slipped into the consent agenda with no public process. She suggested Mr. Asher take some tips from Ms. Herrigel on how to slip things in and get things passed like the sign code. She felt for those who testified in support of this park, and she felt that same support would be heard in all the 7 neighborhoods in Milwaukie. People always felt they had to go too far. She measured the distances she put in her letter, and they were conservative estimates. It was less than half a mile from the Balfour property to Water Tower Park. It was right at .7-mile to Ardenwald Park. There were other neighborhoods, residents both children and adults who had to travel much further than that to get to a park. They also had to cross busier streets than 32nd Avenue. She referred to Mary King's e-mail about how much money should go to acquisition versus improvements to parks. Maybe \$400,000 was right and maybe even more than that was right. Maybe the whole pot of money should go to acquisitions but not for this one. Generally parks were looked at for 2 things. It was either for a playground or for a valuable greenspace. Here there was a playground just to the south in Hillside Manor. Even if one discounted Hillside Manor there were no Ardenwald residents south of this park. All of the hundreds of residents being served by a park west of 32nd Avenue were all north of this park. Keep in mind this park was in a corner of an area it was intended to serve. Ms. Batey discussed the greenspace value. To be honest the lot already purchased on Balfour might have more greenspace value than this property. It actually backed up to the greenspace behind Hillside Manor and the railroad. There was most likely a wetland at the back of that property. She walked behind Hillside Manor, and there was a big, lowered area at the back of the property. If the goal was greenspace there was a lot better greenspace the City should be saving its dollars to buy whether it was along Johnson Creek or Kellogg Creek. This park served neither need. Those were the needs identified by the Park and Recreation Board in its minutes. She thought something about the process was broken. Staff came forward and said, "let's spend half of the money on this." Of course the neighborhood where it was being spent was supportive. We count on these boards and commissions to be a check and balance, and none of them questioned or probed about how the other neighborhoods might feel about spending half the money on one project. That did concern her. If something was broken, then we needed to figure out how to fix it. This

was not a special property. This was not some high-value property. Things could come along where this money was better spent to serve the wider community or a less-served part of the community. She felt this was a very bad investment of the Metro greenspace dollars.

- **Lisa Gunion-Rinker, Milwaukie**

Ms. Gunion-Rinker was an Ardenwald resident. She thanked the City Council for moving quickly on the purchase of the residential treatment facility property. The neighborhood was grateful and thankful such a fast decision was made. Otherwise they would be in the same situation faced by Hillsboro right now. She also wanted to address the Balfour purchase for parks. This started in late 2006 in the neighborhood when they heard there might be funding. The west side of 32nd Avenue had been identified as an area with no parks. They formed a subcommittee of about 8 members that looked at 8 different sites on the west side of 32nd Avenue to determine the best area for a park in the neighborhood. They ended up with the Balfour Street property because it was large and easily accessible and had parking. Ms. Batey made salient points in her letter. She mentioned that Roswell Pond was a natural area in the neighborhood on the west side of 32nd Avenue but it was not accessible. It was not a place where kids could play. 32nd Avenue was a fairly busy street, and there were no crosswalks to get to Water Tower Park near 40th Street. The Neighborhood was happy to have another park, and she understood Ms. Batey's and Mr. Aschenbrenner's comments about wanting money allocated for their parks as well. In this situation the acquisition of land was more important because it would only go up in price. One would not have the opportunity to purchase land again. She did not think there was another area in the neighborhood for a one-acre park. It did have a lot of older trees, and she did not know if it was part of the original Scott's Woods. There was a forest there back in the day, but she did not know if these were part of it. These were definitely old trees, and it would be a nice natural area, greenspace for the neighborhood. She did not know anything about the price of the property and did not know how much was allocated. She felt it should take precedence over improving other parks.

Councilor Barnes asked what the neighborhood would like to do with the parcel if it were purchased.

Ms. Gunion-Rinker thought the neighborhood would have to do something similar to the Lewelling Park by applying for grants for improvements. There would be a lot of volunteers, and they wanted to keep it a natural area with the existing native plants and trees. They would not take money from other neighborhoods that wanted park improvements.

- **Michelle Capisos, Milwaukie**

Ms. Capisos lived on Balfour, and although she and some others no longer had young children they knew it was a good thing to put a park in that location. There were a lot of children on that side, and traffic on 32nd Avenue had gotten worse. To get to Water Tower Park there was no crosswalk and no sidewalk with a lot of parked cars. They had to go into the middle of the street sometimes to get around the cars. It was not really the safest area for them to walk to get to Water Tower Park. The little kids did not have any place to play on the west side of 32nd Avenue, and she and others really wanted the park there. People were really excited and were surprised there was opposition. She understood that everyone would like to have something like this in their neighborhood. To get to any of the play areas for little children it was not really that safe. Having it on this side of 32nd Avenue would be much safer.

Mayor Bernard had a question for Mr. Palmer. The City recently bought a piece of property down the road and was looking at an easement for a stormwater pipe. He asked if that property would be adequate for the park.

Mr. Palmer replied in his personal opinion the upper Balfour property near 32nd Avenue would be more appropriate for a park than the site where the residential treatment facility would have gone.

Ms. Gunion-Rinker added the land was similar in size; both were about 1 acre. The only difference would be that one was next to the railroad track, and she did not know how flat it was. The one on upper Balfour was relatively flat. She did not know if there was a Brownfield issue on the lower parcel, but the upper property passed its test.

PUBLIC HEARING

A. Milwaukie Municipal Ordinance Amendment ZA-07-02, Proposed Amendments to the Milwaukie Municipal Code (Title 14 – Signs and Title 19 – Zoning)

Mayor Bernard called the public hearing on the legislative Zoning Ordinance amendment initiated by the City to order at 8:03 p.m. The purpose of the hearing was to consider an ordinance to adopt proposed amendments to the Zoning Ordinance, which included Title 14, Signs and Title 19, Zoning

Mr. Monahan reviewed the procedure. No members of Council declared any potential or actual conflicts of interest as defined in ORS 244. No member of the audience challenged any Council member's ability to participate in the decision.

Ms. Mangle provided a brief overview of the proposal. The code amendments were grouped by degree of difficulty (A, B, or C) that included housekeeping changes that were relatively simple and those which were more complex. This was an effort to work on A-type code changes and defined as simple and did not affect the meaning or intent of existing regulations. They clarified and corrected miscellaneous subsections of the Code to improve its administration without changing basic policy or intent. One of the rules was that if there were any research or discussion even at staff level, it was of the list in order to use resources on the Transportation System Plan (TSP). These could be thought of as code changes that only planners and lawyers loved. This was the first in a series of packages that would come to the Council that included public notices, State and Metro approval, and Planning Commission hearings.

Mr. Fraley reported at its hearing on November 27, 2007 the Planning Commission recommended Council approval of the Title 14 and Title 19 amendments. As part of the Planning Commission's 2006 – 2007 work plan staff was directed to prepare a list of "paramedic" Code changes designed for housekeeping amendments. The Type A code amendments were the first in a series of amendment packages that will come to Council throughout the year. The changes before the City Council at this hearing did not affect the meaning or intent of the existing regulations so were not policy changes per se. The proposed amendments for adoption at this meeting were designed to do 3 things. The first was to reduce conflict between the regulations within the zoning code with other sections of the Municipal Code. They would clarify language that made understanding and implementing the regulations difficult not only for staff but also the public. The third intent was to change incorrect references to other sections of the Code. Overall there were 15 categories that fell within these housekeeping amendments. These included externally illuminated awning signs and clarified such signs were subject to design review and approval by Planning Commission through the minor quasi-judicial procedure. The second was to clarify adjustments to the sign code may be considered and granted by the Planning Commission. Third, the definition of "front lot line" was

revised to include through lots in the same category as corner lots. Fourth, the "rear yard" definition would be revised to clarify that it was measured at right angles to the rear lot line. Fifth, transposed definitions for structured parking and temporary transitional parking were corrected. Sixth, "average" was proposed to be removed from lot depth requirements in use zone standards and eliminate redundancy in the definition. Also in use zone standards the amendment would change to minimum density standards to clarify that each residential district required a minimum development density and a maximum permitted density based on the lot area.

Ms. Mangle explained the density standard itself was not changing. It would clarify redundant and confusing code language.

Mr. Fraley continued with issue 7, which related to major exterior alteration design review and clarified that the Planning Commission was the decision-maker for minor quasi-judicial applications and that the Design and Landmarks Committee (DLC) was a "committee" and not a "commission." Number 8 had to do with water quality resource regulations and corrected a reference and clarified that the corridor width was applied to the outer boundaries of water features such as the edge of a wetland and both banks of a watercourse. Number 9, the Historic Preservation Overlay Zone, staff proposed to remove the definition of "committee."

Ms. Mangle added the DLC was not referenced anywhere else in the section and did not have a formal role.

Mr. Fraley said in number 10, the demolition appeals process, staff proposed to replace the incorrect code section reference with the correct code section. There were 2 proposals in the clear vision standards. The first changed the section to include the correct chapters, and the second revised the section to specifically reference Chapter 12.24 of the Code and Section 19.409.2.E of the zoning code. Item 12, off-street commercial vehicle parking, the amendment would add reference to the definition of commercial vehicles found in Chapter 10.04.090. The category of height exceptions for conditional uses was proposed to be removed. The Home improvement category exception removed embedded language from the purpose statement and that created a new subsection of Chapter 19.707.2 to clarify a single family attached or detached home would qualify for this exception. It would make it more clear for an applicant so they would understand that they would have to qualify for either / or but not both. Finally, there was a typo listed as a type H process and there was no such thing. The amendment would correct the review procedure from a type H to a type II process. Under the Transportation standards they corrected a reference to transportation facility adequacy requirements.

The City Council may approve the amendments as proposed; approve the amendments with modifications; continue the hearing to allow for more discussion; and not approve the proposal and send the proposed amendments back to the Planning Commission for discussion.

Correspondence – None

Testimony in Support – None

Neutral Testimony -- None

Testimony in Opposition -- None

Staff Report and Recommendation

Councilor Chaimov asked why were staff was retaining the semicolon in the proposed changes to section 19.707.2(a) line 2?

Councilor Stone had a question about page 10. It looked like it was something that was added.

Ms. Mangle said if one looked at the previous page there was a whole section that was being deleted from 19.707.1. This was an example that the policy was already there, but if the applicant was looking at it the criteria were stated. It was embedded in the purpose statement, so they moved it out.

Councilor Stone asked why the Design and Landmarks Committee (DLC) was marked off in the variance language. It said they could grant a variance in the first sentence but cannot in the next sentence in 19.701. She saw the change from a commission to a committee on the first line. Should it be left in there? She struggled with that when it changed from a commission to a committee and asked how that committee was doing?

Ms. Mangle replied the Planning Commission was asking the Committee for various things and was a very active.

Mr. Fraley said the word “authorize” did not denote that they had the authority to approve a variance. He thought the thinking was that the DLC could authorize a variance as a recommendation to the Planning Commission, but not approve one.

Councilor Stone said she liked that the word “variance” was replaced with the word “adjustment.”

Ms. Mangle said that was something that they primarily did in the sign code project last year. There were a few code sections where it was overlooked.

Mr. Fraley understood the Council thought the word “authorize” was clear. It may have been that the Design and Landmarks Committee was inadvertently stricken and replace with “committee.”

Mayor Bernard said it looked like DLC ought to be removed from the first sentence and then leave out the strike in granting the variance.

Councilor Stone said it needed to be clarified that the DLC had the authority to recommend a variance to the Planning Commission.

Mayor Bernard said his proposal was the Planning Commission or planning director may authorize a variance and in the next sentence add “the DLC may recommend such a proposal.”

Ms. Mangle said they would drop that section and put it in the next package of code amendments.

Close Hearing

It was moved by Councilor Barnes and seconded by Councilor Stone to close the public hearing. Motion passed unanimously. [5:0]

Council Decision

It was moved by Councilor Barnes and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance amending Title 14, Signs and Title 19, Zoning – File ZA-07-02 and removing amendments to 19.701 Variances. Motion passed unanimously. [5:0]

The City Manager read the ordinance two times by title only.

The City Recorder polled the Council: Mayor Bernard and Councilors Barnes, Chaimov, Loomis, and Stone voting ‘aye.’ [5:0]

ORDINANCE 1977:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 14 SIGNS AND TITLE 19 ZONING, TO CORRECT AND CLARIFY THESE ORDINANCES TO MAKE THEM MORE EFFECTIVE (FILE #ZA-07-02) WITH THE EXCEPTION OF 19.701 VARIANCES.

The City Manager read section 19.701, Variances in original form two times.

Mayor Bernard read the LUBA appeal information.

Mr. Swanson made note that there were a couple of scrivener's errors in the proposal that they were allowed to take care of. He notified the City Recorder of the errors.

B. Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 and 19.321.3

Mr. Swanson said this was a monthly process that began June 2006 when amendments were considered to 3 sections of the code. Council adopted the Comprehensive Plan changes that provided for the Kellogg Treatment Plant being a nonconforming use and required its removal by December 31, 2015. That was in the middle of the Citizen Advisory Council (CAC) process, so it was thought best at that time and had continued to be policy of the Council to consider those amendments. Those considerations will be brought up monthly so that Council may adopt them in the future.

It was moved by Councilor Barnes and seconded by Councilor Stone to consider continuation amendment to MMC 19.321.7 and 19.321.3 to a date certain of February 19, 2008 regular City Council meeting. Motion passed unanimously. [5:0]

Mayor Bernard called for a brief recess.

OTHER BUSINESS

A. Authorize the City Manager to Sign a Vendor Contract for Photo Traffic Enforcement

Chief Kanzler provided the staff report asking Council to adopt a resolution authorizing the City Manager to sign a contract for photo traffic enforcement with Automated Computer Systems (ACS). He said they were piggybacking on the City of Portland contract. The City was getting the rate per incident at Portland's High Volume versus what we would get if we went individually.

Mayor Bernard asked if the locations had been selected.

Chief Kanzler said they would do a last minute collection of data for validation, but the two locations coming to mind were 99E and Ochoco and Hwy 224 and Oak, which represented 50% of all the accidents that happened in the City, and usually were a result of running red lights and high speed. Other locations could be added.

Councilor Barnes thanked Chief Kanzler for all of his hard work at the legislature to get the bill passed.

Chief Kanzler said this was the third legislative session where he had testified, and he appreciated the support of Sen. Kate Brown and Rep. Carolyn Tomei as well as Mayor Bernard and Mr. Swanson. He noted the photos of the 2 wrecked Milwaukie police cars turned things around.

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APPROVED MINUTES

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Councilor Loomis asked if this contract was the red light or the van?

Chief Kanzler said there were two modes. The signal enforcement would be at specific locations, and the van was mobile and had to be moved every 4 hours. The van would work school zones and speeding on neighborhoods as well as Hwy 224 and Hwy 99E.

It was moved by Councilor Barnes and seconded by Councilor Chaimov to Adopt the Resolution Authorizing the City Manager to Sign a Vendor Contract for Photo Radar Traffic Enforcement with ACS, Inc. Motion passed unanimously. [5:0]

RESOLUTION NO. 11-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR PHOTO TRAFFIC ENFORCEMENT WITH ACS, INC.

B. Approval of an Amended Memorandum of Understanding with Metro and Main Street Partners regarding Redevelopment of the Town Center Site

Mr. Swanson said that Mr. Parecki asked a couple of questions about the section of the Code having to do with the property disposition, and the City Attorney would have a response at the February 5 meeting. The other question was, Is a contract a contract? That had to do with the date by which the purchase and sale agreement was to be executed or the contract was null and void. A contract was a contract when the 3 parties mutually agreed. The original deadlines did not work, and if council agreed with what was being proposed tonight it would constitute mutual agreement of the 3 parties. That constituted a contract.

Mr. Asher said was requesting approval of an amended MOU with Metro and Main Street Partners regarding redevelopment of the Town Center Site. Mr. Kemper and Mr. Whitmore were there to represent the partners. The last time council heard about the project was August 24 and at that meeting council authorized the City Manager to execute a MOU that laid out all of our intentions with how we move toward disposition of the site and the development of the site that would be accomplished by Main Street Partners. In the late summer 2007 there was a dramatic turn in the condo market globally. As a result, the only party to sign that agreement was Mr. Swanson. When he inquired about the delay he was told it was about the housing market and Main Street Partners portfolio. There was a certain amount of re-evaluating because of the market. They continued to meet to see if there was still a team and a project. We do still have a team and project. The project management group was represented by 3 parties and is interested in getting to a signed MOU according to the same terms. The reason they couldn't sign the previously authorized MOU was because the schedule of performance had fallen out of date. Those dates were put in there to hold the parties accountable to a certain schedule. It was not a formal contract and wasn't executed so all of the dates had moved. They do need a new agreement with dates and asked for authorization to sign again.

Mr. Kemper remained committed to the project. They were pushing for a more relaxed schedule, and the 3 parties had agreed to that schedule. Their concern had been the state of the housing market, and many projects had stopped. Council got a taste of that from Mr. Johnson at the work session. His comments were really focused on Milwaukie. It was an interesting note that the 2120 project on Belmont was nearing completion and had no sales. It was a large project, and the market had changed to the negative. It would turn around, but it had to bottom out before they could spend the money. The intent was to move forward with the code amendment process and then to

move forward with the design and construction of the project. They were very much committed to the project but wanted to move forward at a slower pace.

Mr. Whitmore, Metro, said they see external forces stronger than they are. With increased construction costs and a decrease in the market it would not be prudent to launch a project, but it was prudent to get it into position. They just went through a long period of a strong market probably followed by a few down years. We needed to be ready to launch this project at the right time. Metro fully supported the amendments.

Mr. Asher said the new schedule amounted to a one-year delay. They had hoped to break ground in the summer. That would not happen, so the Farmers' Market would be able to use the site for one more season. They hoped to be able to start construction July 2009. The work in next 6 months would focus on the code amendment package. This was an intensive project for the planners, and it would be a request that would come to the City from Main Street Partners. Staff would help facilitate that process along to get the application to the Planning Commission. The Planning Commission would hear it and make a decision followed by a Council decision. It was their hope to have that request from Main Street Partners next month and before the Planning Commission and City Council next summer. There were various amendments that had to get packaged together and a process that Ms. Mangle had described before. They felt like this was work that had to happen and was scheduled to happen before the purchase and sale agreement. They had not changed the order of activities, but they relaxed the schedule to allow time for the market to recover.

Councilor Chaimov understood from Mr. Asher that the MOU had not been entered into. What would be executed was a MOU that included the adjusted dates.

Mr. Swanson said he executed the original MOU, but it was not executed by any of the other parties.

Mr. Asher explained they were not amending anything because it was not executed in the first place. There was a new resolution that updated the last Council action.

Councilor Chaimov understood there was an agreement with Metro to develop the site.

Mr. Asher said yes and they referred to that as the IGA.

Councilor Barnes asked Mr. Kemper why after hearing Mr. Johnson was he doing this with the state of the housing market. What did you see and why were you doing this now?

Mr. Kemper said it was a question he continually grappled with. First, they made a commitment to the City of Milwaukie. Things initially that attracted him to Milwaukie remained the same. Milwaukie had one of the most beautiful waterfronts in the entire Portland metro area; the city is 10-minutes from downtown Portland and light rail would be here in a number of years. Those things were why he was sitting there tonight. The design on the table took advantage of what was here. The intent was to remake Main Street and take it back to its former glory before the Clackamas Town Center was built. They tried to create a scale that would fit into that cozy Main Street feel then do the bigger condos with views of the Rive. That sold the project and made the economics work. He would commit to moving the project forward. The market had to turn, and they would do things to make it more competitive in the market place. In the long run it was a project that needed to be done, and that was what Main Street Partners was about.

Councilor Stone had a question regarding the purchase price of \$250,000 and went on to talk about the look back clause. What was the dollar figure projected to be distributed to the City and Metro?

Mr. Asher answered he projected \$0. That look back clause was if the developer was able to do better than anticipated. Instead of pocketing the profit the developer would distribute it to the partners. He thought the prudent thing for the City to do was to consider the base purchase price and not have the expectation that the project would over perform. While he liked that clause and the agreement he looked at \$250,000 as the purchase price because there was no reason to expect it would out perform the pro forma.

Councilor Stone said the purchase price of \$250,000 seemed low for that property.

Mr. Asher reminded Councilor Stone it was the highest of the 3 proposals.

Mr. Swanson said the City and Metro sought competitive proposals and received 3. Main Street Partners was the most lucrative in terms of the purchase price. It was difficult not to look at it in that context. That was the best price they got in the process.

Mr. Whitmore said the philosophy was to get the best project for Milwaukie. Even if that had not been the highest purchase price it still could have been the recommended project to come forward because they were looking for the long-term investment in the community. They were aspiring to try and create something in Milwaukie that was more than what the market would be. If you wanted to sell that for a car wash or some use like that and not compatible with the downtown vision the City could have gotten a lot more money for it.

Mayor Bernard added that Olson Bros. had a purchaser that wanted to buy it for a gas station and grocery store, and instead there was an opportunity for Metro to step in and purchase the property. It was discussed extensively that it provided an opportunity to grow the downtown vision.

Mr. Whitmore said Metro believed in the site, community, developer, and the project. They needed to be patient with the market and see it through.

Mr. Asher said that Mr. Johnson spoke about the concept of achievable pricing that allowed the developer to build the form, which in this case was mixed-use. The cost of the land was part of the cost structure, and as the land cost went up that achievable cost was impacted. There needed to be some intervention and this was how the public could assist.

Councilor Loomis asked if any of the terms in the MOU were binding. He had reservations about some things.

Mr. Asher said that none of the terms were binding. They would proceed so everything was on the table and all parties had an understanding of what each would do. If there were concerns about any of the terms, depending on how grave they were, they did not want to have any expectations to resolve anything further down the road. The purchase and sale agreement was much more about the real estate transaction. Now was the time to be clear about what we would get in exchange for the land sale and benefits to the community.

Councilor Loomis said he was concerned about the 5-stories, price, parking, and vertical housing tax abatement. The reason he did not bring those up earlier was because he understood there was time to work out those details.

Mr. Asher said there was time to consider and actually vote on the height. At this juncture it was an important aspect of the project. His test would be was there openness to hearing all of the evidence and hearing from Planning Commission, Metro, DLC, the developer, and whomever else to make the decision when the Code amendment came to the City Council. There was time on that issue if there was a

willingness to consider the evidence. If you were already certain that it was the wrong thing, then we should know that now.

Councilor Loomis said it seemed like with North Main Village we had issues of people parking all over the place, and the City put up parking restriction signs. He wondered if there was a way through DMV to find out about the number of vehicles owned by the people living there. Limiting it to one parking space per unit sounded good but was that the way people actually lived.

Mr. Kemper said his perception was that the North Main Village parking issue had settled down. The position would be to build 1:1 and no less. They expected that people understood they were buying into an urban community. A second car was a luxury and not the norm. If they have a second car they needed to make other parking arrangements.

Mr. Asher said they had made some improvements in the way parking was managed. There were a couple of things pushing us toward a lower parking ratio downtown. One was a Code. It did not call for surface parking lots, which was a cheaper route. Instead of developing a full block, you use interior parking, which was expensive and did not fit as much parking. You simply build out a corner of the block and leave the rest of it open for a parking lot, and that was not the direction called for. Although the Code did not bind to a 1:1 ratio they were pushed in that direction. Our Metro partner had the same goals. If we went back to Metro and said we want more than 1:1 they would no longer be that interested. The IGA called for a target of one space per residential unit. The Transportation System Plan (TSP) pushed toward multi-modal in the downtown. All the policies in place said that was the right thing to do.

Mayor Bernard said we just voted unanimously to adopt the TSP that included a downtown parking strategy. The parking problem was much better than it used to be. He was open to the discussion of the 5th floor.

Mr. Swanson said Council was going to be considering a request for amendment by the developer. All of the discussion outside of this forum was in the nature of complaints about the 5th story. That did not allow for the discussion to take place in a structured environment that allowed for all points of view. The City Council would be the ultimate decision makers. He was concerned that when we become too specific about height that we were not thinking about the process that needed to take place.

Mr. Asher said regarding the vertical housing tax abatement the MOU said that Milwaukie would pursue creation of its downtown vertical housing tax abatement zone for the project site. That was so the developer could apply for the abatement, which would provide a partial tax exemption for the condo owners. That was done at North Main Village. It was another way to help the developer sell the condos. It was a way to support the project without putting down the cash. It was something that the developer asked for in his proposal, and it was something they were agreeing to pursue. Everything on this project that could help they felt should be brought to bear to finish in a quality manner.

Mr. Swanson the vertical housing tax abatement benefited the condo owner because it affected the cost over a period of time. A lot of the time it was discussed as a tax benefit to the developer, but it related more to the sale. It gave an incentive to the buyer and to effectively increase the price.

Mr. Whitmore said when the State created the program the notion was that vertical mixed-use was not occurring in most areas, and it was a desirable thing. Only the portion above the ground floor could be abated. It was a different kind of philosophy than other kinds of abatements, and he thought it was a sound philosophy. All the other developers asked for that same tool.

Councilor Loomis said from what he heard it was like buying a car. It went into the sale price of the unit.

Mr. Kemper said that made the project feasible. It was an economic issue for the developer.

Mr. Asher said they talked about the purchase price, and the City was clear in the request for proposals (RFP) what the category for selection would be. Business deal was one category, but it had its own category and got its own look. They evaluated 3 proposals and which ones made the best business offer. In that category there was no contest. The other offers were nowhere near \$250,000. We need to keep in mind this was not a market transaction. If you were to get the property appraised it would be valued at something higher but the appraisal would assume that the buyer would be able to build anything on the site. This was not unusual at all and it was one of the ways in which governments and public entities help this kind of development happen. It had to do with achievable pricing and interventions. The committee and council had said pretty consistently that we want high quality materials, sustainability, meeting spaces and plazas. A mixed-use project where they were building housing over retail with structured parking is an expensive type of project. The market could not support that kind of project on its own. There was a reason why you don't see those type projects in downtown because, as Mr. Johnson explained, the market couldn't support that type of project on its own. We had a certain set of expectations about the project. If there were lingering concerns about the project it was good to hear about those.

Councilor Stone had many of same concerns as Councilor Loomis. She was also very concerned about the market and viability of constructing the project. We looked at North Main Village time and time again and it kept costing more and more and they kept putting more money into it. The portion of the North Main project that she was not in favor of was the affordable housing piece, and as it turned out we probably did not need to put that in there. She was concerned about the Code issue that was raised in Title 3, Revenue and Finance. It seemed like the cart was before the horse. A hearing before the Council had not happened. She supported the project from the beginning but had reservations because of the public outcry. This was a time to be honest. You were holding things here in the balance in terms of the development going forward. She could not support the way it was written. Until the Code was interpreted they could not be selling anything.

Mayor Bernard disagreed and said they had a public hearing and discussed the property extensively, and it was very open to the public. A group was formed and they selected this project. He would be open to consideration of all of the proposals, and he looked forward to this coming to the City Council in the future.

Councilor Barnes said her only concern was that this was a very difficult time for every market across the country. It was so unknown at this time, and that concerned her. The project itself could be a great one but not when things were not more solidified financially.

Mr. Kemper shared the concern. He addressed the sub prime issue. That was primarily driven by extremely lax borrowing standards. He would proceed cautiously, and they would not spend a lot of money until the market was right. He made a commitment to move this plan forward, and Main Street Partners' plan was to make an application for the Code changes they wanted to implement the project. That process would take 4-6 months. The forecasts said that by mid-2008 the market would start to improve. If that was true then the expectation was that they would spend dollars after getting the Code package approved.

Councilor Barnes said some of us did not believe it would improve until January 2009.

Mr. Kemper said even if it were January 2009 it would take a year to build the project.

Mr. Asher said according to the schedule they would break ground in July 2009 the condos will be in market place in July 2010. They were 2.5 years away from trying to sell the condos, and while he had the same concerns he was glad the developer was willing to do this. The City was not spending money to develop the property. They had the hopes that a developer could spend money up front. He felt they should try to keep moving through the 2-year process, and there was not a lot of risk in that if the developer felt like staying in the deal.

Mr. Swanson said often times in situations like this a lot of people look at a developer and think they are making tons of money. In this case he would like to keep Mr. Kemper on the hook, and if recovery begins in 2009 we want the process to be started. We do not want to start the process then. Unfortunately, the last time around that was where we began our process. When employees are being cut that was when you increase your training budget. When we are not expending any funds it was a desirable position to have a developer pursue it. There was no assurance he would stay around, but at least there was chance that we could begin whatever recovery with something in place by Mid-2008 or January 2009 when everyone else would be competing for something. He saw signs all over the place of a difficult economic situation, but he believed to the extent they can keep him interested they were positioning themselves for the beginning of the recovery.

It was moved by Mayor Bernard and seconded by Councilor Chaimov to adopt the Resolution Authorizing the City Manager to Execute a Memorandum Of Understanding with Metro and Main Street Partners for Redevelopment of the Town Center site.

Councilor Chaimov said he shared a number of Councilor Loomis's concerns about the project, but it was a project into which the City had entered into an agreement with Metro, and we had obliged ourselves to do our best to live up to the agreement. The MOU and letter of intent was a step in that direction, and he hoped as we moved in that direction that many of the concerns Councilor Loomis expressed could be addressed.

Motion passed 4:1 with the following vote: Mayor Bernard and Councilors Barnes, Chaimov, and Loomis voting 'aye' and Councilor Stone voting 'no.'

RESOLUTION NO: 12-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH METRO AND MAIN STREET PARTNERS FOR REDEVELOPMENT OF THE TOWN CENTER SITE.

C. Balfour Property

Ms. Herrigel said she met with City Council October 2007 in executive session to request approval to pursue these properties. Based on Council input at that time the City made an offer contingent on an appraisal and environmental assessment. The appraisal was done in December 2007, and the Phase 1 environmental assessment results were received last week. It had been the sellers wish to complete this transaction swiftly since it had been several months since the process began. She asked that the resolution be added to the agenda for this meeting on Thursday of last week. She did not request that it be on the consent agenda, but accepted the offer when suggested. She had no intention of slipping anything by but having no notice of opposition at that time she opted to minimize the amount of time it would take on the agenda. To the issue of public process she went over the history of the City's work on

developing the list of local share projects for funding with Metro parks funds. The Ballot measure and funding resulting from it was for acquisition and enhancement of open space. It was never intended to provide funds for active parks and recreation facilities. It was intended and still was to be an open space and acquisition oriented ballot measure and funding.

Ms. Herrigel went over the public input. On January 6, 2006 she attended the neighborhood leadership meeting to provide them with an update of the priorities that the PARB and staff were proposing for local share funding. At that time she said to them there were 2 acquisition projects that they were really looking at in the City. One was west of 32nd Avenue and the other was south of Lake Road. In 1990, Charlene Richards had identified those two areas and others in the City as being underserved with parks. Other areas that had been identified at the time included Hector Campbell and Lewelling. Those two areas had acquisitions in the 1990's. The other projects were enhancement projects of property already publicly owned. The 3 enhancement projects she proposed at the time were Homewood Park, Spring Park, and Riverfront Park. These projects were in the hopper at the time, and she thought it only fair to complete them. She tried to distribute them across the neighborhood associations so that it was a fair and equitable distribution. In January 2006, she took those same priorities to the City Council with a report on the upcoming ballot measure. She listed the same priorities with priority 1 being acquisitions and 2 being enhancement projects and that included the properties west of 32nd Avenue and south of Lake Road. In February 2006, staff did a report to Council on the proposed list of local share projects. That was to go on the ballot measure so that when it went out to the voters they would know what each of the jurisdictions was likely to get and be funded by the ballot measure. The 2 acquisition projects were on the ballot. She then went to Park and Recreation Advisory Board (PARB) on February 20, 2006 and reiterated that discussion and the general consensus on PARB was to recommend that staff use the original list of projects and add to it if the funding went further than anticipated. In November 2006, voters approved the bond measure; she went back to the PARB on November 28, 2006 and said they needed to get back to the priorities and make sure this was really what they wanted. The notes stated that the PARB supported the acquisition as their highest priority and that the underserved areas were the highest priority in the City and that staff should coordinate with the Neighborhood District Association (NDA) up front before buying any property. At that point she spoke with the Ardenwald NDA but did not attend its meeting. She went to the Lake Road NDA and talked to them about various properties in their neighborhood and started to identify them. The Ardenwald NDA formed a subcommittee that in April 2007 toured identified park properties. They identified 2 top priorities: 1 was the Balfour properties and 2 was a property on Roswell that abutted Springwater Trail. In May 2007, staff submitted a list of park projects to Metro. That list included 2 land acquisition projects, west of 32nd Ave and south of Lake road, for a total of \$400,000. The 3 projects identified for enhancement with the remainder of funding were \$50,000 to Homewood, \$80,000 to Spring Park and \$120,000 to Riverfront Park. Metro said that looked fine and sent a draft IGA, which she brought to City Council on August 2, 2007. The staff report to Council had those same projects listed with those same amounts of money. The City Council approved that IGA unanimously and the IGA was approved. At this point to change the allocation of funds from enhancement to acquisition would require the City Council to amend the resolution and IGA with Metro. On October 2, 2007 she attended an executive session regarding the purchase of the Balfour sites. Based on that session she went forward on the negotiation with the property owner. Staff did offer less than the asking price and that was the price that was settled on. The appraisal was higher than what was offered. The purchase of the property would not impact any of the enhancement projects listed. It would make it more difficult to purchase property in the Lake Road area, but staff had

kept the Lake Road NDA apprised of the changes as they had went a long and was working with them to identify property and find additional funding for that project. Staff was also working with the Hector Campbell NDA to revise the final Homewood Park design. The land use approval was several years ago and in order to put it out for an RFP in March 2008 she would have to modify it slightly. Staff was also working with Island Station Neighborhood on Spring Park. There was a very sticky parking situation, which they were aware of, and heard about when they did the land use process. They would need to figure out how to put in 3 parking spots. They had a railroad right-of-way and City street right-of-way and they were in negotiations with the railroad about what they could use for free and what they would have to pay for. When they get that worked out they would know how to modify that plan and whether it was administrative or if they would have to go back to the Planning Commission. It was a difficult project, but they were moving forward and they had a staff person dedicated to it. She was also working on the Riverfront Park project. They had submitted 3 land use applications as of last week and they anticipated submitting grant applications in March or April to the state parks and recreation department for phase 1 funding. The design is 30% complete and when she gets the approval she would move forward with the final design.

Ms. Herrigel said as far as parks were concerned nothing was on hold in the City. The result of not approving the resolution would be to jeopardize the real estate negotiation they had been working on for the last four months. They had spent money on the appraisal and on the environmental assessment. They would need to re-evaluate the IGA with Metro and the City's priorities in the IGA with them in order for us to change the allocation of funding for the projects.

Mr. Swanson added putting the item on the consent agenda was his idea and responsibility. He made the judgment that this was something that appeared to him to have moved along with a great amount of consensus. If anyone felt this was slipped on the consent agenda to escape scrutiny, the whole project had been through a number of hearings. It was his judgment and he did so based on the fact that this had been talked about a number of times. Right after the City joined the district that we started creating another parks department, which had always been something of great amusement to him. We had a bigger inventory than when we joined the District. It was a puzzling thing to figure out how we are ever able to do it all because we have a smaller staff with no equipment. He was involved in this one and he understood David and Lisa's arguments. There had been a great deal of effort going into making this happen. We had relied on Metro to do a lot of work in terms of putting the paperwork and deal together. If there was any responsibility on issues regarding not vetting this sufficiently they were his. He understood there had been a great deal of consensus.

Councilor Barnes said the only reason she asked to have it pulled was when they had an NDA chair voicing concern over something getting pushed through on the consent agenda. Ms. Herrigel brought up valuable points that she was sure people had forgotten about. She said her work was tremendous and it was in no way a reflection of her or her work. She had not meant to offend anyone.

Councilor Loomis said he had been on PARB and admired Ms. Herrigel for being straightforward. She answered all of the questions he had and jogged his memory. Sometimes things take so long that you forgot.

Mayor Bernard thanked Ms. Herrigel for jogging his memory. It was a great piece of property, and the neighbors seemed to like it. He thought that the process was very open and very clear. It had been in front of Council numerous times and he looked forward to voting in favor.

It was moved by Councilor Barnes and seconded by Councilor Loomis For Approval of a Resolution Approving the Purchase of Real Properties located at 3039 and 3103 SE Balfour St. Motion passed unanimously. [5:0]

D. Intergovernmental Agreement for Imposition of a Vehicle Registration Fee

Mayor Bernard introduced a letter from Ted Wheeler, Multnomah County Chair. They were proposing a vehicle registration fee increase in an IGA. There was some debate whether it was really true, that they had to come to all of the cities that they intersect and also, West Linn, Lake Oswego, Gresham, Hillsboro and ask them if it is okay if they put on the Multnomah County ballot for the Multnomah County voters to vote on a vehicle registration fee increase to help pay for the Sellwood Bridge replacement, and to also help with some of Multnomah County bridges. He said they would not be voting on it and it would not increase our registration fees, but it allowed the Multnomah County voters to make that decision. He would like to suggest that Council allow the City Manager and attorney to review the IGA presented by Multnomah County and if they felt it is okay to sign that the mayor be allowed to sign it.

Mr. Swanson said the statute 8.01.041, which they stated required a lot more cities than it does. It required 2 things. First it provided that money from a registration fee that was established by a county ordinance voted on by the people shall provide of a payment of at least 40% of the money to cities within the county unless a different distribution was agreed on between the County and the City. One thing it had to provide for was mutual understanding that no distribution was to be made to cities and that 100% of the revenue derived was to be used for one project. The second thing it required was that it must enter into an IGA with the governing body of any overlapping district and all counties, districts and cities with population of over 300,000, which we were not. He went on to read the rest of the statute, which said the second thing to be required was that we acknowledge that they had consulted with us and that as long as and IGA provided those 2 provisions that the Mayor be allowed to sign it. There would be a vote, but his understanding was that we had no voters in the Multnomah County portion of the City.

Mayor Bernard said that Mr. Wheeler was going to come to the City but had scheduling difficulties.

It was moved by Mayor Bernard and seconded by Councilor Stone to allow the Mayor to Sign an Agreement with Multnomah County relating to the Vehicle Registration Fee they Propose to put on the Ballot to Fund the Sellwood Bridge Project as long as that IGA dealt with 2 issues. The 40% allocation to City and that it acknowledged that the County had consulted with the City of Milwaukie on the Vehicle Registration Fee. Motion passed. [5:0]

E. Council Reports

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 10:09 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL JANUARY 15, 2008

MILWAUKIE CITY HALL
10722 SE Main Street

2022nd MEETING

REGULAR SESSION – 7:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
2. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
3. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the “Consent” portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
 - A. **City Council Minutes of the November 20, 2007 Regular Session**
 - B. **Resolutions Awarding On-Call Contracts for Heating, Ventilation, and Air Conditioning, Electrical, and Plumbing Services**
4. **AUDIENCE PARTICIPATION** *(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, 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 return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, “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 appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
 - A. **Milwaukie Municipal Ordinance Amendment ZA-07-02**
Proposed Amendment to the Milwaukie Municipal code
(Title 14 – Signs and Title 19 – Zoning) – Ordinance (Katie Mangle)
 - B. **Motion to Consider Continuation of Amendments to Milwaukie**
Municipal Code (MMC) Section 19.321.7 and 19.321.3 (Mike Swanson)

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. **Authorize the City Manager to Sign a Vendor Contract for Photo Traffic Enforcement – Resolution (Larry Kanzler)**

B. **Approval of an Amended Memorandum of Understanding with Metro and Main Street Partners regarding Redevelopment of the Town Center Site – Resolution (Kenny Asher)**

C. **Council Reports**

7. **INFORMATION**

Milwaukie Center/Community Advisory Board Minutes of November 9, 2007

8. **ADJOURNMENT**

Public Information

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
November 20, 2007**

CALL TO ORDER

Mayor Bernard called the 2018th meeting of the Milwaukie City Council to order at 7:05 p.m. in the City Hall Council Chambers.

Present: Mayor James Bernard and Councilors Deborah Barnes, Joe Loomis, and Susan Stone

Staff present: City Manager Mike Swanson

PLEDGE OF ALLEGIANCE

Mr. Swanson announced the City Attorney was excused pursuant to Resolution 9-2003.

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

Mayor Bernard announced December community events including the Poetry Reading Series, the Umbrella Parade, and the Winter Solstice.

Christmas Fleet Proclamation

Mr. Swanson read a Proclamation honoring the Christmas Ships.

CONSENT AGENDA

- A. Resolution No. 67-2007:** A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Execute an Intergovernmental Agreement with North Clackamas School District to Collect a Construction Excise Tax and Remit Funds to North Clackamas School District on a Quarterly Basis.
- B. Resolution No. 68-2007:** A Resolution of the City Council of the City of Milwaukie, Oregon, Determining the First Regular Council Session of January 2008 Will Be Called to Order on January 2, 2008 at 7:00 p.m. and the First Work Session of January 2008 Will Be Called to Order on January 2, 2008 at 5:30 p.m.

It was moved by Councilor Barnes and seconded by Councilor Loomis to adopt the consent agenda. Motion passed unanimously. [4:0]

AUDIENCE PARTICIPATION

- **Ed Parecki, Milwaukie business owner**

Mr. Parecki said the purpose of his being here was to find out if the Council was aware of Municipal Code 3.15.015 that related to the disposition and sale of property that the City owned. If not, he was there to make the Council aware of what the code said and to see what the intent of the Council was in that future. The code stated the proposed sale of any City property had to go through a hearing process through the Council. It also said at least 5 days prior to the hearing it had to be put into a newspaper and let people know it was happening. Notice should also be given to property owners within

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300 feet of such a property. The Council was to have public testimony regarding the sale of the property. Most important prior to the sale of real property is that an appraisal of the property shall be conducted. That appraisal was required to be available for the public to view to see what the appraised value of the property was. The highest bid on the sale of the property shall be accepted by the city manager or the designee. The purpose of his being there was to find out whether any of these conditions of the code had been met in regards to the Town Center property. He had not seen any of this happen as of yet. He would love to see the appraisal on that property and find out why we were offering a piece of property that was worth about \$2 million for sale for \$250,000. He would like to make sure the City abided by its own codes since he was being expected to do the same on his property and his project. He left it at that unless there were any questions.

- **Dave Aschenbrenner, Milwaukie**

Mr. Aschenbrenner was present at this meeting because he could not attend the next meeting. He wanted to express his support for the Transportation System Plan (TSP). The staff, consultants, and all the volunteers worked hard in putting the document together that was in his opinion a very good framework for where the City's transportation system needed to go. Like everyone there were probably 1 or 2 things he was not keen on, but overall it was an excellent document that involved a great number of citizens. Staff needed a big pat on the back for doing such a stellar job. He participated on several groups, and there were still some citizens working to this day on that document to make sure everything was clearly defined. The Planning Commission liked what it saw, and he hoped it would go through the City Council as well.

PUBLIC HEARING

Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 and 19.321.3

Mr. Swanson reported these were the two code amendments first considered in June last year dealing with major utilities and spoke directly to the Kellogg Treatment Plant. It would be deemed to be nonconforming and removed or cease operations by December 31, 2015 or suffer major civil penalties if it continued to operate. The practice had been to consider it each month and enact the amendments if the process appeared to be going south. At this point there still appeared to be a process underway that hopefully would lead to a solution. He understood the Site Selection Committee had gotten the options down to 3. He attended a Board of County Commissioners (BCC) meeting where it talked about future wholesale agreements. Milwaukie would be the only city, should it choose to continue, with a wholesale agreement because annexation would be required. His recommendation was to continue the matter rather than sticking a stick in the hornet's nest.

It was moved by Councilor Barnes and seconded by Councilor Stone to continue the hearing on the amendments to the Milwaukie Municipal Code Sections 19.321.7 and 19.321.3 to the regular City Council meeting of December 18, 2007. Motion passed unanimously. [4:0]

OTHER BUSINESS

Council Reports

Councilor Loomis attended the Oregon Recreation and Park Association Conference where he accepted a design award for the North Clackamas Ball Fields. He attended a National American Softball Association Conference in Louisville and showed some pictures of interesting bike racks. He also worked the last Farmers' Market, was

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involved with the Milwaukie Rotary Historical Tour, and attended a meeting of people who wanted to improve Milwaukie High School athletics. He commented on the recent Ardenwald Neighborhood District Association Meeting attended by approximately 200 residents regarding the Balfour house. He commended NDA Chair Ronn Palmer on his handling of the meeting.

Councilor Barnes recommended a Council member attend each Milwaukie Poetry Series reading. She attended the Ardenwald NDA meeting which offered her good perspectives. She would meet with Linwood representative regarding the Harmony Road project and the Sunnybrook connection. She discussed the upcoming Willamette Reader Show that would feature Sen. Kate Brown and Mr. Swanson as the readers.

Councilor Stone attended the Ardenwald NDA meeting regarding the residential facility on Balfour Street. It had a good outcome. The City came forward and purchased the property with the intent to remarket it. She thought the City needed to look at its code and look at the broader picture along with the County about appropriate places to site these facilities. The Council heard from TriMet there was a lot of crime, and there were mentally ill walking amongst us. She could vouch for that as the emergency rooms were full of them. It was community problem and not just that of the City or County. People needed to work together to find more appropriate places than a neighborhood to site their facilities because they were needed.

Mayor Bernard attended the Ardenwald meeting. He felt the City really listened to the community, and he appreciated that the County was there to answer some tough questions. He spoke at the BCC meeting the next day and urged finding a solution to help the mentally ill.

Mr. Swanson updated the City Council on the Council vacancy applications.

Mayor Bernard understood there would be information on the Parecki appeal at the next work session.

Councilor Stone understood if there was no decision on filling the vacancy that the City Manager would call for an election, but there would be one anyway. The Council did not have to make its decision that night. She asked if there would be any time between the interview and regular meeting to have a discussion amongst the Council members.

Mr. Swanson did not see anything prohibiting the Council from making an appointment after 30-days were up. He would ask the City Attorney for clarification. The work session would recess and reconvene after the regular meeting, so the Council could recess the regular meeting and go back into it for a vote.

Councilor Stone asked Mr. Swanson to get back to the Council on Mr. Parecki's issues about the code.

Councilor Loomis asked about the length of time for the interviews.

Mr. Swanson thought the Council would have about an hour. The only item on the agenda that night was the TSP adoption, but if the Council needed more time for interviews it could start a little later.

Councilor Loomis thought an hour was adequate, but he wanted to ensure the process was fair.

The group agreed to e-mail each other questions.

Mr. Swanson suggested that if each member could come up with questions and ask each applicant the same question. He agreed to working out a process that was fair to all.

ADJOURNMENT

It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously. [4:0]

Mayor Bernard adjourned the regular session at 7:43 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager
Kenny Asher, Community Development/Public Works Director

From: Paul Shirey, Public Works Operations Director
Willie Miller, Facilities Coordinator

Subject: Award On-Call Contracts for Heating, Ventilation and Air Conditioning, Electrical and Plumbing Services

Date: December 26, 2007 for January 15, 2008 Council Meeting

Action Requested

Authorize the City Manager to execute a contract and issue a purchase order with Milwaukie Heating and Cooling in an amount not to exceed \$20,000 per year for a maximum of five years for **HVAC services**; and with Milwaukie Plumbing in an amount not to exceed \$20,000 per year for a period of five years for **plumbing services**; and with Dryer Electric in the amount not to exceed \$40,000 per year for a period of five years for **electrical services**.

Background

The Facilities Department is staffed by 1.5 FTE. The workload on the Facilities Maintenance Coordinator (FMC) is so heavy that non-emergency facility requests take about 30 calendar days to process and complete. A copy of the most current Facilities Help log is attached. (Attachment 1)

Workload impacts on the Facilities Department are significant. The current workload for the FMC includes:

- Managing the janitorial contractor
- HVAC management
- Security system and building emergencies 24/7 on-call response
- Fire alarm and fire sprinkler management
- Responding to facility emergency requests
- Supervising outside contractors, part-time and summer employees
- Managing landscape contractor (parks and right of way landscaping)
- Facility budget management
- Bi-monthly facility and property inspections
- Contracting for outside services
- Purchasing and procurement of supplies and equipment

The Facilities Maintenance Coordinator also manages nine capital projects, including the security alarm system conversion, A/C replacement at the Library, Book Checkout System at the Library, Roof Repair of the Library, City Hall Basement Employee Restroom, Security System Installation and Upgrades at the Library and Library Pond House, Public Safety Building EOC HVAC Replacement, Public Safety Building EOC Uninterruptible Power Supply (UPS), Public Safety Building EOC Data, Phone and Switch Gear. In addition to the capital projects, the FMC manages the response to service requests from all city owned and occupied facilities. These requests are logged in daily (Attachment 1) and have been averaging about ten to fifteen requests per week.

The City recently awarded an on-call contract to a skilled carpenter, Steve Philips, who has been available since early November to assist with the workload in Facilities. Mr. Philips has been compensated about \$5,576 for 136 hours of work. He has worked on a variety of things that include, for example: replaced carpet tiles at City Hall, installed a keyboard tray, replaced fluorescent lamps at the Library and repaired a door lock at PSB. The addition of a skilled carpenter has reduced the backlog of requests by a small percentage. Staff has been careful to avoid using Mr. Philips to handle routine, low-skill requests.

The City has five (5) occupied building sites and several well sites, lift stations, and other small structures that require HVAC, electrical and plumbing repair and maintenance services. City staff is not licensed to do this type of skilled labor. The HVAC, electrical and plumbing services will be provided on an as-needed basis and will be scheduled throughout the year. Some examples of the type of work include responding to heating/cooling issues (too hot/too cold) preventive maintenance of HVAC units, repairs to the plumbing system, and a wide variety of electrical needs originating not only from city-owned buildings, but also from the Water system and Information Technology (IT) department.

The City recently advertised for bids for HVAC, plumbing and electrical services and received four proposals for HVAC, one proposal for electrical and one proposal for plumbing. The proposals are all based on several items: cost per hour, materials mark-up, response time, vehicle charges and manpower.

- For HVAC, the most qualified and responsive contractor, Milwaukie Heating and Cooling, proposed a price for labor of \$96.00 per hour for labor which translates into approximately 208 hours, call-back within one hour and a maximum response time of twenty-four hours, material mark-up of 10% and no vehicle charges
- For plumbing, the most qualified and responsive contractor, Milwaukie Plumbing, proposed a price for labor of \$96.00 per hour which translates into approximately 208 hours, a response time of twenty-four hours, material mark-up of 20%, and \$15 vehicle charges.
- For electrical, the most qualified and responsive contractor, Dryer Electric, proposed a price for labor of \$75.40 which translates into approximately 530 hours, a response time of 4 hours, material mark-up of 5% and no vehicle charge.

Normal response time is defined as 48 hours and emergency response time is four hours.

Absent on-call services contracts such as these proposed, the City would be required under state law to formally bid much of this kind of work annually. A Public Improvement Contract is required for any non-emergency repairs, replacements, or remodels that maintain or increase the value of the publicly owned building. Without this type of contract, the Facilities Maintenance Coordinator would need to solicit three individual bids to determine low bid for many types of repair requests. The processing time can take weeks and is very inefficient. For example, replacement of an electrical, plumbing or HVAC component would require specifying the exact details of the job, soliciting three bids from a variety of vendors. The work involved to solicit that much information would require six to eight hours of uninterrupted time.

Staff anticipates a need for all three of these services up to \$80,000 per year. There will be an option to renew the contract each fiscal year for up to a total of five years. The contract will be extended only if the previous year's projects were completed to the City's satisfaction.

This contract is the second, third and fourth of five contracts with outside vendors that are designed to meet the needs of the Facilities Department this year and presumably for the following four years. The remaining on-call contract is landscaping and should come before Council in March of this year. In the past the City has retained these services through non-competitive, direct awards to service providers that do not strictly conform to public contracts law in Oregon.

Concurrence

The Public Works Operations Director and the Facilities Coordinator both support this action.

Fiscal Impact

The fiscal impact to Facilities contract services is a maximum of \$80,000 per year. Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget. However, since less than half the fiscal year remains, we do not expect to use more than half of the maximum, or \$40,000 for the remainder of the 2007/2008 fiscal year. The Facilities Department will continue to make this a part of its budget request for the following four fiscal years.

The Facilities department is funded through an annual occupancy charge assessed to all city departments based upon total square footage occupied. Awarding the service contracts for on-call services will have little impact on the occupancy charge because cost of these services is already included in the Contract Services line item in the Facilities budget. This request addresses the process for awarding on-call services and has little if any impact on the actual cost of these services or the Facilities budget. Over the next four fiscal years, inflation will erode the buying power of these contracts and may require an increase to occupancy charges.

Work Load Impacts

The Facility Maintenance Coordinator (FMC) will need to schedule the work requested, evaluate the impact of work to employees' work environments, and check the quality of work performed. The on-call contracts for these skilled trades will substantially reduce the time it takes to respond to the Facilities Help requests that pour in daily from each city owned building and will allow the FMC to devote a majority of his time to managing larger capital projects.

Alternatives

1. Approve as recommended. This will result in improved response time to repair requests, small building remodels, and building maintenance.
2. Approve with modifications.
3. Deny request. The City could continue with the current limited resources to perform building maintenance and repairs.

Attachments

1. Facilities Help Request Log
2. Resolution Awarding a Contract for Plumbing Services
3. Resolution Awarding a Contract for HVAC Services
4. Resolution Awarding a Contract for Electrical Services

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008						
Request #	Date	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y N
08-001	7/10/07	Pass through door sticks at reception	Aggie	PSB	11/13/07	x
08-002	7/11/07	Would like screens install on the upstairs bathroom window- Will not currently happen	Andrea	CH	N/A	
08-003	7/12/07	Doorstop on door between middle room and circ desk is broken	Nancy	LIB		x
08-004	7/13/07	Would like light tubes installed over Sandy R's desk	Sue	CH		x
08-005	7/14/07	Would like light tubes removed over Sandy R's desk - it is too bright	Sandy R	CH		x
08-006	7/15/07	Would like name plates removed from doors in ops bldg	Karin	JCB		x
08-007	7/16/07	Would like bush removed/trimmed in bump out on Main & Jackson	Barb	Other		x
08-008	7/17/07	Valerie would like a lock on a drawer installed	Valerie	CH		x
08-009	7/18/07	Need someone to paint over graffiti on A/C unit outside of the library	Joe	Lib		x
08-010	7/19/07	Chris Amick needs keys for the front door and IST dept door	Esther	PSB		x
08-011	7/20/07	The A/C is not working	Sandy H	PSB		x
08-012	7/24/07	Sprinkler system needs repaired on McLoughlin - Dead plants need examined	Paul	Other	95% Complete	
08-013	7/26/07	Need the "Reserve" print repainted in the parking spots	Sandy H	PSB		x
08-014	7/27/07	Ice Machine is not working	All	JCB	Need New	
08-015	7/30/07	Women's toilet is not flushing correctly	Andrea	CH		x
08-016	7/30/07	Michelle R needs a security badge	Jeanne	JCB		x
08-017	8/1/07	A new shower head is needed for the exercise room shower-	Jill	PSB		x
08-018	8/6/07	Upstairs windows aren't closing correctly - Ceiling tile needs straightened/Council Chamber	Pat D	CH	8/20/07	x
08-019		Tripping hazard on one of the sidewalks by city hall - transit mall - 1 Remove Tree, 1 Repair Sidewalk	Barb	Other	Winter	
08-020	8/8/07	Yard debris needs removed from the pond house	Nancy	Other	8/8/07	x
08-021	8/9/07	Police Records has a wall cabinet they would like mounted on the wall	Carla	PSB	8/21/07	x
08-022	8/9/07	Janna has an AV kit rack that needs stabilized	Janna	LIB	8/23/07	x
08-023	8/10/07	Need the HR/Payroll shelves adjust in the archives room	Andrea	CH	8/21/07	x
08-024	8/14/07	Need additional light fixtures in the archives room where HR stores items	Andrea	CH	Electrician	
08-025	8/14/07	Holding cell toilet is plugged	Carla	PSB	8/17/07	x
08-026	8/15/07	Ice maker in the fridge is not working - Need to call appliance repair person	Jill	PSB	11/5/07	x
08-027	8/15/07	Electrical problem from the building to the fire trucks	S Valence	PSB	8/17/07	x
08-028	8/15/07	Paul would like the condo's washed off located at 21st and Harrison- Will paint	Paul	Other	Need Paint	
08-029	8/16/07	Gravel is needed in a hole that a power pole was suppose to be located/tripping hazard	Nancy	LIB		x
08-030	8/16/07	Would like more lights installed in the library parking lot - NEED A CIP	Nancy	LIB		
08-031	8/16/07	Need quote for broken windows in pond house	Nancy	Other	8/31/07	x
08-032	8/16/07	Need quote for carpet being taken out and replaced in pond house	Nancy	Other	9/7/07	x

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008						
Request #	Date	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y N
08-033	8/16/07	Back porch light is not working - may be loose connection	Nancy	LIB	8/1/07	x
08-034	8/16/07	Molding behind circ desk is still loose	Nancy	LIB	11/9/07	x
08-035	8/16/07	Light in foyer by children's library (by bathrooms) is missing cover	Nancy	LIB	11/1/07	x
08-036	8/16/07	Need light bulb replacements for Peake Fountain	Nancy	LIB	10/23/07	x
08-037	8/16/07	Wall needs repaired due to roof leak between elevator and exit door	Nancy	LIB		
08-038	8/16/07	Wall above lockers has a large patch that needs painted	Nancy	LIB		
08-039	8/16/07	Molding needs replace behind display racks in foyer	Nancy	LIB	11/9/07	x
08-040	8/16/07	Order two garbage cans - one for 21st & Harrison and one for Harrison in front of PSB	Paul	Other	Speak to JoAnn	
08-041	8/17/07	Baseboard is loose outside of the elevator on the first floor	Annette	JCB	9/1/07	x
08-042	8/17/07	Water faucet stays on too long in the new restroom upstairs in the Ops Bldg	Annette	JCB	8/17/07	x
08-043	8/17/07	Hose bib is leaking in the men's locker room at PSB	Virginia	PSB	8/20/07	x
08-044	8/17/07	Light over sink in women's restroom is out	Virginia	CH	8/20/07	x
08-045	8/19/07	Need a railing at the end of the hallway going down the stairs - Pond House	Nancy	Other		
08-046	8/19/07	Gap by the back door on the landing that will be letting cold air in this winter - Pond House	Nancy	Other	No Prob Fnd	x
08-047	8/20/07	Vegetation needs removed along the railroad behind the post office on Main	Sarah	Other	8/20/07	x
08-048	8/17/07	Jeanne needs the upstairs ops room set up for a Wed 8/22/07 Meeting	Jeanne	JCB	8/22/07	x
08-049	8/21/07	Sprinkler head is broken by bus stop at PSB - spraying water on bus patrons	Mike C	PSB	8/22/07	x
08-050	8/21/07	Barb would like a good, used rolling chair from stock at 40th & Harvey	Barb	CH	8/22/07	x
08-051	8/1/07	Purchase book shelves for Don S's manuals to store upstairs in Ops Bldg-Temporarily	Willie	JCB		x
08-052	8/22/07	Replace light tube outside of upstairs bathroom	Barb	CH	8/24/07	x
08-053	8/22/07	Parking light light/south side/glass on north light is broken/glass is on grass	Nancy	Lib	8/28/07	x
08-054	8/22/07	Beth would like tables and chairs moved to Ardenwald for their Thur Night Concert	Beth	Other	8/23/07	x
08-055	8/1/07	Sprinkler system at Scott Park is not working Correctly	Nancy	Other	9/1/07	x
08-056	8/22/07	Nancy would like a long handled grabber and pool skimmer for retrieving debris from Scott Park	Nancy	Other	8/22/07	x
08-057	8/10/07	Someone vomited in the women's restroom - Diversified was called to clean it up	Andrea	CH	8/10/07	x
08-058	8/16/07	The windows need cleaned where the ivy was removed	Carla	PSB	10/1/07	x
08-059	8/16/07	Dust the tops of book shelves and window casements	Nancy	LIB		x
08-060	8/16/07	Need vacuuming and dusting of offices and circulation desk area	Nancy	Lib		x
08-061	8/24/07	IST Bathroom faucet is leaking - Ed believes it needs replaced	Chris	PSB	8/1/07	x
08-062	8/28/07	Ergonomic assessment for Michelle and a key board holder similar to Jeanne's.	Jeanne	JCB	9/1/07	x
08-063	8/30/07	Security code button not working properly to open door to records area.	Carla		9/1/07	x
08-064	8/30/07	Need's 2? Cans of paint and brushes for painting or Pond House garage ceiling, one wall, 2 doors and base boards.	Nancy	LIB	9/1/07	x

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008						
REQUEST	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request	Site	Anticipated	Done
#			Made By		Completion	Y N
					Date	
08-065	8/30/07	Have bark dust delivered near Labara Amphitheater have corrections crew/project payback spread	Nancy	LIB	09/01/07	x
08-066	8/30/07	Count tables& chairs at JCB, CH, PSB to see which ones belong to friends of Library	Nancy	LIB	09/01/07	x
08-067	8/30/07	Call corrections crew to pull up thistles and weeds	Nancy	LIB	09/01/07	x
08-068	8/30/07	Need solvent or lacquer thinner to attempt removing graffiti from Peake Memorial Fountain	Nancy	LIB	09/01/07	x
08-069	8/30/07	Cleaners need more green recycling bags for the Library and City Hall	Nancy	LIB	09/01/07	x
08-070	8/31/07	Purchase door and hang in opening between lunchroom & copy room, needs lock& no admittance sign.	Jeanne	JCB	On Order	
08-071	9/4/07	Replace lights in sgt's office and property room, almost all are out.	Carla	PSB	10/10/07	x
08-072	9/5/07	Need a bottle of Goof-Off to have on hand.	Nancy	LIB	10/23/07	x
08-073	9/5/07	Need someone to look at sealed stones on Peake Memorial Fountain.	Nancy	LIB	11/7/07	x
08-074	9/5/07	Ledding Library of Milw. sign in front of building needs repainting & possible reinforcement	Nancy	LIB		
08-075	9/5/07	Attach metal plaque to the teak bench on Library's front porch. Plaque arrives 9/10/07	Nancy	LIB	9/27/07	x
08-076	9/5/07	Install William B Perry plaque installed on the wall outside Lib. Circ. Supervisor's office.	Nancy	LIB		
08-077	9/10/07	Tree shield is sticking up & creating a trip hazard @ 10391 SE Main St. across from Pietro's	Sarah	Other	9/13/07	x
08-078	9/11/07	Set up PW Ops Mtg Room for Mtg on 9/17/07 at 2:00	Michelle	JCB	9/17/07	x
08-079	8/21/07	Install a dishwasher in the JCB Main Bldg Lunchroom	Jeanne	JCB	1/1/08	
08-080	9/11/07	Carpet squares are coming up in the PSB meeting room - center of the windows	Aggie	PSB	10/18/07	x
08-081	9/11/07	Secured area - Women's & Men's restroom door isn't closing all the way	Aggie	PSB	10/10/07	x
08-082	9/12/07	Window pane broken in one of the new windows installed in IST	Chris S	PSB		
08-083	9/12/07	110 Volt electrical outlet needs cover plate behind Chris' office entrance door	Chris S	PSB	10/8/07	x
08-084	9/12/07	Chris is waiting for a desktop segment to be manufactured and installed	Chris S	PSB	9/14/07	x
08-085	9/12/07	Need to finish installing ceiling tiles in Chris' area	Chris S	PSB	9/12/07	x
08-086	9/12/07	Need shelf modification in police storage area - Willie knows what needs to be done	Willie	PSB		
08-087	9/12/07	Grady needs 12 tables & 50 chairs delivered(9/25 4 pm) picked up (9/26 7-7:30 am)-Ardenwald	Grady	CH	WTR DEPT	x
08-088	9/13/07	Bolt or strap trophy case in lobby of PSB to wall, it is a fall hazard	Carla	PSB	9/14/07	x
08-089	9/13/07	Remove shelving and box of parts in the records scanning room	Carla	PSB	9/13/07	x
08-090	9/13/07	Women's restroom handicap stall door lock is sticking	Annette	JCB	9/25/07	x
08-091	9/13/07	Chairs in the Lib. Fiction room need gluing and/or reinforcement, they are very loose	Nancy	LIB	9/28/07	x
08-092	9/13/07	Pat Salvione needs an attached shelf moved and reattached in her office & a filing cabinet removed and taken to the Pond House or 40th and Harvey	Nancy	LIB	9/26/07	x
08-093	9/15/07	Repair blue shelving cart-top floor; turn right at top of stairs-has bolt sticking out	Nancy	LIB	9/26/07	x
08-094	11/13/06	Crack in sidewalk by flags that appears to be a trip Hazard	Annette	CH	10/30/07	
08-095	5/3/07	Blind has fallen down in conf room - needs mounting screw reinstalled	Annette	CH	9/28/07	x
08-096	5/3/07	Tree root is causing one of the sidewalks outside of City Hall to raise up	Annette	CH	See #19	x
08-097	6/4/07	Library has several toilet paper and paper towel dispensers that need new locks	Nancy	LIB	10/11/07	x

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008						
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y N
08-098	11/20/06	Purchase and install shelves in the men's locker room shower	Annette	PSB		
08-099	11/28/06	Repair/Seal gutter at the front entrance of PSB	Annette	PSB	11/9/07	x
08-100	1/26/07	Order a blind for Aggie's window and have it installed	Sandy	PSB		
08-101	4/12/07	Repair window blind in Brenda's office	Annette	JCB	11/7/07	x
08-102	4/2/07	Repair the "Insta Hot" water dispenser in the lunch room-main building	Annette	JCB	11/15/07	x
08-103	9/6/07	Baseboard in men's restroom, main building needs glued to wall	Annette	JCB	11/9/07	x
08-104	9/20/07	Carpet needs reattached in the elevator, it is loose and fraying	Annette	CH	11/9/07	x
08-105	9/20/07	Several ceiling tiles need replaced at the top of the stairs going to the children's library	Annette	LIB	10/11/07	x
08-106	9/20/07	The back of the library needs pressure washed, very cob webby, dirty and buggy	Annette	LIB	12/11/07	x
08-107	9/19/07	Outside book drop lock does not remain locked/latched	Nancy	LIB	9/28/07	x
08-108	9/25/07	Rehang calendar/wall poster in Ops Bldg - See Karin	Karin	Ops	9/26/07	x
08-109	9/26/07	Clean up and remove homeless camp at corner of JCB property, trim tree, remove debris	Kenny	JCB	9/26/07	x
08-110	9/26/07	Willie rec'd phone call 9/25, that records room door would not open/needed new batteries	Tom B	PSB	9/26/07	x
08-111	9/26/07	Remove and rehang fire extinguisher in Ops Bldg	Willie	Ops	9/26/07	x
08-112	9/26/07	Toilet paper holder is broken in the men's restroom, handicap stall, main bldg	Ed	JCB	10/10/07	x
08-113	9/27/07	Pat needs a desk top with file cabinets under it for the fax machine & pre ap's	Jeanne	JCB	9/28/07	x
08-114	9/20/07	Hand towel dispenser in men's restroom needs replaced or a new lock	Annette	LIB	9/21/07	x
08-115	9/20/07	Carpet tiles need replace in HR & the entrance to RIM - They have burn marks on them	Annette	CH	11/9/07	x
08-116	9/20/07	Floor seam needs repaired in the women's restroom	Willie	CH		
08-117	9/28/07	Flooring in women's bathroom is curling up, may need sealant	Nancy	LIB		
08-118	10/2/07	Peake Memorial fountain pump is acting up may need a new one	Nancy	LIB	10/23/07	x
08-119	10/2/07	Peake Memorial Fountain lights need replacing	Nancy	LIB	10/23/07	x
08-120	10/2/07	Permit needs updated at library - it still has Kelly's name on it as the contact	Nancy	LIB		
08-121	10/2/07	Need a fire extinguisher placed in the Ops building kitchen/lunchroom	Karin	Ops	10/23/07	x
08-122	10/4/07	Heating system is not working - furnace is not on	Joe	LIB	10/4/07	x
08-123	10/4/07	Light is out in the women's restroom - main building	Annette	JCB	10/10/07	x
08-124	10/4/07	Canned lights are out in the women's, & men's restroom by CR, men's rest room in secured area and side lights are out in the hallway	Annette	PSB	10/10/07	x
08-125	10/4/07	Need toilet paper and paper towel dispensers installed in upstairs restroom	Annette	Ops	10/23/07	x
08-126	10/4/07	More tar on the carpet in the new upstairs lunchroom/meeting room	Annette	Ops	10/6/07	x
08-127	10/4/07	Door latch sticks going into the men's locker room upstairs in police dept	Annette	PSB		
08-128	10/4/07	Carts from Rose City Moving are still in the IST lunchroom - they need called again	Annette	PSB	10/10/07	x
08-129	10/4/07	Install restroom sign on upstairs ops restroom door	Annette	Ops	10/4/07	x

08-130	10/5/07	Purchase and install hose hangar, hose, nozzle at back of Ops bldg in shoe wash off area	Paul	Ops		x	
FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008							
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N
08-131	10/5/07	Lower the flags at all buildings	Andrea	All	10/5/07	x	
08-132	10/5/07	Door lock is not working in the report writing room - Wiley has been called	Carla	PSB	10/5/07	x	
08-133	10/4/07	Check damage to Pond House cement ramp, cause by car. Estimate repair costs.	Joe	Pond	10/4/07	x	
08-134	10/5/07	Door bell to reception @ PSB does not work	Aggie	PSB	10/10/07	x	
08-135	10/9/07	Mount plywood on basement records room wall for new security system	Willie	CH	10/10/07	x	
08-136	10/9/07	Install finished cover on floor box in council work room and chambers - trim carpet	Willie	CH	10/11/07	x	
08-137	10/5/07	Replace door lock on report writing room	Carla	PSB	11/1/07	x	
08-138	10/9/07	Friends need a banner hung today or tomorrow at the Pond House	Nancy	Other	10/9/07	x	
08-139	10/9/07	Children's library needs 2 more panic buttons	Nancy	LIB			
08-140	10/8/07	Peake Fountain Light Bulb replacement #'s are Sylvania Capsylite 250W/120V/FL 30 Degree USA	Nancy	LIB	10/23/07	x	
08-141	10/8/07	Replace light bulb in mailroom - Today please, very dark in this area	Andrea	CH	10/8/07	x	
08-142	10/8/07	Raise flags at all buildings	Andrea	All	10/8/07	x	
08-143	10/11/07	Replace light bulbs in the exit signs	Ed	PSB	10/12/07	x	
08-144	10/11/07	Replace light tubes in exercise room	Ed	PSB	10/12/07	x	
08-145	10/12/07	Marcia would like a lock installed on her lower right desk drawer	Marcia	JCB			
08-146	10/12/07	Shorter water fountain at bottom of stairs is shooting water onto the carpet	Jana	LIB	10/12/07	x	
08-147	10/16/07	Tree by outside railing is dead and needs trimmed off or removed	Nancy	LIB			
08-148	10/16/07	Outside railing on N side of building outside of fiction room is extremely loose	Nancy	LIB	11/14/07	x	
08-149	10/12/07	Shorter water fountain is still shooting water on to the carpet	Nancy	LIB	10/23/07	x	
08-150	10/16/07	Garbage and yard debris needs emptied by Thursday for the Friends rummage sale	Nancy	LIB	10/18/07	x	
08-151	10/15/07	IST needs some electrical ports and data ports completed by our electrician	Chris S	PSB	11/1/07	x	
08-152	10/15/07	Janitors need to remove wax that was inadvertently placed on blue flooring	Andrea	CH	11/7/07	x	
08-153	10/15/07	Lights on the US and City flags are out	Andrea	CH	11/1/07	x	
08-154	10/15/07	Back porch light is only on intermittently in the morning, needs to come on earlier also	Andrea	CH	11/1/07	x	
08-155	10/12/07	CMR women's compact fixture ballast needs replaced	Willie	PSB	11/16/07	x	
08-156	10/12/07	Fluorescent ballasts in property room need replaced	Willie	PSB			
08-157	10/12/07	Replace exit sign fixture on 2nd floor - fire side	Willie	PSB	11/16/07	x	
08-158	10/12/07	Remove Chinese Sumac tree from JCB property	Willie	JCB			
08-159	10/12/07	Install weather station in/on Ops Bldg	Willie	JCB	11/14/07	x	
08-160	10/17/07	Paul would like Karin to have a Panic Button at her desk	Paul	JCB			
08-161	10/17/07	Toilet paper holder in small stall of women's restroom is broken	Carla	PSB	10/23/07	x	
08-162	10/18/07	Possibly need a fire/smoke detector in Katie Mangle's office	Karin	JCB			
08-163	10/19/07	Bertman House has a water leak from a water storage container	Kenny	Other	11/1/07	x	

08-164	10/19/07	Fire alarm panel batteries and wire are corroded	Willie	CH	10/19/07	x	
FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008							
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N
08-165	10/19/07	Replace water pump on heating system	Willie	CH	11/7/07	x	
08-166	10/20/07	2" gap between bottom of the front door - leaves and debris are coming through	Joe	Other			
08-167	10/22/07	Remove old locks and install new lock on exterior doors of Ops Bldg	Willie	Ops			
08-168	10/22/07	Remove old locks and install new lock on exterior doors of Pole Barn	Willie	Ops			
08-169	10/22/07	Remove old lock and install new lock on rear exterior door of the fleet shop	Willie	JCB			
08-170	10/23/07	Remove & install new door closer on rear fleet shop door	Willie	JCB	11/6/07	x	
08-171	10/23/07	Install new type Sharps container in building/Library	Willie	LIB	10/23/07	x	
08-172	10/23/07	Purchase and install awning over backdoor/CH	Willie	CH			
08-173	10/23/07	Sink hole has returned on S side of building/CH - fill it in	Willie	CH			
08-174	10/23/07	Install newer type Sharps container in building/CH	Willie	CH	10/23/07	x	
08-175	10/23/07	Install newer type Sharps container in building/PSB	Willie	PSB	10/23/07	x	
08-176	10/23/07	Install door bell on Ops Bldg (electrician will perform work)	Willie	Ops	11/1/07	x	
08-177	10/23/07	Have janitors work with Barb in cleaning the records room	Annette	CH			
08-178	10/23/07	Move 3 metal racks - 2 to the pond house - scrap the red and blue one, scrap paper cutter	Nancy	LIB	11/6/07	x	
08-179	10/24/07	Check on the Cash Spot - Front door is missing(?), windows are broken	Paul	Other	11/1/07	x	
08-180	10/24/07	Reception area hot (receiving hot air), rest of front office is receiving cool air	Pat/Jeanne	JCB	11/7/07	x	
08-181	10/25/07	Lights are out in the holding cells	Willie	PSB	11/7/07	x	
08-182	10/25/07	Loose rubber strip going into the holding cells between concrete and carpet	Willie	PSB	11/15/07	x	
08-183	10/26/07	Would like more lights installed in the front door foyer area	Nancy	LIB	11/6/07	x	
08-184	10/29/07	Strike is missing on the door in the interview room in the detectives area	Carla	PSB	11/8/07	x	
08-185	10/30/07	Turn outside water off for winter, get faucet covers-Library & Pond House	Nancy	LIB	11/9/07	x	
08-186	10/31/07	Need under shelf task light upstairs in Rim - See Barb	Andrea	CH	11/7/07	x	
08-187	11/1/07	Library foyer lights burnt out completely on side, other side needs new bulbs	Nancy	LIB	11/6/07	x	
08-188	11/2/07	Would like new blinds for Judy Serio's area	Judy	CH			
08-189	11/6/07	An electrical floor outlet does not have a cover, Bonnie is getting her heel caught in it	Annette	JCB	11/7/07	x	
08-190	11/6/07	Install keyboard under Karin's desk	Annette	JCB	11/6/07	x	
08-191	11/7/07	Parking lot lights timers need reset to come on at 4:00 pm & off at 5:00 am	Nancy	LIB	11/9/07	x	
08-192	11/7/07	Fountain lights need reset to come on at 4:00 pm & off at 11:00 pm	Nancy	LIB	11/9/07	x	
08-193	11/10/07	Help the Friends of the Library move books to 40th & Harvey	Nancy	LIB	11/15/07	x	
08-194	11/13/07	Heater not functioning in HR/Admin Office	Andrea	CH	11/13/07	x	
08-195	11/14/07	Install some type of barrier around the top of the shelves in the RIM cage	Barb	CH	11/15/07	x	
08-196	11/15/07	Remove Graffiti from 40th & Harvey Lower Bldg/NE Side, Water Storage NW Side	Ed	Other	11/16/07	x	
08-197	11/16/07	Install adjustable keyboard in scanning station at RIM	Barb	CH	12/1/07	x	

08-198	11/16/07	Replace burnt out lights over the sinks in men's locker room	Ed	PSB	11/16/07	x	
FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007- 2008							
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N
08-199	11/16/07	Clean gutters at Pond House, they are overflowing	Ed	Other	12/12/07	x	
08-200	11/16/07	Prep basement wall area for phone line and fire control termination boxes	Ed	Other	11/1/07	x	
08-201	11/8/07	Install dish cloth and towels bars upstairs in the Ops Bldg - See Karin	Karin	Ops			
08-202	11/19/07	Check external light schedule for building, lights aren't coming on when it is dark	Andrea	CH	12/12/07	x	
08-203	11/27/07	Old story time chair needs moved to 40th and Harvey	Nancy	LIB			
08-204	11/27/07	Leaves need blown off emergency exit area by children's library	Nancy	LIB	12/12/07	x	
08-205	11/27/07	Center light is out near the downstairs bathrooms	Nancy	LIB	11/28/07	x	
08-206	11/27/07	Hot water takes a long time to arrive to Men's and Women's restrooms	Nancy	LIB			
08-207	11/26/07	Too hot in one area and too cool in another area of Ops Bldg	Paul	Ops	11/27/07	x	
08-208	11/26/07	Elevator doors not opening	Barb	CH	11/26/07	x	
08-209	11/20/07	4-1/2" gap between 3rd cement step going from fire escape and the building	Barb	CH			
08-210	11/26/07	Reglue cork square in Katie M's office - it keeps falling off the wall	Katie	JCB	11/28/07	x	
08-211	11/26/07	Replace water stained ceiling tile in Katie M's office	Katie	JCB	12/3/07	x	
08-212	11/26/07	Shelf bracket is broken and needs replace in Katie M's office	Katie	JCB	12/13/07	x	
08-213	11/26/07	Please remove dry erase board from Katie M's office, she does not use it	Katie	JCB	11/28/07	x	
08-214	11/26/07	Do we have two nice & clean guest type chairs in storage-Katie would like newer ones	Katie	JCB			
08-215	11/27/07	Move HVAC intake to southern end of building away from shop & generators	Jeanne	JCB			
08-216	11/27/07	Replace flickering fluorescent tube in main bldg meeting room	Brett	JCB			
08-217	11/28/07	Check and/or repair the front door at CH, it does not appear to be latching properly	Andrea	CH	11/28/07	x	
08-218	11/27/07	Library would like a floodlight installed on the SE edge of the Library Pond House	Nancy	Other			
08-219	11/29/07	Window seal is broken in a window in the community room	Annette	PSB			
08-220	11/29/07	Replace carpet in elevator - stained and melted	Annette	PSB			
08-221	11/29/07	Replace shower curtain in exercise room- moldy and stained	Annette	PSB			
08-222	11/29/07	Replace counter top in men's locker etched by soap, unable to clean	Annette	PSB			
08-223	11/29/07	The basement has some sort of a water leak in it	Nancy	Other	11/28/07	x	
08-224	11/30/07	Hang photo in the main JCB building - See Jeanne/Hang photos in Ops Bldg - See Paul	Annette	JCB	12/3/07	x	
08-225	11/30/07	Hang wall clock in Bldg - See Bonnie L for location	Annette	JCB	12/3/07	x	
08-226	11/30/07	Hang Wreaths in Main & Ops Bldg's - See Jeanne for Main Bldg - See Paul/Karin for Ops	Annette	JCB	12/3/07	x	
08-227	11/30/07	Re-install panic buttons in front office. Provide a panic button for Ops admin.	Jeanne	JCB			
08-228	12/4/07	Ceiling is leaking in the council chambers, the projector area	Barb	CH	12/4/07	x	
08-229	12/5/07	Install MSDS books/holders in the Ops building	Barb	JCB			
08-230	12/4/07	Two gutter sections on wash out bay need repaired and/or replaced, they are leaking	Paul	JCB			
08-231	12/4/07	Plugged downspout in the secured parking area by back door	Matt G	PSB	12/6/07	x	

08-232	12/4/07	No heat in Aggie's reception area	Carla	PSB	12/4/07	x		
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N	
08-233	12/5/07	Mirror across the street from driveway at PSB is broken and needs replaced						
08-234	12/10/07	Elevator doors are not working again at City Hall	Andrea	CH	12/13/07	x		
08-235	12/11/07	Install an adjustable keyboard for Hannah in the RIM area	Andrea	CH				
08-236	12/11/07	Need truck and supplies for Winter Solstice event	JoAnn	CH	12/11/07	x		
08-237	12/17/07	Handrail is coming loose on the main stairway	Tim	CH				
08-238	12/17/07	Undershelf lighting needs new bulb(s) it is flickering	Barb	CH				
08-239	12/27/07	Nancy K needs lights replace in her office, and the downstairs copy room	Nancy	CH				
08-240	12/27/07	Reception has no heat	Sandy	PSB	12/27/07	x		
08-241	12/27/07	Steve Bartol's desk drawer needs repaired	Steve	PSB				
08-242	12/27/07	Handicap button on inside of building is not working	Andrea	CH				
08-243	12/31/07	TP dispenser in hanidcap stall, women's restroom, by community room is broken	Carla	PSB				
08-244	1/2/08	Cupboard door above dishwasher in lunchroom has fallen off	Carla	PSB				
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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ISSUE A PURCHASE ORDER WITH MILWAUKIE PLUMBING ON-CALL PLUMBING SERVICES IN THE AMOUNT OF \$20,000 PER YEAR FOR A MAXIMUM OF FIVE YEARS.

WHEREAS, the Facilities Department is understaffed and the workload is so great and that additional licensed and skilled contractor resources must be retained to meet the needs of the department; and

WHEREAS, The City recently advertised for proposals for Plumbing services and received proposals from Milwaukie Plumbing; and

WHEREAS, Milwaukie Plumbing was determined to be the most responsive proposer; and

WHEREAS, The contractor proposed a price for labor of \$96.00 which translates into approximately 210 hours, ; and

WHEREAS, The City has five (5) major building sites and several other habitable structures that require skilled plumbing services from time to time; and

WHEREAS, Staff anticipates a need for these services up to \$20,000 per year, with an option to renew the contract each fiscal year for up to a total of five years; and

WHEREAS, Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget.

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to execute a contract in the amount of \$20,000 per year for a period not to exceed five years for a maximum amount of \$100,000 with Milwaukie Plumbing and to sign a purchase order for \$20,000 for services in FY 2007/2008.

Introduced and adopted by the City Council on January 15, 2008.

This resolution is effective on _____ .

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ISSUE A PURCHASE ORDER WITH MILWAUKIE HEATING AND COOLING FOR HVAC SERVICES IN THE AMOUNT OF \$20,000 PER YEAR FOR A MAXIMUM OF FIVE YEARS.

WHEREAS, the Facilities Department is understaffed and the workload is so great and that additional licensed and skilled contractor resources must be retained to meet the needs of the department; and

WHEREAS, The City recently advertised for proposals for Heating Ventilation and Cooling (HVAC) services and received four proposals from Reitmeier Mechanical, Environmental Controls, E.W. Consulting and Milwaukie Heating and Cooling.; and

WHEREAS, Milwaukie Heating and Cooling was determined to be the most responsive proposer; and

WHEREAS, The contractor proposed a price for labor of \$96.00 which translates into approximately 210 hours, ; and

WHEREAS, The City has five (5) major building sites and other small habitable structures that require licensed HVAC services, and

WHEREAS, Staff anticipates a need for these services up to \$20,000 per year, with an option to renew the contract each fiscal year for up to a total of five years, and

WHEREAS, Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget.

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to execute a contract in the amount of \$20,000 per year for a period not to exceed five years for a maximum amount of \$100,000 with Milwaukie Heating and Cooling and to sign a purchase order for \$20,000 for services in FY 2007/2008.

Introduced and adopted by the City Council on January 15, 2008.

This resolution is effective on _____ .

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ISSUE A PURCHASE ORDER WITH DRYER ELECTRIC FOR ON-CALL ELECTRIC SERVICES IN THE AMOUNT OF \$40,000 PER YEAR FOR A MAXIMUM OF FIVE YEARS.

WHEREAS, the Facilities Department is understaffed and the workload is so great and that additional licensed and skilled contractor resources must be retained to meet the needs of the department; and

WHEREAS, The City recently advertised for bids for electrical maintenance and services received proposal from Dryer Electric.; and

WHEREAS, the proposal of Dryer Electric was determined to be the most responsive; and

WHEREAS, The contractor proposed a price for labor of \$74.50 which translates into approximately 530 hours ; and

WHEREAS, The City has five (5) major building sites and several well sites, lift stations, and other small structures that require licensed electrical repair and service; and

WHEREAS, Staff anticipates a need for these services up to \$40,000 per year, with an option to renew the contract each fiscal year for up to a total of five years; and

WHEREAS, Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget.

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to execute a contract in the amount of \$40,000 per year for a period not to exceed five years for a maximum amount of \$200,000 with Dryer Electric and to sign a purchase order for \$40,000 for services in FY 2007/2008.

Introduced and adopted by the City Council on January 15, 2008.

This resolution is effective on _____ .

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Local Share acquisition at 3039 and 3103 SE Balfour

Date: January 10, 2008

Action Requested

Approve a resolution approving the purchase of real properties located at 3039 and 3103 SE Balfour St.

Background

During the fall of 2007, staff met with Council to request permission to pursue the acquisition of two properties available on SE Balfour Street for a local park. Council had previously approved the expenditure of local share funds from the Metro parks bond measure, passed in November 2007, for acquiring sites west of 32nd Avenue and south of Lake Rd. When the Balfour properties became available, Council authorized staff to pursue the two lots pending the outcome of an independent appraisal and an environmental assessment of both properties.

Appraisals of 3039 and 3103 SE Balfour were conducted by Anderson and Assoc. in November 2007. The appraisal confirmed the market value of \$325,000 for the two properties. On January 7th, 2008 Assessment Associates Inc. conducted a Phase I Environmental Assessment on site. This assessment identified no obvious or historic environmental issues on either property. A Phase II Environmental Assessment was determined to be unnecessary.

City and Metro staff working on this acquisition are now prepared to recommend that Council approve a resolution to purchase these two properties.

Concurrence

No opposition has been presented to this acquisition.

Fiscal Impact

The City will expend \$325,000 and submit an invoice to Metro for reimbursement under the local share program.

Work Load Impacts

None.

Alternatives

Deny approval of the resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PURCHASE OF REAL PROPERTIES LOCATED AT 3039 and 3103 SE BALFOUR ST. PURSUANT TO MILWAUKIE MUNICIPAL CODE SECTION 3.15.030

WHEREAS, Council authorized staff to pursue acquisition of the real properties located at 3039 and 3103 SE Balfour St. in the City of Milwaukie; and

WHEREAS, an offer of \$325,000 has been made by the City and accepted by the seller; and

WHEREAS, Milwaukie Municipal Code Section 3.15.030 requires that a purchase of real property valued at more than \$25,000 requires the “approval of City Council;” and

WHEREAS, an appraisal of the property showed the City’s offer to be reasonable in the current market; and

WHEREAS, a Phase I Environmental Assessment of the property did not reveal evidence of recognized environmental conditions in connection with these properties; and

WHEREAS, the purchase will be financed with funding budgeted in fiscal year 2007 by the City for this purpose and reimbursement will be made by Metro with Metro Local Share funds;

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

Section 1: Pursuant to Milwaukie Municipal Code Section 3.15.030, the City Council approves the purchase of the real properties located at 3039 and 3103 Balfour St. and authorizes the City Manager to take all action necessary, including execution of all necessary documents, to complete said purchase.

Section 2: This Resolution becomes effective upon adoption.

Introduced and adopted by the City Council on January 15th, 2008.

SIGNED:

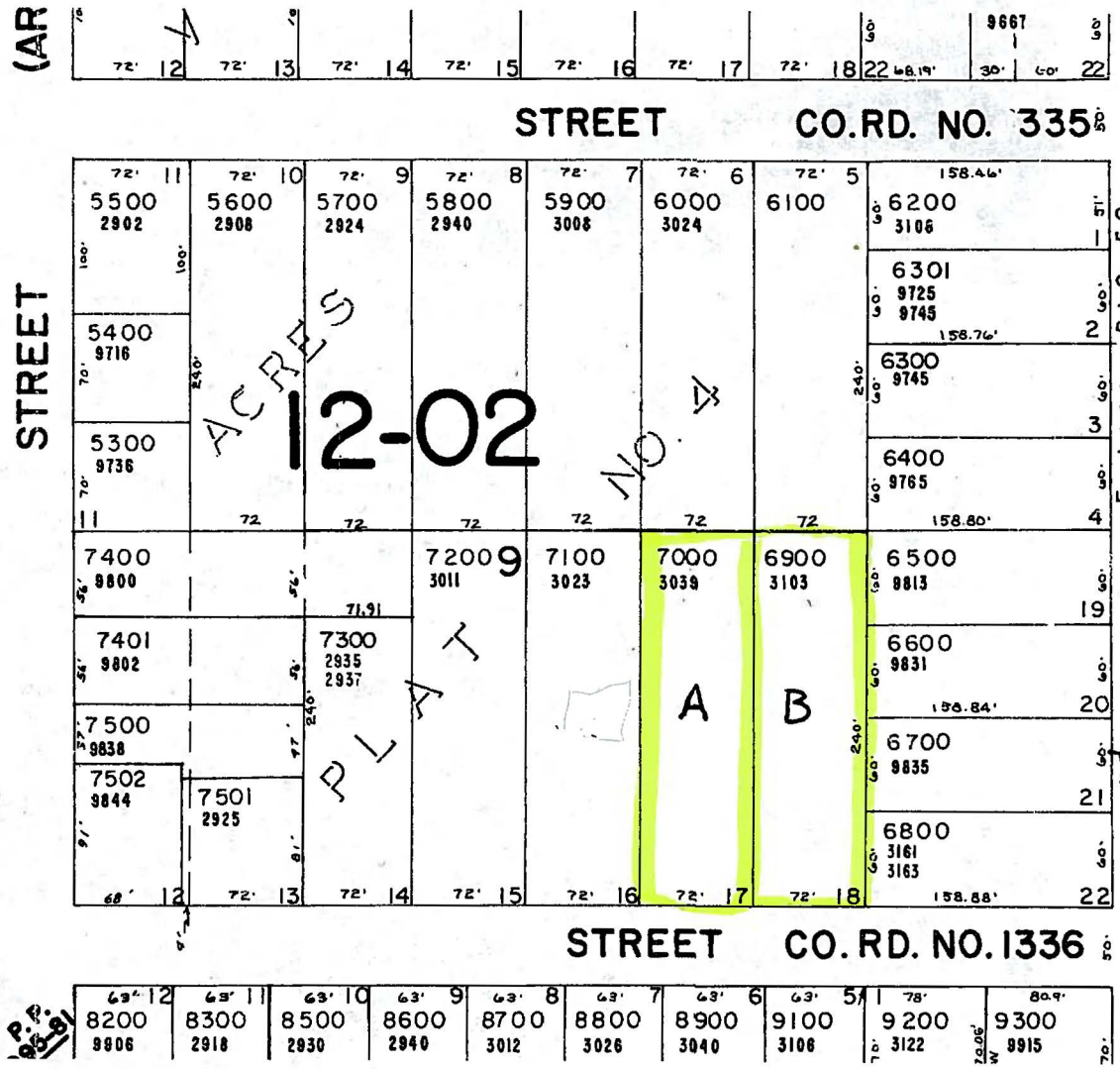
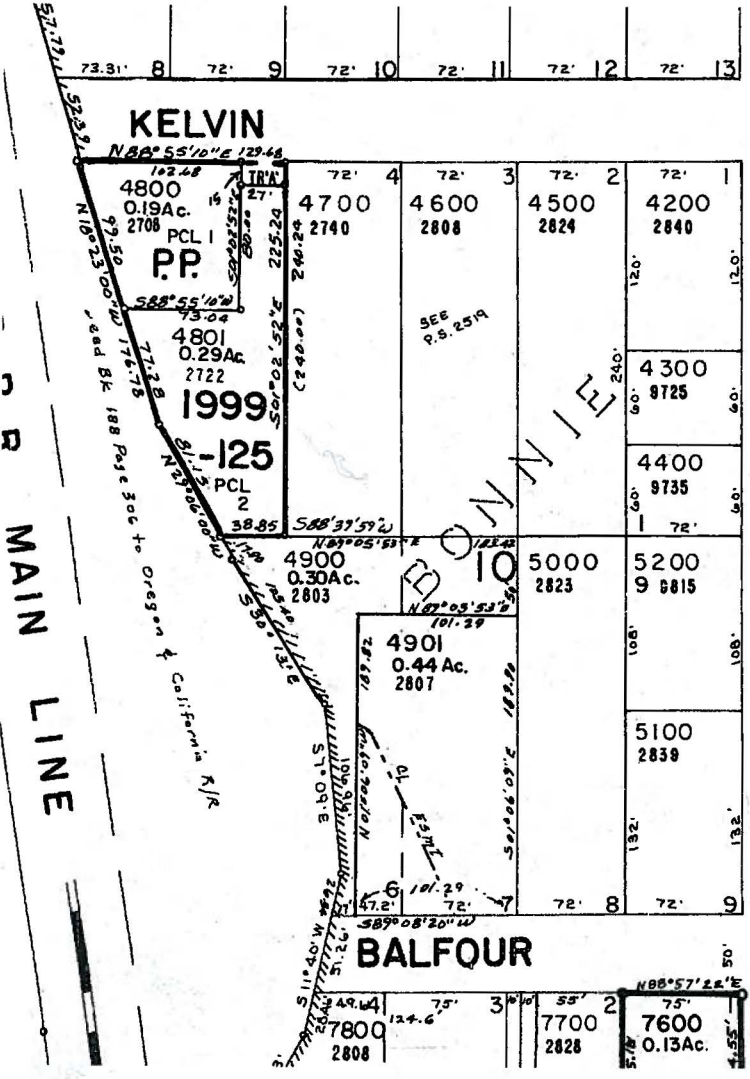
Jim Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:

Pat DuVal, City Recorder

Jordan, Schrader, & Ramis, P.C.





To: Mayor and City Council

Through: Mike Swanson, City Manager
Kenny Asher, Director of Community Development and Public Works

From: Katie Mangle, Planning Director

Subject: Milwaukie Municipal Ordinance Amendment ZA-07-02
Proposed Amendments to the Milwaukie Municipal Code
(Title 14 – Signs and Title 19 – Zoning)

Date: January 4, 2008 for January 15, 2008 Hearing

Action Requested

Adopt proposed amendments to the Milwaukie Municipal Code (MMC) Title 14 – Signs and Title 19 – Zoning.

Background

This is the first of several code amendment proposal packages that Planning staff will present to City Council in 2008. Due to limited staff resources during the Transportation System Plan project, this first package is limited to simple “housekeeping” changes.

On November 27, 2007, the Planning Commission recommended that Council approve amendments to the code that revise Title 14, the Sign Code, and Title 19, the Zoning Code. The proposed revisions are intended to correct and clarify miscellaneous subsections of the code to improve its administration without changing basic policy or intent. As part of the 2006 and 2007 Planning Commission Work Plan, Commissioners directed staff to prepare a list of "paramedic" code fixes to track needed changes to the code. Over the past year staff has been developing a list of these changes, which are categorized into three groups:

Type A – Code changes that are simple and do not affect the meaning or intent of existing regulations.

Type B – Code changes that may involve a minor policy change, but are basically consistent with the existing code and Comprehensive Plan.

Type C – Changes that introduce a new regulation or a change in regulation.

The Planning Commission has recommended that City Council consider the current package of code changes, which are limited to Type A changes.

Revisions to Miscellaneous Code Sections

The Planning Commission is recommending several revisions to clarify specific subsections of Title 14 and Title 19 of the Code (see Attachment 1, Exhibit B). All of the proposed changes:

- Reduce conflict between regulations within the Zoning Code or with other sections of the MMC.
- Clarify language that makes understanding and implementing the regulation difficult.
- Change incorrect references to other sections of the MMC.

The proposed text amendments (see Attachment 1, Exhibit B) include sixteen general types of changes, as described in the following table:

Issue	Change/Clarification
Externally illuminated awning signs	Clarifies that such signs are subject to design review and approval by the planning commission through the Minor Quasi-Judicial procedure.
Adjustments to Sign Code	Clarifies that adjustments to the Sign Code may be considered and granted by the Planning Commission.
Front lot line definition	Revises the definition of “Front Lot Line” to include through lots in the same category as corner lots.
Rear yard definition	The definition of “Rear Yard” is revised to clarify that it is measured at right “angles” to the rear lot line.
Structured Parking and Temporary Transitional Facility	Correct the transposed language in both definitions so that the terms and definitions agree.
Use zone standards	Remove “average” from the lot depth requirements to eliminate redundancy with definition; Change the Minimum Density standards to clarify that each residential district requires a minimum development density and a maximum permitted density based on lot area.

Major exterior alteration design review	Clarifies that the Planning Commission is the decision-maker for Minor Quasi-Judicial applications. Clarifies that the Design and Landmarks Commission (DLC) is a “committee” instead of a “commission.”
Water quality resource regulations	1) Corrects reference. 2) Clarifies that the corridor width is applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.
Historic Preservation Overlay Zone – “Committee” definition	Removes the definition of “Committee” (in reference to the Design and Landmarks Committee) from this section.
Demolition appeals process	Replaces the incorrect code section reference (19.323.6.F) with correct code section.
Clear vision standards	1) Changes this section to include the correct chapters and sections of the municipal and zoning code for clear vision standards. 2) Revise this section to specifically reference Chapter 12.24 of the municipal code and Section 19.1409.2.E of the zoning code.
Off-street commercial vehicle parking	Adds reference to the definition of “commercial vehicle” found in Chapter 10.04.090.
Height exception for conditional uses	Removes this section from the code.
Home improvement exceptions	1) Removes embedded language from the purpose statement creates a new subsection of Chapter 19.707.2. 2) Clarifies that either a single-family detached or single-family attached home qualify for a Home Improvement Exception. 3) Corrects review procedure as a Type II review.
Transportation standards	1) Corrects a reference to transportation facility adequacy requirements in 19.1408. 2) Corrects reference.

Commentary on Revisions

To ensure the revisions and their intent are clear to those reviewing the proposal, staff developed a Commentary document to accompany to proposed code amendments (see Attachment 3). The Commentary explains the proposed revisions, including any resulting minor policy changes. This document should be reviewed side-by-side with the underline/strikeout documents included as Attachment 1, Exhibit B, and Attachment 3.

Key Issues

1. Do the proposed amendments meet the approval criteria?
2. Do the proposed amendments affirm and clarify existing policy regarding Signs and Land Use, making the use of the Milwaukie Municipal Code more effective?

Analysis of Key Issues

Key Issue 1. Do the proposed Zoning Code amendments meet the approval criteria?

Zoning Code amendments are subject to approval criteria found in 19.904.1 – Requirements for Zoning Text Amendments and 19.905 Approval criteria for all amendments. All amendments must be consistent with unamended portions of the Comprehensive Plan and with the statewide planning goals. As shown in Attachment 1, Zoning Amendment Criteria Checklist, the proposed amendments meet the approval criteria.

Key Issue 2. Do the proposed amendments affirm and clarify existing policy regarding Signs and Land Use, making the use of the Milwaukie Municipal Code more effective?

The proposed amendments to Milwaukie Municipal Code Titles 14 and 19 include many revisions to the MMC text. The revisions are intended to correct and clarify the code to improve its administration without changing basic policy or intent.

The proposed revisions will improve the effectiveness of Code by correcting mistakes and clarifying existing policy in Title 14 – Sign Code and Title 19 – Zoning Code will make these regulations easier to understand for both staff and applicants.

Concurrence

The Planning Commission recommended approval at the November 27, 2007 hearing on the proposed amendments.

Fiscal Impact

The requested action will have negligible fiscal impact. Clarifying language in the Sign and Zoning Code will correct and clarify the code to improve its administration without changing basic policy or intent.

Work Load Impacts

These amendments are the first in a series of proposed code amendment packages that Planning staff will present to City Council in 2008. Planning staff and the Planning Commission have carefully crafted this package of amendments to minimize the need for staff research and outreach, while solving existing problems with the code. Staff has recently begun work on the higher priority code amendment projects listed in the Planning Commission's 2007-8 work plan. Therefore, should Council disagree with any section of this proposal, staff will recommend that Council exclude that one section from the adoption package instead of diverting staff time to perfecting this proposal.

Alternatives

Revisions to the land use code are Legislative decisions, which do not have a time limit. The City Council has the following decision making options:

1. Approve the amendments.
2. Approve the amendments with modifications.
3. Continue the hearing to allow for more discussion.
4. Do not approve the proposal and return the amendments to Planning Commission for further discussion.

Attachments

1. Ordinance
 - Exhibit A. Findings in Support of Adoption
 - Exhibit B. Amendments to Title 14 - Sign Ordinance and Title 19 – Zoning Ordinance (underline/strikeout version)
 - Exhibit C. Amendments to Title 14 - Sign Ordinance and Title 19 – Zoning Ordinance (clean version)
2. Commentary on revisions to Titles 14 and 19
3. Zoning Amendment Criteria Checklist

Attachment 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 14 SIGNS AND TITLE 19 ZONING, TO CORRECT AND CLARIFY THESE ORDINANCES TO MAKE THEM MORE EFFECTIVE (FILE #ZA-07-02).

WHEREAS, the proposed amendments to Titles 14 and 19 make corrections and clarifications that will more effectively communicate and implement existing policy; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on November 27, 2007, the Milwaukie Planning Commission conducted a public hearing, as required by Zoning Ordinance Section 19.1011.5, and adopted a motion in support of the amendment; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. Findings of fact in support of the proposed amendment(s) are attached as Exhibit A.

Section 2. Title 14 Sign Ordinance Text Amendment. The Sign Ordinance text is amended as described in Exhibits B (strikeout version) and C (clean version).

Section 3. Title 19 Zoning Ordinance Text Amendment. The Zoning Ordinance text of is amended as described in Exhibits B (strikeout version) and C (clean version).

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 _____.

Jim Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis, LLP

Pat DuVal, City Recorder

City Attorney

**Attachment 1, Exhibit A
Findings in Support of Approval**

1. The City of Milwaukie fulfilled the requirements for an application for a zoning text amendment, as outlined in MMC sections and 19.901, 19.902 (see Attachment 4, Code Compliance Report).
2. Public notice has been provided and a public hearing has been conducted in accordance with MMC section 1011.5 (see Attachment 4, Code Compliance Report).
3. The proposed amendments fulfill the approval criteria found in MMC 19.904.1 and 19.905.1. They are consistent with the Comprehensive Plan, the Metro Urban Growth Management Functional Plan, and Oregon Statewide Planning Goals (see Attachment 1, Code Compliance Report).

Exhibit B

Amendments to Milwaukie Municipal Code

Title 14 — Sign Ordinance and Title 19 — Zoning Ordinance (“strikeout” version)

Underlined text is to be inserted

Strikeout ~~text~~ is to be deleted

The following items are recommended minor text amendments to the City of Milwaukie Sign Ordinance (Title 14):

14.16.060 Downtown zones.

- H. Illumination. Illuminated signs may be permitted subject to the following:
3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the design and landmarks committee and approval by the planning commission, **as provided in subsection 19.1011.3, Minor Quasi-Judicial Review, and** according to the following criteria:
 - a. Sign lighting should be designed as an integral component of the building and sign composition.
 - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
 - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.

14.32.020 ~~Variance~~ Adjustment procedure.

The following procedures shall be followed in applying for and acting on ~~an variance~~ **adjustment**:

- A. A property owner may initiate a request for ~~an variance~~ **adjustment** by filing an application with the city manager, using forms required by the city manager or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale showing the condition to be ~~varied~~ **adjusted** and the dimensions and arrangement of the proposed sign, support structure, buildings and real property. The review authority may request other drawings or material essential to an understanding of the ~~variance~~ **adjustment** request.
- B. The review authority shall hold a public hearing per the provisions of Ordinance 1712, the zoning ordinance, Section 19.1011.3, Minor Quasi-Judicial Review, for any ~~variance~~ **adjustment** request which is twenty-five percent (25%) or more of the required standard. ~~Variance~~ **Adjustment** requests of less than twenty-five percent (25%) from the standard required shall be reviewed by the community development director per the provisions outlined in Section 19.1011.2, Administrative Type II Review, of Ordinance 1712, the zoning ordinance. Within five (5) days after a decision has been rendered with reference to a request for ~~an variance~~ **adjustment**, the city manager or duly authorized representative shall provide the applicant with notice of the decision of the review authority. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.32.030 Circumstances for granting ~~variance~~ adjustment.

The review authority shall consider and make findings with respect to each of the following:

- A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the sign ordinance;
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district;
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- D. That the granting of the ~~variance~~ adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and
- E. That the granting of the ~~variance~~ adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.32.040 Time limit.

- A. Authorization of an ~~an variance~~ adjustment shall be void if the building or work approved by such ~~variance~~ adjustment is not commenced within six (6) months of the date of approval.
- B. The review authority may, upon receiving a written request from the applicant prior to the ~~variance~~ adjustment expiration date, extend the ~~variance~~ adjustment for a period not to exceed one year. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

The following items are recommended minor text amendments to the City of Milwaukee Zoning Ordinance (Title 19):

19.103 Definitions.

Lot Line, Front. “Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; ~~and~~ in the case of a corner lot, a line separating the lot from the street on which the contemplated development will face, **and in the case of a through lot, a line separating the lot from the street on which the contemplated development will face.**

“Yard” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title:

1. Yard, Rear. “Rear yard” means a yard between side lot lines or between a street side yard and opposite side lot line, and measured horizontally at right **angles** to the rear lot line from the rear lot line to the nearest point of a main building.

“Structured parking” means a covered structure, or portion of a covered structure, that provides parking areas for motor vehicles. The structure can be part of a principal structure or can be an accessory structure **to a use, or transitional services to families or individuals, including lodging where the average stay is sixty (60) days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers and detention and detoxification facilities.**

“Temporary or transitional facility” means a facility which may provide temporary **or transitional services to families or individuals, including lodging where the average stay is sixty (60) days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers and detention and detoxification facilities.** parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of access and egress.

19.301 Residential zone R-10

19.301.3 Standards. In an R-10 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least ten thousand (10,000) square feet, and the lot area shall be not less than an average of seven thousand (7,000) square feet for dwelling of a single-family attached ~~dwelling complex~~. Lot width shall be at least thirty (30) feet for an interior single-family attached unit. ~~Average~~ Lot depth shall be at least one hundred (100) feet. Lot width shall be at least seventy (70) feet.
- K. Minimum **and maximum** density: ~~Minimum~~ **Development** densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least three and five tenths (3.5) ~~to~~ **and not more than** four and four tenths (4.4) dwelling units per net acre.

19.302 Residential zone R-7

19.302.3 Standards. In an R-7 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least seven thousand (7,000) square feet. For a single-family attached ~~dwelling complex~~ the lot area shall be an average of at least seven thousand (7,000) square feet per unit. Lot width shall be at least sixty (60) feet. The minimum lot width shall be thirty (30) feet for interior single-family attached units. ~~Average~~ Lot depth shall be at least eighty (80) feet.
- K. Minimum and maximum density: ~~Minimum~~ Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 5.0 ~~to~~ and not more than 6.2 dwelling units per net acre.

19.303 Residential zone R-5

19.303.3 Standards. In an R-5 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least five thousand (5,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached dwellings the lot width shall be at least thirty (30) feet. ~~Average~~ Lot depth shall be at least eighty (80) feet.
- L. Minimum and maximum density: ~~Minimum~~ Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 7.0 ~~to~~ and not more than 8.7 dwelling units per net acre.

19.304 Residential zone R-3

19.304.3 Standards. In an R-3 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least three thousand (3,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached units the lot width shall be at least thirty (30) feet. ~~Average~~ Lot depth shall be at least eighty (80) feet.
- L. Minimum and maximum density: ~~Minimum~~ Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 ~~to~~ and not more than 14.5 dwelling units per net acre.

19.305 Residential zone R-2.5

19.305.3 Standards. In an R-2.5 zone the following standards shall apply:

- J. Minimum and maximum density: ~~Minimum~~ Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission,

pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 ~~to~~ **and not more than** 17.4 dwelling units per net acre.

19.306 Residential zone R-2

19.306.3 Standards. In an R-2 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and there shall be not less than an average of two thousand five hundred (2500) square feet for each dwelling unit over one. Lot width shall be at least fifty (50) feet. For interior single-family attached and condominium units lot width shall be at least thirty (30) feet. ~~Average~~ Lot depth shall be at least eighty (80) feet. Single-family attached, multifamily condominium, and multifamily apartment dwellings are permitted with less than three thousand (3000) square feet per unit provided that traffic does not move through adjacent lower density areas.
- L. Minimum **and maximum** density: ~~Minimum~~ **Development** densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 ~~to~~ **and not more than** 17.4 dwelling units per net acre.

19.307 Residential—Business office—Commercial zone R-1-B.

19.307.3 Standards. In an R-1-B zone the following standards shall apply:

- L. Minimum **and maximum** density: ~~Minimum~~ **Residential** densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) ~~to~~ **and not more than** thirty-two (32) dwelling units per net acre.

19.308 Residential zone R-1

19.308.3 Standards. In an R-1 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and there shall be not less than one thousand four hundred (1400) square feet for each dwelling unit over one. Lot width shall be at least fifty (50) feet. Lot width for single-family attached and condominium units shall be at least thirty (30) feet. ~~Average~~ Lot depth shall be at least eighty (80) feet. Single-family attached, multifamily condominium, multifamily apartment dwellings are permitted with less than three thousand (3000) square feet per unit provided that traffic does not move through adjacent lower density areas.
- M. Minimum **and maximum** density: ~~Minimum~~ **Residential** densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) ~~to~~ **and not more than** thirty-two (32) dwelling units per net acre.

19.309 Residential—Office—Commercial zone R-O-C

19.309.3 Standards. In an R-O-C zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and for dwelling units over one there shall be not less than an average of one thousand four hundred (1400) square feet. Lot width shall be at least fifty (50) feet. Lot width for interior single-family attached and condominium units shall be at least thirty (30) feet. ~~Average~~ **L**ot depth shall be at least eighty (80) feet.
- M. Minimum **and maximum** density: ~~Minimum~~ **R**esidential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) ~~to~~ **and not more than** thirty-two (32) dwelling units per net acre.

19.311 Limited Commercial zone C-L.

19.311.3 Standards. In a C-L zone the following standards shall apply:

- A. Lot size: None, except as follows for dwelling: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and for dwelling units over one there shall be not less than an average of one thousand (1000) square feet. Lot width shall be at least fifty (50) feet. Lot width for interior single-family attached and condominium units shall be at least thirty (30) feet. ~~Average~~ **L**ot depth shall be at least eighty (80) feet.

19.312 .7 Design Review.

- E. Application Procedure.
 - 3. Major exterior alterations, as defined in Section 19.312.6B.3 shall be processed as Minor Quasi-Judicial Review in accordance with the procedures in Section 19.1011.3. Applications for major exterior alterations shall be heard in a public hearing **by** and decided by the **planning commission** ~~design and landmarks committee~~, except as follows:
 - 4. Residential.
 - b. Mixed-use Buildings. The residential portion of mixed-use buildings shall be subject to the clear and objective standards under Section 19.312.6. The nonresidential portion of the building is subject to design review as provided in this section. Applicants may elect to process the entire mixed-use building through design review.

Any change in use of the residential portion of a mixed-use building that elected only to apply clear and objective standards, and where exterior changes to the building are proposed shall require approval by the ~~design and landmarks~~ **planning** commission.
- H. Report and Recommendation by Design and Landmarks ~~Commission~~ **Committee**.
When an application also requires planning commission approval, the planning director for Type II Reviews, or design and landmarks ~~commission~~ **committee** for Minor Quasi-Judicial Reviews,

shall make a written report of its recommendation concerning the design to the planning commission. After receiving the planning director’s or design and landmarks ~~commission’s~~ **committee’s** recommendation, the planning commission shall consider the design review recommendation and integrate it with the land use application process applicable to the project.

- I. Variances to Development Standards. The ~~design and landmarks~~ **planning** commission may authorize variances to the development standards under subsection 19.312.4 in accordance with procedures of Chapter 19.700.
- J. Modification of Design Standards. The ~~design and landmarks~~ **planning** commission may authorize modification of the design standards under subsection 19.312.6(C), in accordance with the following procedures.

19.322 Water Quality Resource Regulations.

19.322.3 Applicability.

Water quality resource area regulations apply to all properties containing protected water features as shown on the adopted Water Quality Resource and Flood Hazard Map. Application for development activity shall be made in accordance with Title 19, this chapter, and Sections ~~19.322.6~~ **19.322.9** Application Requirements and 19.322.10 Development Standards.

19.322.12 Map Administration.

Table 1

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor ⁶
Primary Protected Water Features¹	< 25%	<ul style="list-style-type: none"> • Edge of bank full flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet
Primary Protected Water Features¹	> 25% for 150 feet or more ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	200 feet
Primary Protected Water Features¹	> 25% for less than 150 feet ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	Distance from starting point of measurement to top of ravine (break in > 25% slope) ³ , plus 50 feet. ⁴
Secondary Protected Water Features²	< 25%	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	15 feet

Secondary Protected Water Features²	> 25% ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet
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¹ Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

² Secondary Protected Water Features include intermittent streams draining 50—100 acres.

³ Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).

⁴ A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

⁵ Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.

6 Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

19.323.3 Definitions.

~~“Committee” means the city of Milwaukie design and landmarks committee.~~

19.323.7 Demolition.

E. Approval of Demolition Request/Appeals. The commission may approve the demolition request after considering the criteria under subsection D above. Action by the commission approving the issuance of permit for demolition may be appealed to the city council by any aggrieved party, by filing a notice of appeal, in the same manner as provided in subsection ~~19.323.6(F)~~ **19.323.5(F)**. If no appeal is filed, the building official shall issue the permit in compliance with all other codes and ordinances of the city.

19.402 Accessory structures, limitations

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

Fences, walls, or plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fence, wall, and planting standards to maintain unobstructed vehicle vision are ~~to be~~ provided by city public works as part of the **regulations in Chapter 12.24 and** clear vision determination process specified in Chapter ~~19.1400~~ 19.1409.2.E. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

19.426.5 Protection of Adjoining Properties.

A. Flag lots must be screened in accordance with this subsection to minimize potential adverse impacts to abutting properties. **Fencing and screening must conform to the clear vision**

standards of 19.1409.2.E and Chapter 12.24. Fencing shall conform to the standards of 19.402(B).

19.503.19 Landscaping. Parking area landscaping shall be required in all districts and for all uses other than single-family **detached** and duplex **single-family attached** residences. Landscaping shall be based on the following standards.

19.503.21 Off-Street Vehicle Parking in Residential Zones.

E. Commercial vehicles, **as defined in Chapter 10.04.090**, over one and one-half tons shall not be permitted to be parked or stored in residential zoning districts.

~~**19.602.2 Height Exception.** A church or public building may be built to exceed the height limitations of the zone in which it is located to a maximum height of fifty (50) feet, except as provided in an L-F zone, if the total floor area of the building does not exceed one and one half (1 1/2) times the area of the site and if the yard dimensions in each case are equal to at least two thirds (2/3) of the height of the principal structure.~~

19.701 Variances.

The planning commission, design and landmarks ~~commission~~ **committee** as provided in Section 19.312.7.H or planning director may authorize variances from the standards and requirements of this title within the limitations prescribed in Section 19.702. In granting a variance, the planning commission; ~~design and landmarks commission~~ or planning director may, in addition to the time limitations of Section 19.1013, attach conditions which it finds necessary to lessen the impact of the variance on nearby property, protect the general welfare of the city, and achieve the purposes of this title. (Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1916 § 2 (Exh. A) (part), 2003; Ord. 1849 (part), 1999)

19.707.1 Purpose. The purpose of a home improvement exception is to allow, under special circumstances, relief from the requirements of the zoning ordinance where it is desirable to sustain the integrity of or enhance an existing residential design concept or the neighborhood character. A home improvement exception may be approved to grant relief from the strict provisions of the zoning ordinance for yards and lot coverage. ~~The total floor area approved through home improvement exceptions on a given parcel shall not be more than two hundred fifty square feet and no more than one hundred square feet may extend into a side yard. If the addition will not result in a visible change to the exterior shape and size of the residential unit, exceptions may apply to projects that exceed the two hundred fifty square foot limit.~~ Home improvement exceptions may not be granted to allow a use, activity, or an increased number of dwelling units that are not permitted by the zoning ordinance.

19.707.2 Conditions to Qualify for a Home Improvement Exception. All of the following conditions must be met to make application for a home improvement exception:

A. The home improvement exception is for an addition to an existing single-family residential **detached** dwelling or attached garage in the R-10, R-7, R-5, or R-3 zones; **or for an addition to an existing two-family residential unit single-family attached dwelling or attached garage in the R-5, R-3, R-2, or R-1 zones;**

B. The total floor area approved through home improvement exceptions on a given parcel shall not be more than two hundred fifty (250) square feet and no more than one hundred square feet may extend into a side yard. If the addition will not result in a visible change to the exterior shape and size of the residential unit, exceptions may apply to projects that exceed the two hundred fifty-square-foot limit.

- ~~B. The home improvement exception is for an addition to an existing two-family residential unit or attached garage in the R-5, R-3, R-2, or R-1 zones;~~
- C. The date of the granting of a certificate of occupancy for the subject residential unit is five or more years before the date of application;
- D. At least seventy-five percent of the exterior walls (linear feet) will remain;
- E. A yard requirement will not be reduced by more than fifty percent, and the addition will be located no closer than five feet from the property line (including landings, overhangs, and eaves). (Ord. 1849 (part), 1998).

19.709 Home improvement exception procedures.

Home improvement exceptions may be reviewed and approved or denied by the planning director. Procedures per subsection 19.1011.2, Type ~~H~~ **II** Administrative Review, shall be followed. (Ord. 1849 (part), 1999)

19.1011.2 Type II Administrative Review. A type II procedure provides for an administrative decision with the option of a public hearing.

- A. Public notification. Within fifteen (15) days of the receipt of an application, the director will mail a notice of tentative decision. This notice shall contain a description of the request and shall describe the tentative decision made by the director, including findings and conclusions based on the applicable criteria. It will specify the deadline for submission to request a public hearing and provide for potentially affected persons to communicate concerns to the director, who will take them into account in reaching a final decision on the application. The notice shall be mailed to the owner, applicant, and all property owners within three hundred (300) feet of the outer boundaries of the site. For applications in the downtown zones, notice shall also be given to the design and landmarks ~~commission~~ **committee**. The names and addresses used for this purpose shall be those shown on the current records of the county assessor. At least fourteen (14) days shall be given from the date of the notice to state objections or request a public hearing. The notice shall also contain a listing of the applicable criteria upon which the decision was based.
- C. Public Hearing. If any interested person or notified property owner responds and requests an opportunity to testify at a public hearing, a hearing shall be scheduled according to the "Public Hearing Schedule" outlined by the community development department and shall follow procedures outlined in subsection 19.1001.3, Minor Quasi-Judicial Review. For applications in the downtown zones, a design and landmarks ~~commissioner~~ **committee member** may request the application be set for public hearing before the ~~design and landmarks commission~~ **planning commission**.
- E. Decision. The ~~planning commission or design and landmarks commission~~ shall conduct the public hearing and render a decision on the matter including findings, conclusions, and conditions, if necessary, based on compliance with the applicable comprehensive plan goals and policies and other applicable implementing ordinances. Community development staff shall notify the applicant, the property owner if different, and any individual who testified, either in person or in writing, at the hearing, within five (5) days after the final decision.

19.1012 Recess of hearing

The planning commission, city council or design and landmarks ~~commission~~ **committee** may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to resume shall be announced. (Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1916 § 2 (Exh. A) (part), 2003; Ord. 1762 (part), 1994)

19.1409.1 General Provisions.

- C. No development permit shall be issued unless it complies with the Adequate Transportation Facility Requirement set forth in Section ~~19.1408~~ **19.1407**.

19.1413.3 Number and Size of Driveways.

- C. Driveway Size. Driveway openings (curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (nine (9) feet for each travel lane). The following standards (measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians. This chapter does not apply to requirements for flag lots, which are found in ~~Title 17~~ **Section 19.426**.

Exhibit C

Amendments to Milwaukie Municipal Code

Title 14 Sign Ordinance and Title 19 Zoning Ordinance (“clean” version)

Underlined text is to be inserted

Strikeout text is to be deleted

The following items are recommended minor text amendments to the City of Milwaukie Sign Ordinance (Title 14):

14.16.060 Downtown zones.

- H. Illumination. Illuminated signs may be permitted subject to the following:
3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the design and landmarks committee and approval by the planning commission, as provided in subsection 19.1011.3, Minor Quasi-Judicial Review, and according to the following criteria:
 - a. Sign lighting should be designed as an integral component of the building and sign composition.
 - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
 - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.

14.32.020 Adjustment procedure.

The following procedures shall be followed in applying for and acting on an adjustment:

- A. A property owner may initiate a request for an adjustment by filing an application with the city manager, using forms required by the city manager or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale showing the condition to be adjusted and the dimensions and arrangement of the proposed sign, support structure, buildings and real property. The review authority may request other drawings or material essential to an understanding of the adjustment request.
- B. The review authority shall hold a public hearing per the provisions of Ordinance 1712, the zoning ordinance, Section 19.1011.3, Minor Quasi-Judicial Review, for any adjustment request which is twenty-five percent (25%) or more of the required standard. Adjustment requests of less than twenty-five percent (25%) from the standard required shall be reviewed by the community development director per the provisions outlined in Section 19.1011.2, Administrative Type II Review, of Ordinance 1712, the zoning ordinance. Within five (5) days after a decision has been rendered with reference to a request for an adjustment, the city manager or duly authorized representative shall provide the applicant with notice of the decision of the review authority.

14.32.030 Circumstances for granting adjustment.

The review authority shall consider and make findings with respect to each of the following:

- A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the sign ordinance;
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district;
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- D. That the granting of the adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and
- E. That the granting of the adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

14.32.040 Time limit.

- A. Authorization of an adjustment shall be void if the building or work approved by such adjustment is not commenced within six (6) months of the date of approval.
- B. The review authority may, upon receiving a written request from the applicant prior to the adjustment expiration date, extend the adjustment for a period not to exceed one year.

The following items are recommended minor text amendments to the City of Milwaukee Zoning Ordinance (Title 19):

19.103 Definitions.

Lot Line, Front. “Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will face.

“Yard” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title:

1. Yard, Rear. “Rear yard” means a yard between side lot lines or between a street side yard and opposite side lot line, and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

“Structured parking” means a covered structure, or portion of a covered structure, that provides parking areas for motor vehicles. The structure can be part of a principal structure or can be an accessory structure to a use.

“Temporary or transitional facility” means a facility which may provide temporary or transitional services to families or individuals, including lodging where the average stay is sixty (60) days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers and detention and detoxification facilities.

19.301 Residential zone R-10

19.301.3 Standards. In an R-10 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least ten thousand (10,000) square feet, and the lot area shall be not less than an average of seven thousand (7,000) square feet for dwelling of a single-family attached dwelling. Lot width shall be at least thirty (30) feet for an interior single-family attached unit. Lot depth shall be at least one hundred (100) feet. Lot width shall be at least seventy (70) feet.
- K. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least three and five tenths (3.5) and not more than four and four tenths (4.4) dwelling units per net acre.

19.302 Residential zone R-7

19.302.3 Standards. In an R-7 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least seven thousand (7,000) square feet. For a single-family attached dwelling the lot area shall be an average of at least seven thousand (7,000) square feet

per unit. Lot width shall be at least sixty (60) feet. The minimum lot width shall be thirty (30) feet for interior single-family attached units. Lot depth shall be at least eighty (80) feet.

- K. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 5.0 and not more than 6.2 dwelling units per net acre.

19.303 Residential zone R-5

19.303.3 Standards. In an R-5 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least five thousand (5,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached dwellings the lot width shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet.
- L. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 7.0 and not more than 8.7 dwelling units per net acre.

19.304 Residential zone R-3

19.304.3 Standards. In an R-3 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least three thousand (3,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached units the lot width shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet.
- L. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 and not more than 14.5 dwelling units per net acre.

19.305 Residential zone R-2.5

19.305.3 Standards. In an R-2.5 zone the following standards shall apply:

- J. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 and not more than 17.4 dwelling units per net acre.

19.306 Residential zone R-2

19.306.3 Standards. In an R-2 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and there shall be not less than an average

of two thousand five hundred (2500) square feet for each dwelling unit over one. Lot width shall be at least fifty (50) feet. For interior single-family attached and condominium units lot width shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet. Single-family attached, multifamily condominium, and multifamily apartment dwellings are permitted with less than three thousand (3000) square feet per unit provided that traffic does not move through adjacent lower density areas.

- L. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 and not more than 17.4 dwelling units per net acre.

19.307 Residential—Business office—Commercial zone R-1-B.

19.307.3 Standards. In an R-1-B zone the following standards shall apply:

- L. Minimum and maximum density: Residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) and not more than thirty-two (32) dwelling units per net acre.

19.308 Residential zone R-1

19.308.3 Standards. In an R-1 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and there shall be not less than one thousand four hundred (1400) square feet for each dwelling unit over one. Lot width shall be at least fifty (50) feet. Lot width for single-family attached and condominium units shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet. Single-family attached, multifamily condominium, multifamily apartment dwellings are permitted with less than three thousand (3000) square feet per unit provided that traffic does not move through adjacent lower density areas.
- M. Minimum and maximum density: Residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) and not more than thirty-two (32) dwelling units per net acre.

19.309 Residential—Office—Commercial zone R-O-C

19.309.3 Standards. In an R-O-C zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and for dwelling units over one there shall be not less than an average of one thousand four hundred (1400) square feet. Lot width shall be at least fifty (50) feet. Lot width for interior single-family attached and condominium units shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet.
- M. Minimum and maximum density: Residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to

subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) and not more than thirty-two (32) dwelling units per net acre.

19.311 Limited Commercial zone C-L.

19.311.3 Standards. In a C-L zone the following standards shall apply:

- A. Lot size: None, except as follows for dwelling: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and for dwelling units over one there shall be not less than an average of one thousand (1000) square feet. Lot width shall be at least fifty (50) feet. Lot width for interior single-family attached and condominium units shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet.

19.312.7 Design Review.

- E. Application Procedure.
 - 3. Major exterior alterations, as defined in Section 19.312.6B.3 shall be processed as Minor Quasi-Judicial Review in accordance with the procedures in Section 19.1011.3. Applications for major exterior alterations shall be heard in a public hearing by and decided by the planning commission, except as follows:
 - 4. Residential.
 - b. Mixed-use Buildings. The residential portion of mixed-use buildings shall be subject to the clear and objective standards under Section 19.312.6. The nonresidential portion of the building is subject to design review as provided in this section. Applicants may elect to process the entire mixed-use building through design review.

Any change in use of the residential portion of a mixed-use building that elected only to apply clear and objective standards, and where exterior changes to the building are proposed shall require approval by the planning commission.
- H. Report and Recommendation by Design and Landmarks Committee.

When an application also requires planning commission approval, the planning director for Type II Reviews, or design and landmarks committee for Minor Quasi-Judicial Reviews, shall make a written report of its recommendation concerning the design to the planning commission. After receiving the planning director's or design and landmarks committee's recommendation, the planning commission shall consider the design review recommendation and integrate it with the land use application process applicable to the project.
- I. Variances to Development Standards. The planning commission may authorize variances to the development standards under subsection 19.312.4 in accordance with procedures of Chapter 19.700.
- J. Modification of Design Standards. The planning commission may authorize modification of the design standards under subsection 19.312.6(C), in accordance with the following procedures.

19.322 Water Quality Resource Regulations.

19.322.3 Applicability.

Water quality resource area regulations apply to all properties containing protected water features as shown on the adopted Water Quality Resource and Flood Hazard Map. Application for development activity shall be made in accordance with Title 19, this chapter, and Sections 19.322.9 Application Requirements and 19.322.10 Development Standards.

19.322.12 Map Administration.

Table 1

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor⁶
Primary Protected Water Features¹	< 25%	<ul style="list-style-type: none"> • Edge of bank full flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet
Primary Protected Water Features¹	> 25% for 150 feet or more ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	200 feet
Primary Protected Water Features¹	> 25% for less than 150 feet ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	Distance from starting point of measurement to top of ravine (break in > 25% slope) ³ , plus 50 feet. ⁴
Secondary Protected Water Features²	< 25%	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	15 feet
Secondary Protected Water Features²	> 25% ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet

¹ Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

² Secondary Protected Water Features include intermittent streams draining 50—100 acres.

³ Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).

⁴ A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

- ⁵ Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.
- ⁶ Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

19.323.7 Demolition.

E. Approval of Demolition Request/Appeals. The commission may approve the demolition request after considering the criteria under subsection D above. Action by the commission approving the issuance of permit for demolition may be appealed to the city council by any aggrieved party, by filing a notice of appeal, in the same manner as provided in subsection 19.323.5(F). If no appeal is filed, the building official shall issue the permit in compliance with all other codes and ordinances of the city.

19.402 Accessory structures, limitations

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

Fences, walls, or plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fence, wall, and planting standards to maintain unobstructed vehicle vision are provided as part of the regulations in Chapter 12.24 and clear vision determination process specified in Chapter 19.1409.2.E. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

19.426.5 Protection of Adjoining Properties.

A. Flag lots must be screened in accordance with this subsection to minimize potential adverse impacts to abutting properties. Fencing and screening must conform to the clear vision standards of 19.1409.2.E and Chapter 12.24. Fencing shall conform to the standards of 19.402(B).

19.503.19 Landscaping. Parking area landscaping shall be required in all districts and for all uses other than single-family detached and single-family attached residences. Landscaping shall be based on the following standards.

19.503.21 Off-Street Vehicle Parking in Residential Zones.

E. Commercial vehicles, as defined in Chapter 10.04.090, over one and one-half tons shall not be permitted to be parked or stored in residential zoning districts.

19.602.2 Repealed by Ordinance # _____.

19.701 Variances.

The planning commission, design and landmarks committee as provided in Section 19.312.7.H or planning director may authorize variances from the standards and requirements of this title within the limitations prescribed in Section 19.702. In granting a variance, the planning commission, or planning

director may, in addition to the time limitations of Section 19.1013, attach conditions which it finds necessary to lessen the impact of the variance on nearby property, protect the general welfare of the city, and achieve the purposes of this title. (Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1916 § 2 (Exh. A) (part), 2003; Ord. 1849 (part), 1999)

19.707.1 Purpose. The purpose of a home improvement exception is to allow, under special circumstances, relief from the requirements of the zoning ordinance where it is desirable to sustain the integrity of or enhance an existing residential design concept or the neighborhood character. A home improvement exception may be approved to grant relief from the strict provisions of the zoning ordinance for yards and lot coverage. Home improvement exceptions may not be granted to allow a use, activity, or an increased number of dwelling units that are not permitted by the zoning ordinance.

19.707.2 Conditions to Qualify for a Home Improvement Exception. All of the following conditions must be met to make application for a home improvement exception:

- A. The home improvement exception is for an addition to an existing single-family detached dwelling or attached garage in the R-10, R-7, R-5, or R-3 zones; or for an addition to an existing single-family attached dwelling or attached garage in the R-5, R-3, R-2, or R-1 zones;
- B. The total floor area approved through home improvement exceptions on a given parcel shall not be more than two-hundred fifty (250) square feet, and no more than one-hundred square feet may extend into a side yard. If the addition will not result in a visible change to the exterior shape and size of the residential unit, exceptions may apply to projects that exceed the two-hundred fifty square-foot limit.
- C. The date of the granting of a certificate of occupancy for the subject residential unit is five or more years before the date of application;
- D. At least seventy-five percent of the exterior walls (linear feet) will remain;
- E. A yard requirement will not be reduced by more than fifty percent, and the addition will be located no closer than five feet from the property line (including landings, overhangs, and eaves). (Ord. 1849 (part), 1998).

19.709 Home improvement exception procedures.

Home improvement exceptions may be reviewed and approved or denied by the planning director. Procedures per subsection 19.1011.2, Type II Administrative Review, shall be followed. (Ord. 1849 (part), 1999)

19.1011.2 Type II Administrative Review. A type II procedure provides for an administrative decision with the option of a public hearing.

- A. **Public notification.** Within fifteen (15) days of the receipt of an application, the director will mail a notice of tentative decision. This notice shall contain a description of the request and shall describe the tentative decision made by the director, including findings and conclusions based on the applicable criteria. It will specify the deadline for submission to request a public hearing and provide for potentially affected persons to communicate concerns to the director, who will take them into account in reaching a final decision on the application. The notice shall be mailed to the owner, applicant, and all property owners within three hundred (300) feet of the outer boundaries of the site. For applications in the downtown zones, notice shall also be given to the design and landmarks committee. The names and addresses used for this purpose shall be those shown on the

current records of the county assessor. At least fourteen (14) days shall be given from the date of the notice to state objections or request a public hearing. The notice shall also contain a listing of the applicable criteria upon which the decision was based.

- C. Public Hearing. If any interested person or notified property owner responds and requests an opportunity to testify at a public hearing, a hearing shall be scheduled according to the “Public Hearing Schedule” outlined by the community development department and shall follow procedures outlined in subsection 19.1001.3, Minor Quasi-Judicial Review. For applications in the downtown zones, a design and landmarks committee member may request the application be set for public hearing before the planning commission.
- E. Decision. The planning commission shall conduct the public hearing and render a decision on the matter including findings, conclusions, and conditions, if necessary, based on compliance with the applicable comprehensive plan goals and policies and other applicable implementing ordinances. Community development staff shall notify the applicant, the property owner if different, and any individual who testified, either in person or in writing, at the hearing, within five (5) days after the final decision.

19.1012 Recess of hearing

The planning commission, city council or design and landmarks committee may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to resume shall be announced. (Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1916 § 2 (Exh. A) (part), 2003; Ord. 1762 (part), 1994)

19.1409.1 General Provisions.

- C. No development permit shall be issued unless it complies with the Adequate Transportation Facility Requirement set forth in Section 19.1407.

19.1413.3 Number and Size of Driveways.

- C. Driveway Size. Driveway openings (curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (nine (9) feet for each travel lane). The following standards (measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians. This chapter does not apply to requirements for flag lots, which are found in Section 19.426.

**Title 14 – Sign Ordinance and Title 19 – Zoning Ordinance
Commentary on the Proposed Amendments in Attachment 1**

14.16 Sign Districts

14.16.060 Downtown zones.

(H)(3). The December 2006 Sign Code revision permitted externally illuminated awning signs subject to review by the design landmarks committee. The proposed revision further clarifies that such signs are subject to design review and approval by the planning commission through the Minor Quasi-Judicial procedure under subsection 19.1011.3.

14.32.020 Variance procedure.

(A and B). Subsection 14.32.010 stipulates that adjustments, not variances, are authorized by the planning commission. In keeping with this subsection, the proposed revisions clarify that adjustments, not variances, to the Sign Code, may be considered and granted by the planning commission.

14.32.030 Circumstances for granting variance.

(D and E). Subsection 14.32.010 stipulates that adjustments, not variances, are authorized by the planning commission. In keeping with this subsection, the proposed revisions clarify that adjustments, not variances, to the Sign Code, may be considered and granted by the planning commission.

14.32.040 Time limit.

(A and B). Subsection 14.32.010 stipulates that adjustments, not variances, are authorized by the planning commission. In keeping with this subsection, the proposed revisions clarify that adjustments, not variances, to the Sign Code, may be considered and granted by the planning commission.

**Attachment 2
Commentary**

CHAPTER 19.100 INTRODUCTORY PROVISIONS:

Section 19.103 Definitions.

"Front Lot Line"

This amendment revises the definition of "Front Lot Line" to include through lots in the same category as corner lots. The definition is revised to include through lots, since their lot lines separate the lot from the public street on two sides (as with corner lots). Currently the definition does not include through lot ("double frontage") situations. Although through lots are discouraged by the Land Division process, they do exist and require guidelines for identifying lot lines.

"Rear Yard"

The definition of "Rear Yard" is revised to clarify that it is measured at right angles to the rear lot line. The new definition is revised to include "angles," a previously omitted word.

"Structured Parking and Temporary Transitional Facility"

The definition of "Structured Parking" has language clearly intended to be in the "Temporary or transitional facility" definition. The definition of "Temporary or transitional facility" contains language that defines a temporary parking or loading area. The purpose of this amendment is to correct the transposed language in both definitions so that the terms and definitions agree.

CHAPTER 19.300 USE ZONES:

19.301.3-19.311.3 Standards

Under Sections 19.301.3, 19.304.3, 19.306.3, 19.309.3, and 19.311.3, "average" lot depth is proposed to be revised to remove "average" from the lot depth requirements. Since "lot depth" is defined under Section 19.103 as "the average horizontal distance between the front lot line and the rear lot line" the current code language is redundant.

Proposed amendments to Sections 19.301.3 through 19.309.3 would change the Minimum Density standards subsection to clarify that each residential district requires a minimum development density and a maximum permitted density based on lot area. In keeping with these proposed changes, the proposed amendment revises the section heading from "Minimum density" to "Minimum and maximum density" to better capture the allowable range of developable density in each residential zoning district. Changes to these

Attachment 2 Commentary

subsections would clarify, not amend, existing policy related to lot depth and residential minimum and maximum density standards.

19.312.7 Design Review

The proposed revisions clarify that the planning commission is the decision-maker for Minor Quasi-Judicial applications. The Design and Landmarks Committee advises the planning commission on these decisions. Amendments within each subsection also clarify that the Design and Landmarks Commission (DLC) is a "committee" instead of a "commission."

19.322.3 Applicability.

This revision corrects a Scrivener's error, which incorrectly states that the application requirements in the Water Quality Resource Zone are listed as 19.322.6. Section 19.322.9 is the correct reference.

19.322.12 Map Administration.

Table 1

Vegetated Corridor Width

Table 1 does not specify if width of a vegetated corridor is centered on a river, or applied on both sides of the outer banks of the river. Based on the map of the Water Quality Resource zones, it appears that the corridor is applied to the outer boundaries of a water feature (i.e. both sides of a stream have a 25-foot buffer). The proposed code revision would add a footnote to the table to clarify how width is measured to indicate that the corridor width is applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

19.323.3 Definitions

This amendment removes the definition of "Committee" (in reference to the Design and Landmarks Committee) from this section because it is not referenced in any other subsection in the Historic Preservation Overlay Zone.

19.323.7 Demolition

(E) & (F)(3). The appeals process for demolition of an historic property is the same for appeals alteration, described in 19.323.5.F. These code sections reference 19.323.6.F. Revision of these code sections corrects the inaccurate reference.

CHAPTER 19.400 SUPPLEMENTARY REGULATIONS:

19.402 Accessory Structures, Limitations.

(B). Regulations for fences, walls and shrubs do not reference the section of the code where clear vision standards exist. The proposed text modification would change this section to include the correct chapters and sections of the municipal and zoning code for clear vision standards.

19.426.5 Protection of Adjoining Properties

(A). The standards for flag lot fencing and screening do not reference the clear vision standards of the municipal and zoning code. This amendment will revise this section to specifically reference Chapter 12.24 of the municipal code and Section 19.1409.2.E of the zoning code. Additionally, this revision adds a reference to Section 19.402.B to alert the reader to specific development standards for fencing and screening.

CHAPTER 19.500 OFF-STREET PARKING AND LOADING:

19.503.19 Landscaping.

This revision clarifies that single-family detached and attached residences are exempt from parking area landscaping requirements. The revision also replaces "duplexes" with "single-family attached" to better reflect the range of dwellings that may constitute single-family attached dwellings.

19.503.21 Off-Street Vehicle Parking in Residential Zones.

(E). This section prohibits parking or storing commercial vehicles over 1.5 tons in residential zones. This section, however, does not reference an existing definition of "commercial vehicle" in 10.04.090. The proposed code amendment would reference the definition of "commercial vehicle" found in Chapter 10.04.090.

CHAPTER 19.600 CONDITIONAL USES:

19.602 Standards governing conditional uses.

19.602.2 Height Exception.

This revision deletes this subsection from the code. This code section is a remnant of the time when such buildings were conditional uses. Churches and other public buildings used to be permitted as a conditional use, but are now governed by Chapter 19.321, which provides procedures and standards (including height) for Community Service Uses.

**Attachment 2
Commentary**

CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS

19.701 Variances

The proposed revision clarifies that the Design and Landmarks Commission (DLC) is a "committee" instead of a "commission."

19.707.1 Purpose & 19.707.2 Conditions to Qualify for a Home Improvement Exception.

This subsection contains an embedded standard for Home Improvement Exceptions (HIEs) within the purpose statement of Chapter 19.701.1. The standard is that no more than 250 square feet of floor area can be approved through a home improvement exception and no more than 100 square feet may extend into a side yard. The importance of this standard is diminished by its location. The proposed revision would remove the embedded language from the purpose statement to a newly created subsection of Chapter 19.707.2. The placement of this language under 19.707.2 would clarify the language as a code standard for Home Improvement Exceptions.

Home Improvement Exceptions (HIEs) are allowed for single-family detached dwellings and for two-family residential units in specified zoning districts. HIE applications must meet all conditions under subsection 19.707.2 in order to qualify for an exception. These conditions currently require that in order for an application to qualify for a home improvement exception, the application must be for both a single-family detached and single-family attached dwelling because the subsection splits out each type of dwelling as two separate conditions in Section 19.707.2. The proposed revision of this section would combine Section 19.707.2(B) with 19.707.2(A) to correct this discrepancy, thereby providing the option to applicants to qualify for a Home Improvement Exception for either a single-family detached or single-family attached home.

19.709 Home Improvement Exception Procedures

This revision corrects a discrepancy in the listed review procedure for a Home Improvement Exception. This correct review procedure should be listed as a Type II review.

CHAPTER 19.1000 ADMINISTRATIVE PROVISIONS

19.1011.2 Type II Administrative Review

(A, C, E) The proposed revisions of the above-listed sections of the Zoning Code correct multiple incorrect references to the Design and Landmarks Commission (DLC) as a "Commission" instead of a "Committee." The DLC is a committee and is a misleading designation because the code defines "Commission" as the Planning Commission.

Attachment 2 Commentary

Additionally, the design and landmarks committee is proposed to be removed from subsection 19.1011.2 (E), since the planning commission is the final decision making authority for Type II applications.

19.1012 Recess of hearing.

The proposed revision clarifies that the Design and Landmarks Commission (DLC) is a "committee" instead of a "commission."

CHAPTER 19.1400 TRANSPORTATION PLANNING, DESIGN STANDARDS, PROCEDURES:

19.1409.1 General Provisions

(C) This revision corrects a reference to transportation facility adequacy requirements in 19.1408. These requirements are found in Section 19.1407.

19.1413.3 Number and Size of Driveways

(C) This subsection incorrectly references flag lot standards. The proposed revision will correctly reference the flag lot standards found in Section 19.426.

Attachment 3
Zoning Amendment Criteria Checklist
ZA-07-02

This document sets out the applicable criteria for Zoning Text amendments and addresses how each criterion is met. Any provision not included is found to be not applicable to the proposed amendment.

A. COMPLIANCE WITH MILWAUKIE MUNICIPAL CODE (MMC)

Section 19.901 Initiation of amendments, requires that an amendment to the Milwaukie zoning text be initiated by the city council, planning commission, or by a property owner.

This text amendment is proposed by the City of Milwaukie, initiated by the Planning Commission.

Section 19.902 Amendment procedure, requires that proposed amendment applications be heard at a public hearing and follow the procedures outlined in subsection 19.1011.5, Legislative actions.

The Planning Commission held a public hearing at the earliest practicable meeting after the application was determined to be complete. The City Council is holding a public hearing within 40 days of the Commission's recommendation to approve.

19.1011.5 Legislative Actions, outlines the procedures for processing legislative land use policies and plans. Specifically, it requires the City to do the following:

A. Public Notification. Publish a notice of a hearing once each week for two (2) consecutive weeks in a newspaper of general circulation in the city. The second publication shall not be less than five (5) days prior to the date of the hearing.

The City has provided the required published notice. The amendments are posted on the City website. Property owner notifications required when zoning amendments change allowed uses in a zone will be mailed to properties in the Commercial and Downtown Zones, in compliance with ORS 215.503 and 227.186.

B. Decision. The planning commission shall conduct a public hearing and shall make a decision based on compliance with the applicable goals and policies of the comprehensive plan. The planning commission shall prepare a recommendation to the city council. If the proposal is approved by the commission, a report and recommendation, including findings and conclusions, shall be forwarded to council. The city council shall conduct a public hearing.

The Planning Commission conducted a public hearing and made a recommendation to the Council. The Council is holding a public hearing.

B. Notice to Metro. The planning department shall provide notice to Metro of any proposed amendment to the comprehensive plan or zoning ordinance.

Staff provided notice to Metro on September 7, 2007.

19.904.1 Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:

A. Applicable requirements of Section 19.1003, which specify the form of petitions, applications, and appeals.

The City submitted an application on the prescribed form on August 29, 2007. Because the application is for a zoning code text amendment and no development is proposed, the other portions of MMC Section 19.1003 are not applicable. The application therefore complies with applicable requirements of Section 19.1003, and therefore satisfies Section 19.904.1. This criterion has been met.

B. Reasons for requesting the proposed text amendments.

The proposed code amendments focus on revisions to Title 14, the City of Milwaukie Sign Code, and Title 19, the City of Milwaukie Zoning Code. The proposed revisions are intended to correct and clarify miscellaneous subsections of the code to improve its administration without changing basic policy or intent. As part of the 2006 Planning Commission Work Plan, Commissioners directed staff to prepare a list of "paramedic" code fixes to track needed changes to the code. Over the past year staff developed a list of these fixes. Staff selected the proposed revisions for inclusion in this report because they:

- Reduce conflict between regulations within the Zoning Code or with other sections of the MMC.
- Clarify language that makes understanding and implementing the regulation difficult.
- Change incorrect references to other sections of the MMC.

This criterion has been met.

C. Explanation of how the proposed text amendment is consistent with other provisions of this title.

The proposed text amendments are consistent with the provisions of Title 19 because they do not change the relationship between the land use zones and the sign districts. No policy changes are proposed that conflict with the intent or policy of Title 14, 17, or 19. Staff is recommending several revisions to clarify specific subsections of Title 14 and Title 19 of the Code that will in fact reduce conflict between regulations within the Zoning Code or other sections of the MMC. This criterion has been met.

D. The approval criteria of Section 19.905.

Applicant has submitted a narrative addressing the approval criteria of Section 19.905. As described in detail below, the approval criteria of Section 19.905 have been met.

19.905.1 For all proposals, the applicant shall have the burden of proof regarding the following criteria:

A. The proposed amendment must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of city ordinances, Metro urban growth management functional plan and applicable regional policies.

The amendments are consistent with applicable comprehensive plan goals, policies and objectives. Specifically, the following Comprehensive Plan goals apply:

Chapter 1 – Citizen Involvement, Objective 3 - Communication

Promote informed public participation in planning decisions by providing readily available publications and printed materials regarding current issues and proposed policies and providing for two-way communication between policy-makers and citizens.

Policy 1. Make planning documents available through City offices and public libraries. This includes, but is not limited to Plan inventories, planning background information, Staff reports and minutes of Planning Commission and Comprehensive Plan Review Committee meetings.

The staff report and the proposed amendments are available through City offices and public libraries. The proposed amendments and staff reports have been posted on the City website.

Policy 2. Advertise all public hearings regarding land use issues in the newspaper and on the local cable television station.

Public hearings of the proposed amendments have been advertised in the newspaper and on the City website.

Objective 2 – Implementing the Plan *Implement this Plan through appropriate ordinances and action.*

Policy 1. Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary.

The City is adopting text amendments to ensure that the City's Sign Code and Zoning Code are easier to understand and implement. Staff is recommending several revisions to clarify specific subsections of Title 14 and Title 19 of the Code (see Attachment 2). The proposed revisions for inclusion in this amendment will accomplish the following:

- Reduce conflict between regulations within the Zoning Code or with other sections of the MMC.
- Clarify language that makes understanding and implementing the regulation difficult.
- Change incorrect references to other sections of the MMC.

The amendments are consistent with applicable sections of Metro’s Urban Growth Management Functional Plan. Cities are required to comply with policies in the Functional Plan, as required by Section 5(e) (2) of the Metro Charter. The City’s Zoning Ordinance is currently in compliance with each of the following Titles in the Framework Plan. Specifically, the following titles apply:

Title 1: Requirements for Housing and Employment Accommodation

The proposed amendments will not change the City’s housing or employment capacity.

Title 2: Regional Parking Policy

The proposed amendments will not change the City’s parking standards. Proposed revisions to three subsections of MMC section 19.500 clarify existing standards or correct references to other standards (see Attachment 2).

Title 6: Central City, Regional Centers, Town Centers, and Station Communities

The proposed amendments will not change the City’s regulation of land and development in downtown Milwaukie, which is a Town Center.

Title 8: Compliance Procedures

The City of Milwaukie’s Comprehensive Plan and land use regulations are in compliance with the Functional Plan. The proposed amendments shall be deemed to comply with the Functional Plan if no appeal to the Land Use Board of Appeals is made within the 21-day period set forth in ORS 197.830(9). As required by MMC Section 3.07.820.A, the City of Milwaukie is providing notice of the proposed amendments to Metro’s Chief Operating Officer at least 45 days prior to the City Council hearing on the proposed amendments.

In processing the proposed amendments, the City of Milwaukie is following its own requirements for Citizen Involvement. The proposed amendments have been reviewed at public Planning Commission work sessions, and will be referred to the City’s Neighborhood District Associations for review. The City will conduct public hearings on the proposed amendments before the Planning Commission and City Council, and public notice will be published prior to each hearing.

This criterion has been met.

C. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state or federal regulations.

The City has complied with all applicable procedural and substantive standards imposed by the State and Metro, as discussed in other portions of this document. The primary

purpose of the proposed amendments is to clarify language and revise incorrect references to other sections of the MMC. The proposed code revisions to Title 14 and 19 will not change current City land use policy.

The Oregon Statewide Planning Goals apply to the proposed amendments as follows:

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has an adopted and acknowledged amendment process and is following that process in making these amendments. The proposed amendments are part of the Planning Commission’s work plan. Public hearings on the proposed amendments will be held, and public notice was published twice prior to each hearing, as required by the Milwaukie Comprehensive Plan (Chapter 2, policy 1). The Planning Commission members are appointed by an elected City Council, following an open and public selection process.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed amendments to MMC Title 14 and Title 19 clarify language and revise incorrect references to other sections of the MMC. These changes strengthen the City’s existing policies that implement Goal 2.

Guideline E.2: Minor Changes in the Plan and Implementation Measures

Public notice was published prior to the hearing. The public need and justification for the change is addressed in the applicant’s narrative.

This criterion has been met.



MEMORANDUM

To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Larry R. Kanzler, Chief of Police

Subject: Resolution Authorizing the City Manager Sign Vendor Contract for Photo Traffic Enforcement

Date: January 15, 2008

Action Requested

Adopt a resolution authorizing the City Manager to sign a contract for photo traffic enforcement with Automated Computer Systems, Inc. (ACS Inc.)

Background

Milwaukie is bisected by two major arterials: Highway 224 and Highway 99E (McLoughlin Boulevard). More than 80,000 commuters travel through Milwaukie on their way to and from their destinations on these two roads every day. During rush hour periods, traffic diverts through the neighborhoods as drivers search for less congested routes to their destinations, and speed becomes an issue as motorists try to make up for lost time.

The most frequent complaint I receive from the community is speeding through our neighborhoods and school zones and traffic diverting from State Highways 99E and 224 into and through our Milwaukie neighborhoods. Our proximity to Portland extends traffic problems whereby Milwaukie residents experience the same traffic problems as Portland residents.

Milwaukie police officers have issued traffic citations on Highway 99E for speeds in excess of 100 miles per hour in posted 45 mile per hour speed zones. Highways 99E and 224 are also the primary routes for more than 50% of the accidents that occur in Milwaukie. The primary cause of these usually serious injury accidents is speed and failure to stop at red-light controlled intersections. There were more than 300 traffic crashes in Milwaukie in 2006 with 150 of those crashes occurring on Highways 99E and 224 with the majority of the serious injury crashes occurring on Highway 99E.

The Police Department has focused its efforts on trying to reduce the speeds drivers are traveling by deploying patrol cars to these major arterials. However, because of the narrow parking lanes and shoulders and the inability of drivers to merge to avoid police traffic enforcement stops, it places our officers in very dangerous positions. During the past year the Milwaukie Police Department has had three marked patrol cars struck by passing motorists while the officer was stopped on the shoulder of the highway with their emergency lights activated. The most recent accident occurred in April 2007, totaling the police car and injuring the officer. The lane design and the lack of sufficient highway shoulder makes working traffic enforcement very dangerous on either of these highways.

In 2001 I testified before the Oregon Legislature to amend the statute authorizing Milwaukie's use of photo traffic enforcement. Senator Kate Brown and Representative Carolyn Tomei supported the City's efforts through hearings and subcommittee meetings and testimony. Unfortunately, our initial efforts to pass amending photo traffic enforcement legislation were not successful. However, since then, concerned citizens, the Public Safety Advisory Committee, and the Milwaukie City Council have voiced strong support for the use of photo traffic enforcement.

The leadership of Milwaukie clearly supports the use of this technology. The Milwaukie City Council adopted Resolution 7-2007 on February 6, 2007 supporting the use of photo traffic enforcement. A copy of that resolution is attached. Milwaukie's Public Safety Advisory Committee, a committee comprised of representatives from each of Milwaukie's neighborhoods and sanctioned by the Milwaukie Municipal Code, also supports the use of this technology. On March 8, 2007 Milwaukie City Manager Mike Swanson, testified before the Senate Judiciary Committee supporting the use of photo traffic enforcement technology. Clearly the community and the leadership of Milwaukie have demonstrated their support for the use of technology to make our community safer.

With the help of State Senator Kate Brown and Representative Carolyn Tomei I actively continued to garner support during the 2006 and 2007 legislative session by testifying before State Senators and Legislators asking them to give Milwaukie the tools to slow traffic, reduce the effects of cut through commuter traffic, and enforce red-light compliance to make Milwaukie a safer community.

As a result, the Oregon State Legislature amended ORS 810.438 and 810.439 authorizing the City of Milwaukie to deploy photo traffic enforcement technology. The amendments to these statutes are authorized and effective January 2008.

Vendor Requirements:

The Police Department investigated the two primary types of technology used to record photo traffic enforcement: digital and wet film. The digital technology offers higher volume rates (pictures per second), but is compromised by the graininess of the picture. The statute requires picture quality that provides gender match and visual identification clarity. Digital photo technology operates in the 2-megapixel range resulting in gender match and visual identification in only about 40% of photos taken – day or night. Digital graininess is exacerbated when the photo is enlarged for facial recognition. Digital technology that approaches that of wet film technology is more than four-times more expensive than wet film equipment.

By comparison, wet film technology produces gender match and facial recognition at a much higher quality rate, approximately 70% day or night. Wet film equipment is well proven, and while it only produces at a volume of 2-pictures per second v. 5-pictures per second with digital equipment, the quality of the image is comparable to a 16,000-megapixel 35-mm film camera.

Advancements in technology suggest that digital images will be comparable for cost and quality in the future, but currently they are not. The objective is to reduce speeding and reduce red-light violations. Wet film technology will provide driver accountability at a cost that is affordable. As the price of technology goes down and the quality goes up, we can investigate digital equipment as a cost effective option for the future, but until then the only high quality technology that is cost effective is the wet-film equipment.

The addition of photo traffic enforcement will generate an estimated 10,000 more traffic citations per year of which approximately 8% of those cited will go to court. These citations will add an overwhelming workload on court staff if dockets continue to be created manually.

To resolve this problem we looked at the system currently being deployed in the City of Portland. Portland's vendor for its photo traffic enforcement program collects and processes the film and notifies violators by mail, provides notice of the fine amount and payment options through the court, and provides the option of in person or mail-in fines.

Additionally, Portland's vendor creates the court docket in accordance with instructions from the court as to day-date-time, and offers a "per citation" fee for this process. Portland then pays the vendor for this service based on a graduated scale from a low volume of \$27 per citation to a high volume of \$18 per citation. Payment to the vendor is based on the citation being adjudicated by the court with a guilty plea or finding. If the violator pleads not guilty and is found not guilty, then Portland does not pay the photo traffic enforcement vendor.

Automated Computer Systems (ACS) Inc. has provided photo traffic enforcement technology, violator notification, electronic docketing and billing for the City of Portland's Bureau of Police since the technology was authorized by the legislature. The City of Portland's contract for services with ACS Inc. provides for the adoption of Portland's service agreement with other units of government. Portland's service agreement and contract is adoptable by the City of Milwaukie.

ACS, Inc. is the single source vendor for wet-film high-resolution photo traffic enforcement, and although they also offer digital technology, the resolution is lower and the efficiency of the system is less than offered by wet-film technology.

The City of Milwaukie FY2007-08 budget approved funding a photo radar and photo traffic enforcement program.

Recommendation:

The staff recommends ACS, Inc. as the City's vendor for photo traffic enforcement for the following reasons:

- High quality wet-film technology
- 38% higher rate of gender and identification match over digital technology
- Cost effective technology – approximately four-times less expensive than comparable digital photo technology
- Docketing support and technology to reduce City court staff time
- Government to government adoptable vendor agreement
- ACS installs and repairs all technology and equipment – photo red-light and photo radar installations
- ACS is the single source wet-film vendor

Concurrence

- City of Milwaukie Court staff
- Police Department
- City Recorder
- City Attorney

Fiscal Impact

Fiscal impacts include the following:

Expenses - \$580,000

- 2.5 FTE in the Police Department to operate the photo & traffic enforcement program
- 1 FTE in court administration
- 1 additional traffic court session per month
- 3 Photo radar units – annual lease agreement to ACS \$ 72,000
- Graduated/citation fee to ACS up to 10,000 citations - \$189,000

Revenue - \$690,000

- A projected increase of approximately 10,000 traffic violations per year
- A projected “revenue neutral” traffic enforcement program

Work Load Impacts

The biggest impact will be on Court Administration. It will be impacted at a higher ratio per employee than the Police Department who will be generating the activity. There is a direct correlation between the enforcement activity of the Police Department and the impact on the size and frequency of the court docket and system.

We reviewed the impact of photo traffic enforcement on Portland's County based court system and found that the number of violators who sought resolution through the court

equaled only 8% of the total number of violators cited. The other 92% resolved the violation without going to court after receiving a photo of their violation in the mail.

Alternatives

- Option 1 - Continue to enforce traffic laws through a traditional non-technical approach of patrol cars and officers supervising traffic as time permits with no additional resources or staffing. The results are likely to remain the same with traffic complaints from the community being their biggest concern.
- Option 2 – Authorize the use of photo traffic enforcement technology to monitor red light and speed throughout the City of Milwaukie. The projected “revenue neutral” program is expected to pay for itself during the course of enforcement. Additionally, driver education is the goal. If drivers slow down and obey the posted speed limits they will avoid citations and fines, the same holds true if drivers stop for red lights, and the result is that our community will be safer.

Attachments:

1. Resolution 7-2007
2. Resolution proposed for adoption

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR PHOTO TRAFFIC ENFORCEMENT.

WHEREAS, the number one complaint received by the Police Department is speeding and running red lights, the Council understands the safety needs for active and passive traffic enforcement throughout our City; and

WHEREAS, technology is available to monitor dangerous traffic locations with photo traffic enforcement equipment to obtain speed and red light compliance; and

WHEREAS, the cost of providing police supervision at all the most dangerous traffic locations is cost prohibitive; and

WHEREAS, the Oregon State Legislature amended ORS 810.438 and 810.439 authorizing the City of Milwaukie to deploy traffic enforcement technology effective January 2008;

NOW, THEREFORE, BE IT RESOLVED that the Milwaukie City Council adopts a resolution authorizing the City Manager to sign a contract for photo traffic enforcement with Automated Computer Systems, Inc.

Introduced and adopted by the City Council on January 15, 2008.

This resolution is effective on January 15, 2008.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Kenneth Asher, Community Development & Public Works Director

Subject: Approval of an Amended Memorandum of Understanding with Metro and Main Street Partners regarding Redevelopment of the Town Center Site

Date: January 7, 2008 for the January 15 Meeting

Action Requested

Authorize the City Manager to execute an amended Memorandum of Understanding ("MOU") with Main Street Partners and Metro regarding the Town Center site (10700 SEE McLoughlin and 10721 Main Street).

The only change from the MOU approved by Council on August 21st is the schedule of performance and related milestone dates. The schedule from the original MOU is out of date.

Background

Upon council authorization on August 21st, 2007, the City Manager signed an MOU with Main Street Partners and Metro describing the general terms under which the Town Center site would be developed.

Late in the summer of 2007, the regional (and national) condominium market took a downward turn, causing Main Street Partners to evaluate all of the projects in its portfolio and pipeline. As a result, the Town Center project was delayed and Milwaukie's' partners did not execute the MOU.

The Project Management Group (PMG) continued to meet during the fall of 2007 to discuss the project and strategies for moving the project forward within the realities of a slow housing market.

The PMG has reviewed the terms of the MOU with Main Street Partners. Metro and Main Street Partners have reevaluated the project and the housing market. Upon this deliberation, the partners have determined that the best way forward is to execute the MOU with a new set of dates, and to continue along the terms as exactly described in the original MOU (see Attachment 1 for the amended MOU and the staff report from August 21st for a summary of the MOU).

Main Street Partners has also indicated a readiness to pursue the code and comprehensive plan amendments required to construct the building as recommended by the Project Advisory Committee, and reviewed by the Planning Commission and Design and Landmarks Committee.

The amended MOU is attached with the new dates. The effect of the schedule change is a delay of construction of one year. The new schedule has Main Street Partners applying for code changes in early 2008, submitting its building permit application in the spring of 2009, and breaking ground in July 2009.

Concurrence

Metro staff and Main Street Partners concur with these amendments. All of the parties agree that the dates in the original MOU are not achievable.

Fiscal Impact

None.

Work Load Impacts

None. The Planning Department will have significant workload in processing the code amendment package, however this is work that the department has anticipated.

Alternatives

Council can recommend a different set of dates, or a different set of amendments, for project staff to take back to the PMG for discussion. Staff does not recommend other or additional amendments, as the proposed amendments do not change the structure of the agreement and have been agreed to by the project partners.

Attachments

1. Amended MOU between Metro, Milwaukie and MSP re: Town Center site
2. Resolution

AMENDED MEMORANDUM OF UNDERSTANDING

**Between
MAIN STREET PARTNERS, LLC,
THE CITY OF MILWAUKIE, OREGON,
AND METRO**

The parties to this Memorandum of Understanding (“MOU”) are the City of Milwaukie, Oregon, a municipal corporation (“Milwaukie”), Metro, a municipal corporation established pursuant to Oregon law and the Metro Charter (“Metro”) (together referred to herein as the “Agencies”), and Main Street Partners, LLC, an Oregon limited liability company (“MSP”), collectively referred to herein as the “Parties.”

RECITALS

A. In September of 2005, Milwaukie and Metro entered into an Intergovernmental Agreement providing for the acquisition and co-ownership of a Texaco filling station site located at 10700 SE McLoughlin Boulevard, Milwaukie, Oregon, as a Transit Oriented Development (“TOD”) Program Urban Centers Opportunity Site, and further providing for a joint offering of the filling station site with the adjacent Milwaukie property at 10721 SE Main Street, so that the entire block bounded by SE Harrison, Main, Jackson Streets and McLoughlin Boulevard, Milwaukie, Oregon (hereafter, the “Project Site”) may be sold for development into a landmark signature mixed-use TOD/Urban Centers project of 4-5 stories, with retail uses on the ground floor and residential uses on higher floors.

B. On December 6, 2006, Milwaukie and Metro issued a competitive Request for Proposals (the “RFP”), which solicited qualified development teams to design, and market a privately constructed owned and operated mixed use project for the Project Site, consistent with the aforesaid objectives. MSP submitted a development proposal for “Olson Point” that was responsive to the RFP on February 21, 2007, and further clarified that proposal with written and oral information presented at interviews conducted Wednesday, March 14, 2007.

C. MSP’s development team and proposal was selected by Metro’s TOD Steering Committee on April 16, 2007 and by Milwaukie’s City Council on April 17, 2007.

D. MSP desires to purchase the Project Site and design, construct and market a privately owned and operated Project that satisfies the public goals and objectives of the RFP, and is consistent with the MSP proposal selected by the Agencies; the Agencies desire to sell the Project Site to MSP for said purpose.

1. Purpose. The purpose of this MOU is to memorialize the Parties’ understanding regarding their respective roles and undertakings prior to the execution of a purchase and sale agreement between the Parties for the Project Site. The Agencies’ joint goal is to facilitate redevelopment of the Project Site in accord with the goals and objectives set forth in the RFP and MSP’s proposal, and the Agencies are willing to sell the Project Site to MSP provided that MSP develops the Project Site as set forth therein. This MOU provides a schedule for key project

milestones that will lead to a draft purchase and sale agreement by August 31, 2008 and execution of a ~~definitive, written final~~ purchase and sale agreement by ~~November 30, 2007~~ July 15, 2009. The Agencies acknowledge and agree that the transaction contemplated herein requires said further documentation and further approvals, including formal Milwaukie City Council and Metro TOD Steering Committee/Metro Council approval.

2. Milwaukie and Metro Undertakings.

2.1 Vertical Housing Tax Abatement. Milwaukie will pursue creation of its downtown Vertical Housing Tax Abatement zone for the Project Site, to allow MSP to prepare and submit a State of Oregon Vertical Housing Property Tax Abatement application requesting a partial tax exemption for the project. Owners of condominiums built as part of the Project will benefit from a property tax reduction if the zone is created and the application is approved.

2.2 #33 Bus Stop on McLoughlin. The west side of the Project Site has been discussed as an option for a new #33 northbound bus stop. Due to its impacts to the Project Site, the Agencies will work to locate this stop south of the Project Site.

2.3 Milwaukie Zoning Code Amendments. MSP's proposal contains Project design elements that will require variances and/or amendments to existing City of Milwaukie Code and Public Area Requirements as follows:

- 2.3.1** Provision of a fifth story on McLoughlin Boulevard, and building height;
- 2.3.2** Cementitious and metal panels on the upper floors of the building exterior;
- 2.3.3** Parking structure space configuration and internal circulation;
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MSP will submit an application(s) for a variance and/or code amendments to the City of Milwaukie, to incorporate the aforementioned design elements in the Project.

Milwaukie will support and assist MSP in identifying and processing other like issues where Milwaukie agrees that the Project design meets or exceeds the intent of the Milwaukie Municipal Code. MSP will continue to work with Milwaukie staff to identify any additional development code conflicts as the design is further refined, and Milwaukie staff will act expeditiously and professionally in administering its zoning code and related minor quasi-judicial processes and procedures.

- 2.4 Parking.** In accordance with its Intergovernmental Agreement with Metro, Milwaukie will exert its best efforts to limit the required on-site parking ratio to no more than one parking space per residential unit. Milwaukie will also evaluate options for increasing the amount of on-street parking on Main and Jackson Streets to support MSP's proposed retail program. Milwaukie will also adopt an ordinance or otherwise obtain approval of an addition to its zoning code that will govern interior parking layout and design within structures. The City will consult with MSP before making these determinations.
- 2.5 Environmental.** Metro will deliver to MSP copies of all environmental reports, data and information relating to the former filling station that are currently in its possession and control. Metro will assist MSP in negotiating with the Oregon Department of Environmental Quality to obtain approval of the project design, such that the liability protection afforded by Metro's Prospective Purchaser Agreement with DEQ is preserved and properly assigned MSP at closing.
- 3. MSP Undertakings and Reservations.** MSP's undertakings and reservations are set forth in Exhibit A, attached.
- 4. Purchase and Sale Terms.**
- 4.1 Purchase Price:** \$250,000.00, subject to the terms of a Purchase and Sale Agreement between MSP and the Agencies, to include a look-back clause providing for the payment by MSP to the Agencies of 25% of the Project's net cash flow after deduction of operating expenses, reserves and developer's 10% profit, to be distributed equally between the City and Metro. The terms of the look-back provision and the method of calculation will be negotiated during the MOU period and will be fully set forth in the purchase and sale agreement.
- 4.2 Closing Date:** July 15, ~~2008~~2009
- 4.3 Conveyance:** Title to the Project Site will be conveyed by the Agencies to MSP via Statutory Special Warranty Deed, subject to a Declaration of Transit-Oriented Development/Centers Easement consisting of Conditions, Covenants and Restrictions, and other encumbrances of record to be agreed upon by the Agencies.
- 4.4 MSP's Conditions Precedent to Closing:** MSP will require normal conditions for a typical commercial real estate purchase, including title, environmental, fitness for particular purpose, and entitlements.
- 5. MSP Due Diligence.** MSP will require due diligence normal for a typical commercial real estate purchase, including title, environmental, fitness for particular purpose, and entitlements

6. **Schedule of Performance.** The following schedule of performance for the MOU is preliminary and will be updated and expanded in the Purchase and Sale Agreement:

Date	Action	Responsibility
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<u>August 2008</u>	<u>Draft Purchase and Sale Agreement</u>	<u>Milwaukie, Metro, MSP</u>
December, 2007 October 2008	Design & Landmarks Commission Application(s) Submitted <u>Land Use Application Submitted</u>	Main Street Partners
April, 200 <u>9</u> 8	Building Permit Application(s) Submitted	Main Street Partners
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7. **Project Team.** The following are the project team members:

Agencies' Project Team:

Milwaukie Project Managers: Mike Swanson, Kenny Asher
 Metro Project Managers: Phil Whitmore, Meganne Steele
 Consultant Project Coordinator: Kim Knox

MSP Project Team:

Principals in Charge: Thomas Kemper, Ron Skov
 Architect: Myhre Group

8. **Term and Exclusivity.** This MOU shall be effective when executed by the Agencies and MSP. MSP, or its designated representative, hereby receives the exclusive right to negotiate a Purchase and Sale Agreement between MSP and the Agencies during the term hereof. The Agencies agree to refrain from negotiating with other third parties for development of the Property, through and until the Expiration Date set forth below (the "Exclusivity Period"). This date may be extended by mutual agreement, terminated in accordance with Paragraph 14 below, or superseded by the terms of the Purchase and Sale Agreement.

9. **Non-Binding Agreement.** Except as set forth in Section 8, this MOU is a statement of the current intent of the Agencies and MSP, does not create a binding agreement for the sale of real property between the Agencies and MSP, and may not be relied upon as a basis for a contract by estoppel or serve as the basis for a claim based on detrimental reliance or any other theory. The Agencies and MSP understand that no Party shall be committed to buy or sell until the Purchase and Sale Agreement has been negotiated, executed, delivered, and approved by MSP and the Agencies, through the Milwaukie City Council, the Metro TOD Steering Committee and the Metro Council. MSP and the Agencies will make a good faith effort to negotiate the draft Purchase and Sale Agreement on or before ~~October 1, 2007~~ August 31, 2008. If a final Purchase and Sale Agreement is not executed by ~~November 30, 2007~~ July 15, 2009, this MOU shall automatically terminate.
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For MSP: Tom Kemper
KemperCo LLC
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Portland, OR 97204
Phone: (503) 546-2787
FAX: (503) 946-8913

For Milwaukie: Kenneth Asher
Community Development Director
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Milwaukie, OR 97206
Phone: (503) 786-7654
FAX: (503) 774-8236

For Metro: Office of the Metro Attorney
Metro
600 NE Grand Ave.
Portland, OR 97232
Phone: (503) 797-1534
FAX: (503) 797-1792

13. **Authorization.** MSP and the Agencies have obtained all approvals required by law, bylaws, operating agreements, and pertinent corporate documents in order to enter into this MOU.
14. **Termination and Expiration Date.** Any Party may terminate this MOU (the “Terminating Party”) by notice in writing upon failure by any other party to materially comply with the terms set forth herein (hereinafter “Default”). However, the Terminating Party shall state in said notice the basis for such termination and the nonterminating Parties will be given a thirty (30) day opportunity to cure the Default. If the Default is not then cured within such 30-day period, this MOU shall terminate. Upon termination, all of the respective rights and obligations of the Parties hereunder shall be of no further force or effect. In the event of termination, each Party shall be solely responsible for its own expenses incurred during the term of the MOU. Unless terminated earlier in accordance with this Agreement or extended by mutual agreement by the Parties, this MOU shall automatically expire without any further action by either Party on ~~November 30, 2007~~ July 15, 2009 (the “Expiration Date”).
15. **Additional Terms.** MSP understands that the Agencies reserve the right to specify additional terms and conditions to the sale of the Project Site to MSP, and to request additional information and data from the MSP, and that the Agencies particularly reserve the right to obtain further information, data, and commitments to ascertain the depth of developer capabilities and ability to perform in accord with the development schedule. Adequate time for MSP to obtain and submit such additional matters will be provided by the Agencies.
16. **DISCLAIMER OF CONSEQUENTIAL DAMAGES.** IN NO EVENT SHALL ANY PARTY BE LIABLE TO THE OTHER PARTY HERETO FOR ANY LOST OR PROSPECTIVE PROFITS OR ANY OTHER SPECIAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL, INCIDENTAL OR INDIRECT LOSSES OR DAMAGES (IN TORT, CONTRACT OR OTHERWISE) UNDER OR IN RESPECT OF THIS AGREEMENT OR FOR ANY FAILURE OF PERFORMANCE RELATED HERETO HOWSOEVER CAUSED, WHETHER OR NOT ARISING FROM SUCH PARTY’S SOLE, JOINT OR CONCURRENT NEGLIGENCE.

IN WITNESS WHEREOF, the Agencies have executed this MOU effective this _____ day of _____ 2008~~7~~.

METRO

MAIN STREET PARTNERS, LLC

By: _____
Michael J. Jordan
Title: Chief Operating Officer

By: _____
Name: Tom Kemper
Title: _____

CITY OF MILWAUKIE

By: _____
Name: Mike Swanson
Title: City Manager

EXHIBIT A

Main Street Partners, LLC

August 7, 2007

City Council
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

Metro TOD Steering Committee
600 NE Grand Avenue
Portland, OR 97232

Re: Milwaukie Town Center Project

Dear Members of the City Council and Steering Committee,

We wanted to bring you up to speed and set forth our undertaking and commitment with respect to the development of the Milwaukie Town Center Project, to be known as Olson Point. Subject to negotiating the terms of a mutually acceptable Purchase and Sale Agreement for the property and obtaining the necessary approvals of the project, we are agreeing to the following:

1. Sidewalk Area Design. We will meet the City's Public Area Requirements, except for: the inclusion of angle parking on Jackson. We hope to expand the sidewalk on Main Street.
2. Municipal Code Conflicts. The proposed project conflicts with Milwaukie municipal code in a number of ways, including the number of stories, the building height, and the exterior materials of the buildings. We will be responsible for preparing the necessary applications for the Code changes or adjustments necessary to allow construction of the project in accordance with the proposed design.
3. Building Height on McLoughlin. The building on McLoughlin is five stories and exceeds current height restrictions. If the approval is not obtained for the fifth story, we will pursue the four story building, but will require other economic concessions to achieve a viable project, which could include reduced balcony sizes, lower quality exterior finishes, less building articulation, elimination of art work and other architectural or finish elements, and/or a reduction to the purchase price.
4. Exterior Materials. We are proposing the use of cementitious or metal panels on the upper section of the building exterior, which conflicts with City Code. We understand that we will need to apply for variances or code amendments and that we will need to process the same through the Design and Landmarks Committee and the Planning Commission. Subject to approval of the Design and Landmarks Committee, we will prepare necessary applications for the Code changes or adjustments necessary to allow construction of the project in accordance with the proposed design.

5. Second Level Connection to Street. We are proposing a visual connection via landscape and art elements at key positions on the ground level: midway along Harrison, Jackson and Main Street. We will not provide a pedestrian access to the second level courtyard from the sidewalk.

6. Public Amenities. We have shown a recessed patio midway along Main Street to provide an opportunity for enhanced street activity along the retail street. We intend to seek a code amendment to allow this patio. If the patio is not included in the design, we will work with the City and Metro on the provision of another public amenity on Main Street, such as a public art installation.

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8. Parking. We are participating in the review and updating of the City's Transportation System Plan. We are committed to building parking into the development consistent with best practices. We plan on two entrances on Jackson with double loaded parking along each two-way corridor. The sizing of the parking spaces is consistent with urban developments in the City of Portland.

9. Schedule. We are working to get the MOU approved by July and a purchase and sale agreement by October.

10. Vertical Housing Tax Abatement. We assume that we will receive the Vertical Housing Tax Abatement on the project. We will make the appropriate application for such status upon project completion.

11. Tree Preservation. We will not preserve trees on the site. We will provide considerable landscaping with much greenery on the second level courtyard to compensate for the loss of trees. We will provide street trees on the ground level consistent with the public area requirements. We will also provide opportunities for penthouse level patios with greenery on the fifth level of the McLoughlin side building.

12. Bus Pullout on McLoughlin. We will not support a bus pullout on this property. We will support a bus pullout on blocks further south on McLoughlin.

13. Business Terms. We will agree to pay \$250,000 for the property with an incentive payment to the City and Metro equal to 25% of the net profit over 10% of the net realized value of the project.

14. Environmental. Subject to the terms of the purchase agreement, we will comply with the terms of the Prospective Purchaser Agreement between DEQ and Metro.

We are excited to move forward with this very key project for downtown Milwaukee.

Very truly yours,

Thomas J. Kemper

AMENDED MEMORANDUM OF UNDERSTANDING

**Between
MAIN STREET PARTNERS, LLC,
THE CITY OF MILWAUKIE, OREGON,
AND METRO**

The parties to this Memorandum of Understanding (“MOU”) are the City of Milwaukie, Oregon, a municipal corporation (“Milwaukie”), Metro, a municipal corporation established pursuant to Oregon law and the Metro Charter (“Metro”) (together referred to herein as the “Agencies”), and Main Street Partners, LLC, an Oregon limited liability company (“MSP”), collectively referred to herein as the “Parties.”

RECITALS

A. In September of 2005, Milwaukie and Metro entered into an Intergovernmental Agreement providing for the acquisition and co-ownership of a Texaco filling station site located at 10700 SE McLoughlin Boulevard, Milwaukie, Oregon, as a Transit Oriented Development (“TOD”) Program Urban Centers Opportunity Site, and further providing for a joint offering of the filling station site with the adjacent Milwaukie property at 10721 SE Main Street, so that the entire block bounded by SE Harrison, Main, Jackson Streets and McLoughlin Boulevard, Milwaukie, Oregon (hereafter, the “Project Site”) may be sold for development into a landmark signature mixed-use TOD/Urban Centers project of 4-5 stories, with retail uses on the ground floor and residential uses on higher floors.

B. On December 6, 2006, Milwaukie and Metro issued a competitive Request for Proposals (the “RFP”), which solicited qualified development teams to design, and market a privately constructed owned and operated mixed use project for the Project Site, consistent with the aforesaid objectives. MSP submitted a development proposal for “Olson Point” that was responsive to the RFP on February 21, 2007, and further clarified that proposal with written and oral information presented at interviews conducted Wednesday, March 14, 2007.

C. MSP’s development team and proposal was selected by Metro’s TOD Steering Committee on April 16, 2007 and by Milwaukie’s City Council on April 17, 2007.

D. MSP desires to purchase the Project Site and design, construct and market a privately owned and operated Project that satisfies the public goals and objectives of the RFP, and is consistent with the MSP proposal selected by the Agencies; the Agencies desire to sell the Project Site to MSP for said purpose.

1. Purpose. The purpose of this MOU is to memorialize the Parties’ understanding regarding their respective roles and undertakings prior to the execution of a purchase and sale agreement between the Parties for the Project Site. The Agencies’ joint goal is to facilitate redevelopment of the Project Site in accord with the goals and objectives set forth in the RFP and MSP’s proposal, and the Agencies are willing to sell the Project Site to MSP provided that MSP develops the Project Site as set forth therein. This MOU provides a schedule for key project

milestones that will lead to a draft purchase and sale agreement by August 31, 2008 and execution of a ~~definitive, written final~~ purchase and sale agreement by ~~November 30, 2007~~ July 15, 2009. The Agencies acknowledge and agree that the transaction contemplated herein requires said further documentation and further approvals, including formal Milwaukie City Council and Metro TOD Steering Committee/Metro Council approval.

2. Milwaukie and Metro Undertakings.

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2.2 #33 Bus Stop on McLoughlin. The west side of the Project Site has been discussed as an option for a new #33 northbound bus stop. Due to its impacts to the Project Site, the Agencies will work to locate this stop south of the Project Site.

2.3 Milwaukie Zoning Code Amendments. MSP's proposal contains Project design elements that will require variances and/or amendments to existing City of Milwaukie Code and Public Area Requirements as follows:

- 2.3.1** Provision of a fifth story on McLoughlin Boulevard, and building height;
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MSP will submit an application(s) for a variance and/or code amendments to the City of Milwaukie, to incorporate the aforementioned design elements in the Project.

Milwaukie will support and assist MSP in identifying and processing other like issues where Milwaukie agrees that the Project design meets or exceeds the intent of the Milwaukie Municipal Code. MSP will continue to work with Milwaukie staff to identify any additional development code conflicts as the design is further refined, and Milwaukie staff will act expeditiously and professionally in administering its zoning code and related minor quasi-judicial processes and procedures.

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- 4.2 Closing Date:** July 15, ~~2008~~2009
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July 15, 200 9 8	Closing Date – Execute Purchase and Sale Agreement	Milwaukie, Metro, MSP
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7. **Project Team.** The following are the project team members:

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Principals in Charge: Thomas Kemper, Ron Skov
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IN WITNESS WHEREOF, the Agencies have executed this MOU effective this _____ day of _____ 2008~~7~~.

METRO

MAIN STREET PARTNERS, LLC

By: _____
Michael J. Jordan
Title: Chief Operating Officer

By: _____
Name: Tom Kemper
Title: _____

CITY OF MILWAUKIE

By: _____
Name: Mike Swanson
Title: City Manager

EXHIBIT A

Main Street Partners, LLC

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City of Milwaukie
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Milwaukie, OR 97222

Metro TOD Steering Committee
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Portland, OR 97232

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11. Tree Preservation. We will not preserve trees on the site. We will provide considerable landscaping with much greenery on the second level courtyard to compensate for the loss of trees. We will provide street trees on the ground level consistent with the public area requirements. We will also provide opportunities for penthouse level patios with greenery on the fifth level of the McLoughlin side building.

12. Bus Pullout on McLoughlin. We will not support a bus pullout on this property. We will support a bus pullout on blocks further south on McLoughlin.

13. Business Terms. We will agree to pay \$250,000 for the property with an incentive payment to the City and Metro equal to 25% of the net profit over 10% of the net realized value of the project.

14. Environmental. Subject to the terms of the purchase agreement, we will comply with the terms of the Prospective Purchaser Agreement between DEQ and Metro.

We are excited to move forward with this very key project for downtown Milwaukee.

Very truly yours,

Thomas J. Kemper

North Clackamas Parks and Recreation District
MILWAUKIE CENTER/COMMUNITY ADVISORY BOARD
Minutes of November 9, 2007

MEMBERS PRESENT: Joan Staley, Carolyn Mills, Chuck Petersen, Molly Hanthorn, Joy Estes, Ben Horner-Johnson, Eleanor Johnson, Kim Buchholz

MEMBERS EXCUSED: Jane Hanno, Katie Rudfelt, Ben Tabler

GUESTS: none

STAFF PRESENT: Joan Young, Cheryl Nally, Donna Lugibihl

CALL TO ORDER: Joan Staley called the meeting to order at 9:35. Chuck Petersen moved to approve the minutes and Ben Horner seconded. The motion was passed unanimously.

CORRESPONDENCE: none

DISCUSSION ITEM: Donna was introduced to the Board. She'll be coming to the monthly meetings to take the minutes.

BOARD MEMBER REAPPLICATIONS: Both Joy Estes and Carolyn Mills are up for reapplication to the board. Molly moved and Eleanor seconded the motion to approve their reapplication. It passed unanimously.

MILWAUKIE CENTER ANNUAL REPORT: Cheryl Nally, Human Services Coordinator, handed out a copy of the Annual Report to Board members and then thoroughly went through the report, pointing out details of interest, including the total operating expenditures and revenue for the Center, full time and part time staff positions at the Center, the breakdown for Nutrition and Transportation programs, as well as facts about services, programs and activities that the Center sponsors. Joan Young pointed out that this is not a balance sheet. She'll try to have a balance sheet available for the Nutrition and Transportation programs at the next meeting. Kim thought it would be helpful if on the Annual Report there could be comparison figures from previous years so you can see if there are any trends developing. He realizes it would take a lot of time as there is quite a bit of data to assimilate.

BOARD/COMMITTEE REPORTS

North Clackamas District Advisory Board: Molly reported that Robin Wilcox of Alta, who is the Planning Consultant for the north side of North Clackamas Park, presented and discussed a further refinement of the plan based public meetings and citizen input. Some of the issues to be addressed are the wood lot, location of the greenhouse, future of the Community Garden and parking for buses and the Center. Michelle Healy is planning for a December open house and then completion of initial planning will be in January.

The Firewood program was discussed and it was decided that it serves a real need in this community and should be continued. The community garden and greenhouse were also discussed. The Master Gardeners run the community garden and would be responsible for setting up and maintaining the greenhouse. This last year there were 22 garden plots rented out by Center participants. The Master Gardeners also puts on educational seminars a couple times per year. The board requested Joan Young to draft a letter acknowledging these concerns to be reviewed by this board and forwarded to the NCPRD District Advisory Board. The issue of secure parking for the 4 Center buses and additional parking by the covered area in N. Clackamas Park have not yet been resolved. Those concerns will also be addressed in the letter Joan is drafting.

Molly also reported that they're raising the dollar amount to acquire property near 162nd for a park. This property would be used in partnership with the school district to provide ball fields, a community center and other needs. Financing will come from bonds.

Molalla is drafting a master plan which they need to complete if they decide to join the Parks district.

Molly mentioned that The Oregon State Recreation and Parks Association awarded NCPRD the 2007 Design Award for the North Clackamas ball fields. She also said that Dan Zinzer, Joe Loomis and others went to Louisville, KY to promote the new ball fields for tournaments. They came away with hosting a Western National Softball tournament in July, 2009. We'll also be hosting between 50-90 teams at N. Clackamas Park fields and other fields around the county.

North Clackamas Park Stewardship Committee: Eleanor reported that the ball fields are still a key issue (noise concerns). She knows a gentleman who is doing research on being able to alleviate noise from neighborhood ball fields. The horse arena is at a standstill now because of it being so wet but work will start up again in the spring. Several groups are interested in using it.

Future Vision Task Force: Kim Buchholz reported that the Vision Task Force is meeting monthly and has quite a diverse group of people serving on the board. They've been brainstorming and coming up with lots of ideas. Now the focus needs to be on checking with the Center customer and potential customer. Work will begin on a survey of 4-5 key questions which will be brought to the C/CAB board for their input. This process will probably take until spring or summer of next year. Kim thought it might be advisable to start meeting twice a month.

OTHER REPORTS

Friends of the Milwaukie Center: Eleanor reported that the Friends are planning a New Year's Eve Party which will include a band, breakfast at midnight and even motel accommodations.

Governor's Commission: Joan Staley handed out 4 reports received at the September

meetings. They were from: Caregivers Committee, Legislative Committee, Elder Abuse Committee and Mental Health Committee. Joan felt it was a very worthwhile and informative 2 days.

CENTER REPORT: Joan announced that Clackamas County Social Services has cut funding for the Older Americans Act Family Caregiving Assistance program effective 08-09 due to funding concerns at the state level. Joan reported that the Bazaar and Thanksgiving Dinner were very successful. The Bazaar tables sold out and there were over 300 people that came to the dinner. The Nutrition Program committee is now working on the 3rd Annual March for Meals event. March 1st will be the March for Mutts when dogs and their human friends can dress up for a parade in North Clackamas Park. Toby, the Marketing Director for the Parks, is going gangbusters getting businesses to support this cause. Also, the New Seasons Market, that just opened in Happy Valley, has promised to support Meals on Wheels with a \$1,000 donation plus 50 cents on each loaf of sourdough bread that they sell in a year.

The carpeting is almost complete, with the main hallway and Gift Shop getting finished this weekend. Upholstery and counter tops still need to be done.

Cheryl mentioned that the social service staff is quite busy helping seniors complete the LIEAP applications for energy assistance.

Information/Announcements: Eleanor inquired about why Miramont Pointe had advertisements on the table for the Thanksgiving Dinner. Joan said that they had given money to sponsor the dinner. Eleanor also asked about the Bazaar and whether only home-made items should be sold. Joan said that needed to be clarified in the letter that goes out to the vendors.

The meeting was adjourned at 11:08 am

Donna Lugibihl, Secretary.

North Clackamas Parks and Recreation District
Milwaukie Center
Monthly Report for November, 2007

Programs/Services

Senior Health Insurance Benefits Assistance Program through Clackamas County Social Services Division (CCSS) held two seminars at the Center this month. One seminar focused on the need to select a Medicare Advantage Plan by the end of the year for those enrolled in a plan that is ending in 2007. The other presentation was Medicare 101, information about enrollment in Medicare for those new to this national health insurance program. This program included what medical care is covered by Medicare and specifically how Medicare and the different plan options work.

Social Services staff at the Center has been in contact with over 100 low-income seniors and disabled persons in the community who qualify for the Low Income Energy Assistance Program, providing application information and assistance in completing the forms.

The need in our community for Meals on Wheels continues to rise, bringing our numbers to 230 meals a day. Sixteen routes are delivered Monday through Friday by stalwart volunteers.

Over 16 million steps were recorded by the Fall 2007 10-week "Keep on Trekking" walking program participants. A new program, sponsored by AARP and Providence, begins in February.

The Milwaukie Center said goodbye to a long standing volunteer group in November – the Newsletter Crew. Community Newspapers, who currently prints the newsletter, will now fold, sort, label and mail them as well.

Fund-raising

The Friends of the Milwaukie Center kicked off their Annual Campaign in November by mailing out the monthly newsletter with donation envelopes inserted. This year, contributors will receive tickets and/or invitations to Friends events based on their level of support. Have you sent in your annual donation to the Friends?

The Famous Thanksgiving Sunday Dinner, sponsored by Miramont Pointe, was well attended this year by 300 people. Everyone enjoyed great food and entertainment while supporting Meals on Wheels in North Clackamas County.

Coming Up

Adult Holiday Party, Thu, Dec.13, 1 pm – 2:30 pm. Entertainment, door prizes and Santa!

New Year's Eve 50's Cocktail Party, Mon, Dec. 31, 8 pm, register by December 15.

Tax Issues for Seniors Seminar, Fri, Jan. 4, 10:30 am

Living With Arthritis Seminar, Fri, Jan. 25, 10:30 am

