

MINUTES

MILWAUKIE CITY COUNCIL JUNE 1, 2004

CALL TO ORDER

Mayor Bernard called the 1935th meeting of the Milwaukie City Council to order at 6:30 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Lancaster
Councilor Joe Loomis

Councilor Deborah Barnes
Councilor Susan Stone

Staff present:

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

Paul Shirey,
Engineering Director
Steve Campbell,
Code Compliance Coordinator
Jeff King,
Project Manager

Jay Ostlund,
Association Engineer

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Citizen Recognition

Police Chief Larry Kanzler recognized Julie Gripper of DocuMart. The Police Cadet program has just been existing over the past few years and attracts young men and women between high school and college who are interested in careers in law enforcement. However, it has always been difficult to support the program financially. Office Ulrike Neitch, one of the program counselors along with Detective Sgt. Floyd Marl, suggested a cookbook with police stories to help fund the cadet program. It took about a year to put the project together, and now the *Graveyard Gourmet* is available to the public. DocuMart, through the efforts of Julie Gripper, generously donated the printing. The money is being used to support the program, buy the cadets uniforms, and getting them trained. He presented Gripper with a plaque.

Advisory Board Interviews

The City Council interviewed Sharon Phillips for reappointment to the Center/Community Advisory Board.

CONSENT AGENDA

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

- A. City Council Minutes of May 18, 2004; and**
- B. Storm Water Master Plan Contract Amendment.**

Motion passed unanimously.

AUDIENCE PARTICIPATION

Mike Lipes, 3800 SE Filbert Street, Milwaukie. He recently got a contractor's license, and he imagined the state got in touch with the City of Milwaukie because he got a bill for \$128 for a home occupancy business registration fee. Lipes was really upset about this. In order for him to get started, he had to take a \$150 course, a \$106 test, a \$175 license, \$700 for insurance, plus a \$75 bond. It seems when someone in government finds out that someone is working, everybody gets in line for a handout. He is a roofer, so it takes him four squares at \$40 per square that is \$160 he has to pay taxes, and then he has to give the City \$128. He did not think this was right. He does not run the businesses out of his house. No customers come to his house. He has no inventory at his house. He does his business on the phone. At the end of the year, he does his taxes on his kitchen table. In order to get \$128, he has to do a lot of running around most of the time. It is dear to him. His idea of people in the government, such as the City Council, is that they are supposed to help small business people and not stand in line and take his money. He could use that \$128 to pay a bill. He could go somewhere in Milwaukie and shop. He was upset about having to pay money constantly for what seems to him is extortion. Someone sends him a bill because he had an argument with his wife, and now he has to pay \$128. He thought that was wrong. It is not the purpose of people in government. You guys are supposed to help us. This is wrong; it is not the purpose of people in government. You guys are supposed to help us – not hinder us. We have the second highest unemployment in the nation. He hopes the City Council will start rescinding those things. Nobody pays his hospitalization. He does not have a pension. He does not have sick days or days off with pay. When it snows in Multnomah County, they get paid. He doesn't. He is mad about paying money for no return.

Mayor Bernard asked Lipes why he had to get a home business license.

Lipes said someone from the City Council mailed him a letter. It was someone named Cindy. It said the City Council had deemed this payable. He was sorry he did not bring the letter, but he was working.

Mayor Bernard said every business in the City has to have a license.

Lipes said Bernard's business was much different than his.

Mayor Bernard said in order to do business Milwaukie, everyone must have a business license, and this is similar to almost every other city he knows of. What is the difference between a home business fee and a business license fee.

Councilor Loomis said these go to the planning department to ensure there are no negative effects on the neighborhood. There is an additional step involved for home occupations.

Firestone said there were two things. One is the business tax which the City imposes previously known as a business license fee. Under some circumstances, persons operating businesses out of their homes may be required to get a land use approval. He believes Lipes was talking about the business tax. It is the tax paid by all businesses doing business in the City of Milwaukie.

Lipes would do business in Milwaukie if he got a call for a job.

Mayor Bernard had a problem with someone having to pay a business tax if they are just answering the phone. He has no problem if someone is doing jobs, like roofing, in Milwaukie. He assumed Lipes was trying to do something like that.

Lipes said he was trying to do that but has not yet. The Mayor hit on something he wanted to talk about. Just because he do business in Milwaukie does not mean he owes the City any money. He pays 15.3% social security, 10% federal, 7% state. He pays TriMet tax. It never stops. It is difficult to be self-employed. He doesn't have a pension plan that lets him retire at 58 with $\frac{3}{4}$ pay. He doesn't get paid when he doesn't work. The people in government are in line before his family gets paid. He does not think that is right. The purpose of government is to help business – not make him pay every time he turns around. The only business he does out of his house is answer the phone if he happens to be there. Otherwise, he is on the roof when they call him. He can do it in his car on the way home, too. He pays taxes on his kitchen table at the end of the year and quarterlies. He has no inventory at his house, so he does not think it is right.

Councilor Lancaster asked Lipes if his complaint was about Milwaukie taxes or all taxes.

Lipes said he was starting with the City Council. He would like to go down the line with others as well, but that is not going to happen. The City Council is reachable and in his neighborhood. One of the Councilors leaves very close to him. In a broader aspect, he does have a problem with taxes. It costs a lot of money to live. There is no one in the government that does not make more than he does. He is paying for them to have a

better life than he does. He understands the City Council is probably volunteer. He thought the City Council could see his point.

Councilor Barnes said everyone feels the same way.

Lipes said the City Council wrote the law that says he has to pay that \$128. It was \$103 last year. What will it be next year?

Mayor Bernard said the business license fee has been around for many years. His garage has been in business for 79 years and has probably been paying for a business license for 50 years. He felt that if Lipes as not doing anything in Milwaukie – putting a roof on – the City Council needs to look at that. If he is just answering phones, it is not a land use issue.

Councilor Loomis said there is another step in the process and is a little more expensive when it is a home business. The license is \$103, and the \$25 is for the planning department that reviews the home occupation application.

Firestone clarified for the City Council the annual fee for a home occupation on the land use side is \$25. He guessed part of it was the business tax and the other is the annual home occupation charge.

Mayor Bernard was interested in the extra charge to ensure person in the home does not expand and impact the neighborhood. He thought the difference should be considered.

Councilor Lancaster asked what the City was doing with the money. If it is being used to regulate the neighborhoods to maintain livability that is one issue. If the City is simply doing it as a privilege for being in Milwaukie that is another issue, and he would object to that.

Councilor Loomis said there are certain restrictions on doing business in one's home. The \$25 is to make sure the applicant complies with those provisions.

Councilor Lancaster asked what would trigger the City knowing that someone has started a business in his or her home.

Lipes said it would have to be a complaint from a neighbor or in his case the Oregon Construction Board.

Councilor Lancaster understood when Lipes filed for that permit, that triggered contact from the City.

Swanson said in many cases it is through application for a business license. When it appears that the person is also doing business out of their home, the home occupation permit is triggered. Staff tries to do an annual inspection and is done for the benefit of

the rest of the neighborhood. The fee is \$25 which does probably not cover the cost of the inspection. The bigger item is the \$103 for the business tax. The definition of that is fairly broad:

No person shall maintain, operate, engage, conduct or carry on any business within the city without first having paid the business tax as established by resolution of the city council.

The purpose section clearly states:

The business taxes imposed by this chapter are for revenue purposes only. The fees shall be in addition to and not in lieu of any other license, permit fee, charge or tax required under any other ordinance of the city. (Ord. 1349 § 1, 1976)

Swanson hears daily it is difficult for those in local government because we are more reachable. The tax burden levied on all of us is a burden out of Washington, D.C. We have little to say about that or have much of an impact. The total burden is huge, and the levy is great out of D.C., but of course local jurisdictions hear the most about it. He certainly sympathizes. It would be nice if they transferred that \$128 to the City to relieve Lipes's burden. But there are 747 to fly and things to do.

Mayor Bernard hoped the planning department who does these inspections actually checks in with the gentleman who pays the license. It is there to protect the neighborhoods and he supports it.

Lipes added it is not the figure. It is the fact that it is done.

Loretta Williams, 10508 SE 29th Avenue, Milwaukie. She and her husband Archie Williams were there to talk about a neighbor who moved in not long ago and came to City Council to ask for a change the basketball hoop ordinance. The City came out and said she was not violating any codes. She asked that the City Council not change any basketball ordinance. They have four full-time daughters and two extra daughters on the weekend. The kids and adults play on the hoop and until now have not had any complaints. They have lived there for over a year. She would not feel the safety for the kids if they had to go to the park to play. Having all girls is a very scary thing, and the safest place for them is in front of their house where the parents can hear and see them. The neighbor has never come to them with any concerns. They only yell at the kids and threaten to sic their dogs on them. They have even told them they would sic their dogs on the black a-s-s kids. Since this neighbor has moved in, she has found anything and everything to call the police on many occasions. Even on the kids. She sits in her windows and watches the kids' every move and takes constant pictures of them and any company that they have over. She felt they were being harassed. The kids do not feel safe and are always feeling they are doing something wrong. This neighbor has told other parents to keep their kids away from their house and away from the hoop. Our parenting is not good, and our kids are bad. If they play on our hoop the

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police will come, and they will get in trouble. Friends are tired of coming over as they get pictures of them and their cars taken. She strongly feels that case is of racism. This saddens them. They are the only bi-racial family on the block, and the focus of the neighbor is on them. The pictures are taken of their kids and friends of color. Not of the neighbor kids or other adults in the neighborhood playing on the hoop. She mentioned that they live on a dead-end street in about the middle of the block. When the kids are out playing and the neighbor lady turns the corner, she will put her foot on the gas and speed until she reaches her driveway instead of slowing down. This is dangerous to all the kids in the neighborhood. When she backs out of her driveway, she does not honk or warn the kids. She just hits the gas and flies in reverse. She has come close many times to hitting her kids. When they approached her to talk, all she does is yell at them, so they walk away. This is not a very safe place for our kids or any kids. She thanked them for hearing her, and if anyone has any concerns with them or their children or have any advise, please let them hear it. Their ears are open. They just want a safe place to live and a good relationship with their neighbors.

Councilor Lancaster asked if there were any code enforcement issues.

Swanson said the City is called frequently. The code enforcement people and police officers are aware of the realities of the situation and are sensitive to what is going on and will continue to be so. Some of the things that were mentioned, like the backing out, there is not a lot that can be done if officers are not there. Even if the City were there, it is probably more of a civil matter. In terms of people enjoying the neighborhood, Steve and Les and the police officers are well aware of what is really going on. They will continue to enforce the law in a way that is equal and recognizes rights. The City is called and responds and has sensitivity to what is going on.

Williams has agreed to mentoring, but the neighbors will not agree to that.

Councilor Stone understood the police have been in contact with Williams and her family as well as with the neighbors.

Williams believed within a three-week period, they were called on six or seven times. It is not just the hoop; it is anything their kids do. If they ride up and down in front of their house. It is just her kids and not the neighborhood kids.

Advisory Board Interviews

The City Council interviewed Nancy Jamieson for a position on the Planning Commission.

PUBLIC HEARING

Fiscal Year 2004 – 2005 City Fees – Resolution

Mayor Bernard called the hearing to order at 7:10 p.m. The purpose of the hearing was to consider public comment on the proposed FY 2004 – 2005 fee.

Staff Report: **Project Manager Jeff King** and **Building Official Tom Larsen** provided the staff report. The resolution calls for increases in fees for the planning and building departments to ensure the City is recouping its actual costs and, in terms of the building department, becoming self-sufficient. The proposed fees in the planning department are mostly for publications and reserves for planning land use application fees for some of the reviews. The reviews are costing on the average much more than are being charged. Any unused portions of the reserves are refunded to the applicant.

Larsen said essentially proposal is to raise structural permit fees by 30% across the board. Plumbing and mechanical would remain the same. An analysis was done as required by Oregon Administrative Rules (OAR). The proposed revisions were submitted to state of April 1, 2004. The OAR charge is that the fees be comparable to other jurisdictions of the same size in the local area and that the fees are reasonable and necessary. The fees charged by Oregon City, Wilsonville, Troutdale, West Linn, and Tualatin were used for comparison. At the current time, the City of Milwaukie is right in the middle, and the new fees would make Milwaukie's 25% - 28% higher than the average. Milwaukie would be the second highest of the group with Troutdale charging the most. The cities of West Linn and Tualatin, which currently have the two lowest fees, are planning to increase fees this year. The annual valuation over the past 5 – 6 years has been about \$11.5 million. When he prepared the staff report, he estimated it to be \$8.5 million, which is a significant downturn. Today it is at about \$9.6 million. On March 1, the building department was about \$35,000 in the red. March and April were both good months, and the department broke even in May. The fee increase is necessary. Any extra funds will stay in the building department, and he is encouraged to have two to six months' reserve. Right now there is nothing. His goal is to raise the fees enough to have some sort of reserve. In his mind, he does not wish to ask for increased fees, but cutting back on services is not an option. The only alternatives would be to go back to a contract with Happy Valley with an annual general fund subsidy of \$35,000 to \$40,000. The other possibility would be to give up the program and revert to the County. No one wants that. The biggest single is homeowner who wants to build a garage or do a remodel. The volume comes from the big jobs, but the biggest number of permits each year is issued to homeowners. They want access to the inspectors, and they get it. He noted letters of acknowledgement and support for the proposed fees from the Home Builders Association and from Eugene Dieringer who is currently developing the King Road site with his brother Pat. Developers look at costs, and the thread is that things cost what they cost. If the service is there, the costs are acceptable. He also received an e-mail from the state Building Codes Division. The packet of proposed increases goes to the state, and it notifies interested parties and gives them a change to file an appeal. The state has had the packet for over two months, and no one has appealed it.

Swanson said a couple of years ago the City of Milwaukie had contract with Happy Valley to provide building inspection services. He terminated that contract. Rouyer

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fought mightily to establish a department within the City. At that time, he was concerned about doing so because the original contract had been entered into in part because of the costs involved in supporting the department. It was stated that if the City were to establish its own department, two things would occur. One was to substantially increase services to people in the City. He got one or two calls a week complaining about the level of service and the way they were treated. The second was that the fund would be self-sufficient. The City has accomplished the first of those goals because he no longer gets calls. The level of service has increased, and in this business increasing the level of service means that you get out there quickly. You are consistent. You get out there and tell people what they need to do – not come back the next time and add a couple of extra things. What he hears and what he does not hear from the absence of calls, the City has done that. There is still some room to go. In the original projections, we were not in the middle of the economy we are in right now. He thought what we have seen thus far is a huge difference in the level of service and the way people are treated by the building department. He added the letter from the Home Builders Association is about as close as that group gets to supporting the proposal. They do make a point about pending permits the City Council might consider. Larsen has turned the level of service around.

Mayor Bernard still gets calls, but they are positive. The contractor on the Bob's Red Mill project, for example, appreciated the service he got. If Ernie Plath supports the proposed fee, he would be comfortable.

Councilor Stone asked what this means in actual dollars for the average Joe who wants to build a garage. What do they pay now, and what would they pay with the increase?

Larsen responded for a 2,000 square foot single-family residence would increase about \$300. A garage permit would probably increase by about \$75. Everyone will pay more, but that is a fact of life. The proposed increase is 30%.

Councilor Loomis asked how long it takes someone to get through the process. How long does it take to get an inspection?

Larsen said the department has a 24-hour recording, and the messages are taken off each morning at 7:30 a.m. If the message is on the recording that morning, the inspection is scheduled for that day. That is standard practice throughout the jurisdictions. People can request certain times of the day for inspections. Sometimes people doing their own work need some help, and he has gone out on several occasions to meet with people to look at the project and help them through the process. Milwaukie's single biggest customers are residents doing their own work. The City issues about 550 annually, and 30% or more are homeowners doing their own work.

Councilor Lancaster understood Larsen has been encouraged to have a two to six month reserve and asked who was setting that standard.

Larsen said it is not a written standard but is the philosophy of State Building Codes Division. The rule says that entities should have sufficient reserves to weather economic hard times. He anticipates next year with the North Main project and continuation of King Road that the valuation will be back up and possibly higher than the average. If there are no reserves to start with, there is no place to go. The one criticism in general is that homebuilders would like smaller, incremental increases, but you have to have a starting place. His plan is to re-evaluate fees annually. He may be back next year with new plumbing and mechanical fees.

Councilor Lancaster believed the City Council agrees fees need to be reviewed annually. The reason Larsen was hired and higher standards set was to provide quality service at the lowest possible cost. "Actual cost" is the operative phrase. He asked if the fee increase would build reserves and how quickly.

Larsen replied if the City has an average of about \$11.5 million valuation, then the department would probably have about a 10% reserve at the end of next fiscal year. That is a little over one month of reserve, which is not much but is a starting point. The North Main project is about \$9 million on its own, so the department could have a very good year and a 20% - 30% reserve.

Councilor Lancaster asked Larsen, based on his experience, how many months reserve should the City have?

Larsen believed the City should have four months reserve.

Councilor Stone understood the building department does approximately 30% of its business with citizens. She asked if it would be possible to structure the permit fees differently for residents and commercial and perhaps not passing along the 30% fee increase to residents.

Larsen that is not possible because of legislation. As few as five years ago, discounts were given, but the industry put the kibosh on that practice.

Councilor Stone was concerned since this is not the wealthiest of cities we want to continue to encourage people to improve their properties. She wondered if that would have an impact in terms of them not being as willing to do that if the fees are higher.

Councilor Lancaster understood these fees would go into effect on July 1 and assumed that all permits prior to that day would be under the old fee structure.

Larsen said that was correct.

Councilor Stone asked, if the North Main Project, for example, infuses a lot of money into the department, if the Larsen would foresee the fees going down?

Larsen said he did not, but he hopes to hold the line for a couple of years. Nothing is static. When he worked in West Linn, that City had almost a 9-month reserve, but now they are feeling the crunch.

Councilor Stone understood Milwaukie's will be the second highest of all the cities he compared.

Larsen said that was correct for the five cities he compared. Troutdale will continue to be the highest by about 30%.

Councilor Stone asked in terms of the other cities Larsen compared....

Larsen compared Milwaukie's fees with West Linn, Tualatin, Oregon City, Troutdale, and Wilsonville. He selected those because of the similarity in population and geographic location.

Correspondence: No additional correspondence.

Audience Testimony: **Royal Proctor**, Raven & Associates, Inc., a commercial general contractor. Raven was the contractor for the Bob's Red Mill project that took a little more than a year. His company had front line exposure to what the City had versus what is has now. As a contractor working with commercial application, he is very involved with the ownership who tends to look at prices very closely. He is not in favor of increasing fees, but as a contractor who negotiates a lot of projects, a lot of key involvement in discussions is about value of what is actually getting done. As a personal business owner, he needs to look at the value of the situation. As Larsen said, the prices are the prices. In the case of Milwaukie's building department, he has a lot of confidence based on what he has experienced first hand. He also has exposure to what it was like when Milwaukie contracted for building inspection services. He experienced the difficulties at the beginning of the project. Inspection coordination time, availability, and various inspectors who had no idea of what they were looking at in the project, attitude from out-of-town inspectors. Knowing from being a remodeling contractor in the past, interfacing with the inspector particularly if residents are trying to save a dollar on their own projects, that involvement with a familiar face to assist on a task is priceless. A contract inspector says this is the code and if you don't like it get a contractor. He has heard that numerous times and knows the attitude out there. A lot of the so-called inspectors throughout the region many do not have the work experience particularly the generation coming up through the line now. They take a test and qualify through the book. They may have driven a nail; they may have cut a piece of wood. He doubted they know structural beyond what the book says. When they come across something they do not know, they tell the person to read the code and apply it. That is the fall back. They are not required to assist nor do they want to on the basis of liability. They pull out that liability card too often and too quickly. To be a sound community with its own network and ability to call someone for first-hand service is a great value. On the commercial side, his ability to talk to someone at the counter and go through things fast-track changes can be made on a project if there is a relationship. In the case of

making the change, a contractor cannot afford making these changes without being assured they are correctly supervised and engineered. He is speaking to the situation where the building official knows what the contractor has, sees where the changes have been made, and quickly process it through a structural engineer. Have the rapport and go through things. If he is dealing with an outside inspection firm, by the time he transfers this structural information back and forth, it can add several days or weeks to the project. This directly goes to the ownership and the bottom line. He has had a lot of first hand time on the site with Larsen. You now have the beginnings of a seamless organization. At the beginning of the Red Mill project, it was brutal. Now you are on the right track. All building departments are talking increases to deal with down years.

Mike Lipes, 3800 SE Filbert Street, Milwaukie. He is absolutely opposed to raising fees. You want to raise fees 30%. What if he bid a job for the Mayor at \$200 per square, and tomorrow it is \$130 per square? The Mayor would say, "Michael, I can't use you – you're too expensive." You guys have to stop charging people more money. This is a high unemployment state. Oregon recently got off the top and is now number 2 in the country. If a guy is paying \$1,000 and you want to raise it to \$1,300 that necessitates that fewer people can use your goods. \$300 is a lot of money. Maybe not to people in government, but it is to other people. If you owned a business, Mr. Mayor, and you were not doing so well would you raise your prices? The inspector says the department is not making as much money as last year, so he wants to raise the prices. What kind of thinking is that? The purpose of government is to help people – not to charge them more money. The idea that you look at other municipalities to find they are charging more, so you raise your prices. How can you not see through that? That is insane. Everybody in government raises their prices all the time so everyone else can make more money. You need to help people by lowering your fees, and more people will come here and buy your goods..

Matt Easley, 15790 SE Thayer Road, Oregon City. He is a senior superintendent for Swinerton Builders. He, too had the pleasure of working in the realm two year's ago when Happy Valley and Milwaukie worked together. He built the three-story Providence Medical Center on 32nd Avenue, and during that time he tried to interface with Happy Valley. Sooner or later it is value received. Bang for the buck for the homeowner and commercial contractor. The 30% increase is sizable, but mechanical, electrical, and plumbing remain the same. He got to work closely with two people in the City and they are Tom and Bonnie [Lanz]. He found it a very seamless transition to working strictly with the City of Milwaukie. He got his permits, lined up inspections eight days in advance, and still when it came to support or question of the code, it was not just, "read the code." He actually got a value out of the City's permit division in answering questions and coming up with solutions. Even though it had gone through plan review in the Happy Valley stage. It is a hard hit. He is in commercial work, so eventually the owner pays. Keeping him on the job an additional one or two days will far exceed the 30% increase on the structural side of the permit. That is value to the owner whether it is a private party or a commercial builder.

Additional Staff Comments: None.

Questions of Clarification: **Councilor Stone** understood from the staff report that structural fees were increased 20% last year. So this 30% increase would be a total of 50% in a year. In the staff memo, it says about \$38,000 is being contributed by the general fund.

Larsen said the general fund contribution was the average during the contract with Happy Valley.

Councilor Stone understood **Larsen** thought he would be about \$15,000 in the red this year.

Larsen said that was correct.

Councilor Stone felt 50% was a sizable increase in one year. \$15,000 is not a lot to have to make up with general fund money. At the same time, we are looking at the future in terms of the North Main development and infusion of money.

Larsen said the whole idea was for the building department to be financially self-sufficient and have a reserve so this would not happen in the future. This increase is actually 50% over 2 years, and he agreed that was a lot. He and Rouyer discussed this a lot and tried to come up with a reasonable number. He felt if the department is going to be self-sufficient this is the only way to do it.

Councilor Stone said even in light of the economic development that is going on Safeway and North Main?

Larsen said that is a big dollar volume, but it is impossible to predict. North Main could come in, and everything else falls apart. For example, interest rates could go up. Hopefully with the fee increase and a good solid year, the department would be in good shape. Fees are all based on the value, so as valuation goes up, fees increase. The intent is for inflation to build up the value, but that did not work out this year. The City needs to get ahead of the curve.

Mayor Bernard closed the public testimony portion of the hearing at 7:52 p.m.

Discussion among Council: **Councilor Lancaster** thought the message was loud and clear from the majority of the people speaking that fees as long as they are reasonable and cover actual costs are acceptable as long as quality service is provided. He does take notice of the small businessman who gets crunched, and he does not know the solution. We do not have the capacity to deal with that on a systemic basis, but he thought it was something the City should continue to look at. As **Stone** said, we want people to upgrade the value of their home, and if the fees are cost prohibitive. For small contractors to make that feasible, we may be shooting ourselves in the foot. He would like to continue to look at that. He thought the fee increases were appropriate.

Councilor Loomis said there is great value in it. The question is do we want to continue to have this program in house? Can we afford it? It is expensive. Dealing with a bad inspector can cost more than 30%. Costs for time and labor can be driven up if everything is shut down because you do not have someone who is working with you. This is a service. It sounds like Tom and Bonnie get that. They are there to help the contractor get the job done quickly and efficiently and as safely as possible. It sounds like contractors are willing to pay for it. He is in the same shoes as Lipes, but he also understands the part about getting the job done. He also understands the part of getting the job done. There is nothing more frustrating than paying something unnecessarily and having someone else taking money out of your pocket for either stupidity, spite, or lack of knowledge. It sounds like Milwaukie is on the right track, and he will support it.

Councilor Stone understood where we were going with this and she wants to see the department be self-sufficient. She had a problem with having it hiked up 50% in two years. She suggested a 15% increase for a total of a 35% increase over the past two years. She does not want to unnecessarily charge for service.

Councilor Barnes was somewhat ambivalent. After listening to everyone, she truly believed we should be more optimistic for this department. The scenarios are falling into place – Centex, downtown development – it seems like things are picking up in Milwaukie, and that means more money and lower fees that should be charged. 50% is a great deal. Even in some of the discussions in the correspondence it is noted as being prudent; it does not say you have to. It is like Swanson's contingency at a certain rate. She had a feeling this was a department that would like to have it at a certain rate. At the expense of what? She agreed with Stone's 35% proposal. This is too much.

Councilor Loomis asked Larsen if a 15% increase would get the department get through the year?

Larsen said analysis came up with 30%. It was speculation based on North Main Project and Safeway, and he is hoping and anticipating that next fiscal year would be good. The analysis was based on the averages of the past five or six years. He thought, having done the research, that he would rather do 30% now and not have to raise fees again next year not do it again next year. He did not believe 15% would give the department a contingency at the end of next year. A 10% contingency could be gone in one month, and he thought it was prudent to have the cushion. If we go into next year just breaking even, then we have nothing. He felt the numbers spoke for themselves.

Councilor Barnes asked how the department came up with the 20% increase last year.

Larsen said it was based on valuation and the same criteria, but the projections did not work out.

Mayor Bernard commented the department was new at that time, and the City had just come out of its contract with Happy Valley.

Larsen started in December 2002 and looking at fees was the first thing he did. He had a better understanding and figures than last time.

Rouyer difficult to project what the revenues will be because they are so dependent on interest rates, the economy, and many other things. Milwaukie does not have a lot of buildable land and growth potential, so it is hard to forecast, for example, how many remodels there might be next year. There is not growth potential to bank on. He found this budget to be the most challenging to prepare. He would say also is the expenditures in this department are mainly personnel. There is not a lot of fluff. There is little in office supplies and training. To reduce the fee increase would probably result in borrowing from the general fund to keep the personnel intact. The way to keep out of the risk of cutting the department and personnel is to make sure there is enough revenue to be self-sufficient and get through the tough economic times. There is a risk with lowering this projection, and staff feels this is the right one and will hopefully will not be such big bites in the future.

Mayor Bernard said this is revenue neutral, and he is optimistic that next year the City Council might consider reducing the fees.

Rouyer pledged to re-evaluate the fees if there are good economic times and reserves are sufficient.

Mayor Bernard understood that anyone applying before July 1 would not be affected. He also wanted to set a policy of that caps the reserve amount at four months.

Larsen thought that was appropriate.

Rouyer noted the fee resolution is effective on July 1, 2004.

Mayor Bernard asked the members what they thought about capping the reserves.

Councilor Lancaster felt four months would be an appropriate target but probably does not need to be in the ordinance. It should be flexible enough to meet future needs.

Councilor Loomis said if the resolution is adopted, he wanted to ensure there was some kind of notice for those who may wish to apply for permits prior to the fees going up on July 1.

Larsen said staff has been letting people know at the counter since April. The state notifies the homebuilders as part of the process, so they have been aware of this for some time. There is still a 30-day appeal period after City Council adoption, so the effective date has been set to meet that need.

Councilor Lancaster was thinking more in terms of getting the information to small business people such as Lipes. It would allow the contractor to decide whether or not to pull the trigger now.

Larsen will talk to people when they call.

Councilor Barnes suggested notifying people via the website and cable access. She was most concerned about Joe Blow who wants to put up a fence this summer.

Councilor Loomis said this gets down to the value of this department. It is not coming out of the general fund anymore. The intent is to give better service and higher value by the City's having its own department. The value is in helping the homeowner, not just red flagging a project. When it gets to a point when it is too expensive and there is no value that is when it needs to be looked at. That \$38,000 from the general fund would come from the library or police department.

Councilor Stone did not believe she or Councilor Barnes did not see value in the department. She felt they do great work. She does have a problem with Milwaukie's having the second highest fees in Clackamas County compared to much more affluent communities. That is where she is drawing the line. Do they have their own planning departments, or do they contract out?

Larsen said these cities do have their own building departments. This is all dynamic. West Linn and Tualatin have not raised their fees in a number of years because they are affluent and have a good reserve, and they are definitely going to raise their fees. The average shown on the chart is going to change over time. The distance between Milwaukie and the average is what is important.

Councilor Loomis did not like being compared to other municipalities. They have more growth, and that keeps the costs down. We know we do not have the growth or potential for it, but we do see the value. Do we take it out of the general fund? Or do homeowners and contractors pay for it in permits, and do they see value in it? From his experience, it is worth it.

Councilor Stone would be more willing to support the increase if it were 15%. Could you realistically live with that? Would it close the doors in your department?

Larsen said there are no guarantees. Based on projections and volume of work, 15% would probably be the break-even point and is not the goal.

Councilor Stone there are two large projects that could infuse the money.

Larsen said again there are no guarantees until they walk in to the door that the project will happen this next fiscal year. Those could be the only projects we do with everything else going down the tubes. As Rouyer said, it is difficult to predict exactly what will happen.

It was moved by Councilor Loomis and seconded by Mayor Bernard to adopt the resolution establishing new fees for City services. Motion passed 3-2 with the following vote: Mayor Bernard, Councilor Lancaster, and Councilor Loomis aye; Councilor Barnes and Councilor Stone nay.

RESOLUTION NO. 9-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING FEES FOR SERVICES; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION.

OTHER BUSINESS

Amend Municipal Code Chapter 8.08 – Prohibited Noises – Ordinance

Code Compliance Coordinator Steve Campbell provided the staff report in which the City Council was requested to adopt an ordinance. He was seeking an amendment to Chapter 8.08 – Prohibited noises – and more specifically construction noises created by construction activity. Lancaster has said several times that livability is important to this community. The reason for this change is the increase of construction activity and complaints about noise from construction activities. There were two changes being proposed. The first was to designate allowable hours for noise created by construction activity and equipment. The old ordinance read that noise created by construction activity was prohibited during nighttime hours. The definition of nighttime hours was from 10:00 p.m. to 7:00 a.m. seven days a week. After research and collaboration with City staff, Home Builders Association, and neighboring communities, new code language was drafted. "Nighttime hours" was replaced with designated times. The new ordinance would read that these activities would be prohibited between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday and during the hours of 5:00 p.m. and 8:00 a.m. on weekends.

Campbell discussed enforcement. This is a complaint driven process. At a previous meeting Councilor Loomis indicated he speaks with neighbors to come to an understanding about what they might expect. The ordinance would be complaint driven. Code compliance would enforce during business hours, and the police department would assist during the early morning and evening hours and on weekends.

The second change updated the terms for tools and machinery.

It was moved by Mayor Bernard and seconded by Councilor Lancaster for the first and second readings by title only and the adoption of an ordinance amending municipal code section 8.08.

Motion passed unanimously. The city manager read the ordinance for the first and second times by title only.

The City Recorder polled the Council: Mayor Bernard, Councilor Barnes, Councilor Lancaster, and Councilor Loomis aye; no nays; no abstentions.

ORDINANCE NO. 1931:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 8.08 PROHIBITED NOISES – DESIGNATED.

Sanitary Sewer Master Plan

Associate Engineer Jay Ostlund was joined by **Gordon Merseth**, Crane & Merseth, to provide an update on the sanitary sewer master plan.

The City contracted with Crane Merseth in December 2003 to update the 1994 plan. This report remotely has to do with rates and relocation of the Kellogg Treatment Plant. The Plan is used to evaluate current system, condition of the infrastructure to determine if there are any possible overflow conditions or surcharging, infiltration or groundwater getting into the sanitary system, and make recommendation for maintenance practices. One of the main goals with the master plan is to generate a good Capital Improvement Plan (CIP) list for the next 10 years. The Plan will be before City Council in about a month for adoption.

Gordon Merseth, Crane & Merseth Engineering and Surveying, 6566 SE Lake Road. The primary purposes are to update the master plan, plan for the future of Milwaukie, and review options that exist for the City as it either continues to grow internally or expand through annexation or other means.

There are about 3,000 acres in the service area, 300,000 feet of sewer line, 1,600 manholes, and five pumping stations with a conservatively estimated replacement value of \$36 million. Milwaukie citizens use about 85 gallons of water per day per person. The system is well-built and in reasonably good condition, however there are leaks coming into the system that have to be accommodated. This is between 200 and 800 gallons per acre per day. Reviewing historical flow records for the City, he did not find any instances of these infiltrations causing overflows. However, if the system is not maintained well over time, overflows could be a possibility.

Mayor Bernard understood that could mean that someone has their gutters hooked up to the sewer system or that they have a drain in the parking lot that is connected to the sewer system, and they do not know that. The plan is to basically look for ones that are significant over the future and reduce that infiltration into the system.

Merseth said those are two sources common in many cities. He did not believe Milwaukie had a lot of those, and few have been identified with staff. He worked with Planning Director John Gessner in looking at future populations. This is if the City limits do not change. Milwaukie grows slowly, primarily through infill. Today's population is 20,850 and would go up to 22,100 in 2025. This number would change significantly if the City limits did change.

He described the unserved areas in the Johnson Creek Boulevard/Linwood area. There are eight large areas within Milwaukie's urban growth boundary (UGB) that do not have sanitary sewers currently. Part of the planning work is to look at what the effect would be on the City's system if these areas were to become sewerred. He pointed out the areas on a map.

Mayor Bernard understood this study included areas within the UGB that could be annexed.

Merseth pointed out the 80-acres behind LaSalle High School that is currently being farmed. For reference, he pointed out the service districts. There is a small portion along Johnson Creek Boulevard that is discharged into the City of Portland system, and Milwaukie pay Portland each month for treatment. There is also an area in the southwest part of Milwaukie that goes to Oak Lodge. For the most part, all of the sewage generated in the City is collected by the City and is transmitted to the Kellogg Creek Plant. Area A is 61 acres with about 118 equivalent dwelling units (EDU). EDU is a unit of measure of how much sewage you would get from this type of land use if it were all single-family dwellings. Area B is 67 acres from Stanley to Johnson Creek Boulevard and over to Bell Avenue with 290 homes. Area C is 76 acres with 330 homes with only a few vacant lots that are on septic tanks. He did not know the future for bringing those areas into the City, but the fact that they are on septic and adjacent to Johnson Creek it is probably only a matter of time until the state or some other agency says someone has to do something with this. This someone may be the City. Area D is 38 acres with 165 EDU. The other areas are 38 acres with 135 EDUs, 8 acres and 35 EDU, 47 acres commercial and light industrial which could be an equivalent of 564 homes. Dry commercial, general storage and light manufacturing that number could be much smaller. If it is a wet industry, it could be larger. Based on the Comprehensive Plan and zoning, that is the number he gets. The area along I-205 is 90 acres with 385 EDU and the farm on Linwood is 64 acres, not the 90 he mentioned before, with 275 EDUs.

All of these will generate some challenge and maybe some opportunity. The Brookside area and those immediately to the east could be routed into Brookside without pumping. Areas C through F could go to the Lents trunk that is owned by the City of Portland and runs up the Springwater Corridor. For the most part, they could be into the trunk by gravity without building any new pumping stations. That in many ways is an advantage because pumping stations are a source of problems and a maintenance headache, so we avoid building new ones when we can. This is contingent upon Portland's approval.

The large areas near I-205 and behind LaSalle High School can be routed into the Clackamas County system. The second option is to pipe everything that would go to Portland through the City of Milwaukie system. That means all of the areas except G & H would have to be pumped into the City and each of them would have to have its own pumping station because they are geographically located that they all have a low point. That would mean a number of more pump stations that would have a significant impacts on the existing system in Milwaukie because it is not big enough to handle flow coming from that side of town and getting it to the Kellogg Creek Plant. The study is at the stage where the impact is identified if the sewage all had to come that way. The other two areas could go to Clackamas County, and they are agreeable to that. The third option would be to construct a new line down the Springwater Corridor and run all of the new areas into it and connect to it into the City system near McLoughlin Boulevard. He understands the Springwater Corridor was still a rail line, so that option is a long shot, but that is one way to get the sewage from all those places into the lower end of Milwaukie's system and conveyed to Kellogg. The fourth option is putting sewage in the Lents line and taking it out downstream near McLoughlin Boulevard and not overloading Portland's system downstream. Since the line is there and if there is capacity that may be an option as well. The final stages of his work is the detailed evaluation of the impact of these flows on the Milwaukie system and finish the hydraulic model for serving these unserved areas and then to estimate the cost for future service.

Mayor Bernard asked why the City was studying an area it was considering annexing. It seems like money is being spent on an area that will probably not be annexed for quite some time. He could see just having to pay for another study of the same area in the future.

Authorization to Submit Two Metropolitan Transportation Implementation Program Grant Applications

Project Manager Jeff King provided the staff report. The City has the opportunity to apply for federal monies that pass through Metro. He discussed the cap in Clackamas County which is about 200% of the available funding. Staff felt there were two projects that were the strongest. One was the Lake Road Multimodal Project because it was well planned and nearly made the cut this year. The application would be for about \$2 million. The second is the downtown pedestrian project that would link up with the work being done on the McLoughlin Boulevard Improvement Project and the North Main Project. The proposal would finish out the areas of Harrison between McLoughlin Boulevard and 21st Avenue and across from City Hall. This would make pedestrian improvements, streetscape improvements, encourage Multimodal use, and safety. It is an important step in attracting private sector investment. This would be in the realm of about \$500,000. Staff just got word from Metro that it would allow Milwaukie to apply up from \$375,000 to \$500,000 without affecting the Clackamas County cap. If these projects reach the 150% cut, there will likely be a public outreach effort in the fall.

Mayor Bernard could not imagine why the City would not apply for these funds. He was amazed it costs so much to do these projects.

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DRAFT MINUTES

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King added these were updated estimates, so the numbers are pretty realistic.

It was moved by Mayor Bernard and seconded by Councilor Barnes to authorize staff to complete the MTIP application for Lake Road Multimodal Improvement and Downtown Pedestrian/Streetscape Improvements and authorize the Mayor to sign the certification statement. Motion passed unanimously.

Economic Development Strategies

Project Manager Jeff King provided the staff report. He provided a handout.

While King distributed the handout, **Mayor Bernard** noted he received a letter of appreciation from Marquis for the development teams recent visit.

King provided an update of activities both in terms of a specific grant the City received for economic development and some of the recent activities in terms of economic development. There is increased interest in Milwaukie due in part by general growth as well as Portland's issues in terms of fees, taxes and regulations. There is a lot of working going on in the International Way area and in North Milwaukie. There will be not only an increase in jobs but also an increase in the value of these properties.

King sought guidance on the economic development outreach and retention program. The Mayor had a very good meeting with Marquis Company and there are upcoming meetings with OECO and PCC Structural. In the initial meeting, the team was Mayor Bernard, Councilor Barnes, Greg Jenks from the Clackamas County Economic Development Department, and himself. He discussed adding different members and rotating them around. The most critical are the elected officials and support in terms of resources and ongoing information. For example, the follow up with Marquis was hooking them up with work force people from the Department of Employment Training to assist with workforce recruitment issues.

The second piece is putting together a short-term economic development advisory committee. He included some names with an effort to balance it between different sized businesses particularly different cluster such as health care services and distribution and metalworking. It is a balancing act getting those different perspectives. He provided a list of businesses and asked for feedback on whether there were individuals or organization the City Council saw as priorities or any that send up a red flag.

Mayor Bernard suggested including the Clackamas County Fire District Union, Teamsters, Sheriff's union. The Fire Union would be great since it gets income from growth and development. He also suggested the Clackamas Town Center and North Industrial.

King in listening to Tom Larsen earlier, the homebuilders local might also be another group to include since they benefit from growth and activity in the local economy. There is flexibility in this list, and unless there are issues with this list, he will move forward.

Swanson said it would be good to have specific direction on that composition so the effort can move forward as soon as possible. Any additions, concerns, or specific direction should be expressed this evening so the group can be put together.

Mayor Bernard has looked at this list for over a month and has contributed names. He felt it was going in the right direction. Councilor Barnes also has been looking at it for that length of time.

Councilor Stone suggested representation from the neighborhoods. There were two people on the list, but she wondered if the City Council might consider having a representative from each of the neighborhood associations.

King suggested developing a list of alternates.

Councilor Loomis asked if there were restaurants such as Windhorse.

King said those can be picked up through downtown business operator title.

Councilor Loomis suggested someone from the grocery stores.

Councilor Barnes suggested talking to McGrath's.

Mayor Bernard will provide some ideas of commercial developers such as Gramor.

King said activity is being seen in all of them. There is an inventory of commercial sites, and there are 10 Milwaukie sites on the state website. There is an in-house inventory that he uses for eventual posting on the City website. The enterprise zone and marketing flyer real good interest from vendors and can move quickly to get that piece done professionally and distributed. He is starting to see activity in the six acres at the end of International Way at the Harmony intersection. Transportation issues will be the greatest concern. The City is starting to move on a number of fronts and starting to see activity with some of the leads the team has been able to follow up on. There is natural interest in the location because of the proximity and lower costs and availability of space. The City is poised to see activity.

Councilor Loomis was interested in being an alternate for City Council or outreach.

King will include ODS and McGrath's, Electra Credit Union, and someone from theatre and/or fine arts. They key is to get the different perspectives to make accurate responses.

Other

Transit Center Relocation

The next transit center relocation meeting was set for Monday June 21, 6:00 p.m. at City Hall.

Executive Session

Mayor Bernard announced the City Council would meet in executive session pursuant to ORS 192.660(2)(d) for labor negotiator consultations.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 8:57 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL JUNE 1, 2004

MILWAUKIE CITY HALL
10722 SE Main Street

1935th MEETING

REGULAR SESSION - 6:30 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
 - A. **Citizen Recognition (Larry Kanzler)**
 - B. **Advisory Board Interviews**
- III. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
 - A. **City Council Minutes of May 18, 2004**
 - B. **Storm Water Master Plan Contract Amendment**
- IV. **AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*
- V. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

Fiscal Year 2004 – 2005 City Fees – Resolution (Jeff King/Tom Larsen)
- VI. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
 - A. **Amend Municipal Code Chapter 8.08 – Prohibited Noises – Ordinance (Steve Campbell)**
 - B. **Sanitary Sewer Master Plan (Paul Shirey/Jay Ostlund)**
 - C. **Authorization to Submit Two Metropolitan Transportation Implementation Program (MTIP) Grant Applications (Jeff King)**
 - D. **Economic Development Strategies (Jeff King)**

VII. INFORMATION

Ledding Library Board Minutes of April 19, 2004

VIII. ADJOURNMENT

Public Information

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

All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

MINUTES

MILWAUKIE CITY COUNCIL MAY 18, 2004

CALL TO ORDER

Mayor Bernard called the 1934th meeting of the Milwaukie City Council to order at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Lancaster
Councilor Joe Loomis

Councilor Deborah Barnes
Councilor Susan Stone

Staff present:

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

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

Jason Wachs,
Program Coordinator

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

CONSENT AGENDA

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

- A. City Council Minutes of May 4, 2004; and
- B. Resolution 8-2004 – A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Police Chief to Sign an Intergovernmental Agreement with the Portland Police Bureau, Beaverton Police Department, Bellevue Police Department, Clark County Sheriff's Office, Eugene Police Department, Lake Oswego Police Department, Marion County Sheriff's Department, Medford Police Department, Multnomah County Sheriff's Office, the Salem Police Department and the West Linn Police Department, and Federal Executive Agencies to Include – Federal Bureau of Investigation (FBI), Federal Trade Commission, U.S. Postal Service, U.S. Secret Service, and

the U.S. Attorney – Department of Justice to Investigative Fraud and Identity Theft through the Formation of a Regional Economic Crime Investigation Center (RECIC).

Motion passed unanimously.

AUDIENCE PARTICIPATION

Anneliese Hummel, 2802 SE Monroe Street, Milwaukie. Hummel discussed traffic on Monroe Street and the rest of the neighborhood. Noise pollution and volumes are increasing daily. She does not want to spend time on studies as she has done that several times. The elected City Council needs to protect its citizens before any new development takes place. The neighborhoods need to be protected, and Stone has done that on her street. Dividers with plantings like those on 32nd are needed at the intersection of Monroe Street and 28th and 29th Avenues. This might slow or eliminate some of the traffic. Hummel has lived in that house for 15 years and nothing in the way traffic or repairs has been done. She has asked for new curbs on the west side of her house on 28th because they are in need of replacement. The traffic and volume are the most important and vital. She cannot stay for the Kellogg Lake hearing, but she put her vote on the record as “no.” She is not opposed to public transportation and a new transit center, but this is not in her opinion the right place to put it.

Hummel urged the City Council to do something about the traffic on Monroe Street and possible Washington and Harrison. With building left and right, one section of cars has to wait for the other to pass because of parked cars. It is a daily occurrence now. There are more and more trucks using Monroe between Hwy. 224 and downtown. She described a huge truck trying to turn left on Monroe to get downtown. She saw no decrease in that type of activity.

PUBLIC HEARING

Mayor Bernard read ground rules for the conduct of the hearing:

- Please fill out the testimony form before you come to the podium. That is the green registration card available on the information table in the hall. It ensures that we both have correct spellings for the record and have included everyone who wishes to speak;
- Please state your name and address before you begin your testimony so that they can be entered into the record--and please speak directly into the microphone;
- I will limit the presentation time for speakers to give as many people a chance to be heard as possible--10 minutes for groups and 5 minutes for individuals;
- Please make sure that your remarks are about the issues we are going to decide;
- Please avoid repetitive testimony--we want to make sure that you get to say what you want to say, but we also want to make sure that we include everyone; and

- Please do not engage in personal attacks--we are interested in hearing about the issues.
- The order of speakers was proponents, opponents, and neutral.
- Council will evaluate its progress later in the evening. If it appears there is substantial number of people yet to testify, he will call for an adjournment at approximately 9:00 p.m. Another date will be set to continue the meeting if adjourned. If he believes all have the opportunity to speak within a reasonable period of time, the hearing will continue.

Proposed Recommendation Regarding Transit Center Siting and Light Rail Alignment and Station Siting

Mayor Bernard called the hearing to order at 6:18 p.m. The purpose of the hearing was to consider public comment on the proposed transit center siting and light rail alignment and station siting.

This is not a land use decision and is not subject to any existing land use standards or criteria. He reviewed the order of business.

Conflicts of Interest

Mayor Bernard declared he had a potential conflict of interest and asked the city attorney to discuss it.

Firestone clarified the difference between a potential and actual conflict of interest. It is a potential conflict of interest if the outcome of the decision could affect the financial interest of the decision maker, anyone in the decision maker's family, or a business with which the decision maker is associated. It is an actual if the decision would affect the financial interests of the decision maker, decision maker's family, or business. The difference is between "would" and "could." The difference is essentially the certainty. If it will affect it is an actual conflict. If the interest is only potential and other things could happen and intervene, then it is potential.

Mayor Bernard said his potential conflict is that he is a downtown property owner. He owns about a block of land located at 21st and Washington Street, Main Street and Washington Street, and Adams Street and 21st Avenue. The transit center location is not on his property but is near his property. One could assume a potential benefit. The business on the property owned business has been there for 79 years and is an automotive repair business. It has been in that location through many changes in Milwaukie. The business is currently operating, and he intends to operate for many years to come. For the record, he does not see any potential benefit to the transit center relocation. It may offer some potential benefit in the future should light rail come by his property. According to the current plan, light rail would be on the other side of the tracks from his property. At this point any potential would be far into the future and would more likely be in increasing the potential value of his land in the future.

Mayor Bernard asked if there were any challenges to any Council members ability to participate in the decision.

Councilor Lancaster asked for clarification if the participant would have to recuse himself if there were an actual conflict of interest.

Firestone said that was correct. If the conflict of interest is actual, that means it would affect the business rather than could affect the business, then the decision maker must recuse himself, step down, and not participate. If it were a potential, then the decision maker can participate in the decision.

Councilor Lancaster asked if there were any legal guidelines where one crosses the line or is it subjective:

Firestone believed there were reasonable guidelines of immediacy and direct relationship. For example, a contract with the decision maker's company or spouse or self is an actual conflict of interest. Siting in the future appears to be potential particularly when there is an intervening decision as in this case. If there is an intervening decision and the only action is a recommendation, then it is typically considered potential than actual.

Challenges

Jeff Kleinman, Attorney, 1207 SW 6th Avenue, Portland. He represented Citizens for Milwaukie Greenspace who participated before the Planning Commission and consist largely of property owners and others in the Kellogg Lake area who are opposed to this application. He apologized in advance to the Mayor and other members of the Council because what he was going to do would be very uncomfortable for all concerned. This is his job, so he does it. He believed there was a conflict and that Mayor Bernard should recuse. One reason for this is that it appears it would be far less likely that the MAX line would be extended through downtown and on south unless the locally preferred alternative (LPA) for the transit center were relocated from north industrial to the proposed site on Kellogg Lake or somewhere else further south. He sees an actual conflict arising out of the fact that, as he understands it, a substantial part of his property is undeveloped. Therefore, any extension of the light rail line would result in greatly increasing the value of the property. To the extent it is already developed, there would be the potential for redeveloping the site into something more commercially valuable than the business currently operating. Third, he thought the current contemplated location of the MAX line on the far side of what is now the UP main line actually is not carved in stone. There is a real likelihood the line could move to the other side resulting in a taking of all or part of Mayor Bernard's property. This would, one would hope, result in substantial compensation for Bernard and any other owners of the property. Second, and even less comfortable from his standpoint, he understands in his current race for County Board of Commissioners that Bernard has a billboard or sign located on the Goodwill property as one enters Portland on Grand Avenue coming off the McLoughlin viaduct. He asked Mayor Bernard if that were correct.

Mayor Bernard responded that was correct.

Kleinman asked what rental was being paid to have that sign at that location.

Mayor Bernard responded that is information would be available on his C&E's, and no rental is being paid.

Kleinman said, as he understood it, the owner of that particular property is Howard Dietrich who also owns significant property at the north industrial alternative – the current locally preferred alternative or in that immediate area. According to the owners up there would be benefited by getting rid of the original alternative at Southgate and moving it south. He saw a conflict in Bernard's receiving that benefit from Dietrich, albeit over the line in Multnomah County, at a time when he has a great stake in the financial outcome of this decision. For those two major reasons, Kleinman respectfully requested the Mayor recuse himself and is not legally qualified to serve in this case.

Mayor Bernard discussed Kleinman's comment about "should light rail come." We are a long way from that, and it will have to be voted on. The fact is that it may never happen definitely puts it in the potential area. He understood TriMet already bought the property at Southgate and that Howard Dietrich no longer owns that property. The donation of the sign on McLoughlin Boulevard and the fact that light rail may never come and would require a vote he believes fits the definition of potential. This is not a light rail recommendation; it is a transit center relocation recommendation. He understood the fact that should light rail come is in the future. The fact that it may never happen puts it in the potential. This is not light rail it is transit center. He understands that TriMet owns that property rather than Dietrich. Based on those facts, he believes there is no actual.

Kleinman believed Dietrich continues to own properties in that immediate area on McLoughlin Boulevard in that immediate area including the Mill End store and would prefer to see this transit center relocated to the south. His objection to the Mayor's participation does stand.

Mayor Bernard believes it is still a potential conflict and will participate in the hearing.

Firestone said the Mayor has made the necessary statements.

Councilor Stone commented this was news to her about who owns the property where Bernard's billboard is and the potential for this business owner to be benefited by moving the preferred alternative from the Southgate site to the Kellogg Creek site. She saw this as having a potential for being an actual conflict of interest for the Mayor in the future. For those two reasons, she agreed Mayor Bernard should recuse himself from participating in the final vote.

Mayor Bernard personally believes this is potential conflict and will participate.

Staff Report: **City Manager Mike Swanson** provided the initial staff report with some brief general comments. The City Council has had the staff report for a week, so he would not read that. Phil Selinger, TriMet, John Gessner, Planning Director, and Donald Hammang, Planning Commission Chair will add their comments.

The issues arose after a long journey that began with the South Corridor process.

Recognition of Outstanding Milwaukie High School Student

Councilor Barnes said the City of Milwaukie began a program several months ago to have a better connection with its high school. There is wonderful work going on at that high school along with a wonderful principal and some incredible kids and teachers. Once a month, the City Council honors a student that shows promise and is part of the community. This month Kristine Juohola is graduating this year 11th in her class with a 3.95 GPA. She is in honors classes including AP calculus and English and is a member of the National Honor Society. She has worked with incoming freshmen, participated in the Annie Ross fundraising events as well as other community outreach programs. All of this is combined with athletics that includes varsity golf and soccer. Kristine plans to go to collect and major in biology.

Swanson resumed the staff report on the proposed transit center relocation. The issue before the City Council at this meeting began with the South Corridor process that began after the defeat of the South/North Light Rail proposal. Many of Milwaukie's leaders of today emerged from that experience and determined they had changed things. A number of those people he talked to speak to two major issues. One is the alignment and its negative impact on the neighborhoods in 1998. The other is the way the decisions were made. The South Corridor process originally sought a non-light rail solution to transportation issues facing Clackamas County and the region. It resulted in a two-phase project. Phase 1 was the construction of the I-205 corridor and phase 2 in the future was the line between downtown Portland and Milwaukie.

What brought the City Council to this point was a decision that was made about phase 1 which was the relocation of the downtown Milwaukie transit center. This was provided for in the locally preferred alternative (LPA) decision. Why was that provision put in there? Those engaged in the South Corridor process felt that the City needed something tangible – a tangible success early on. Milwaukie citizens, governmental leaders, and staff were very engaged in the process. What the City sought and got was relocation of the temporary facility that was located in the early 1980's from its current site outside City Hall. That was one change. Another change was the alignment sought specifically not to impact in a negative way the neighborhoods. There was a change in the way the neighborhoods were dealt with. The neighborhoods and the leadership were engaged. Another change was the way the City does business; it attempts to engage a broad array of the public in making its decisions. Thus, the working group. The working group was a creation of TriMet, not a body that was appointed or given its charge by the City Council. The City's relationship with the north industrial area has also changed. Swanson spoke with one of the company presidents from that area a couple of years ago and was told that was the first time he had talked to anyone from

the City in his 31 years with company. A new relationship was established. The changes that many people sought in 1998 have happened.

He thought often of President Reagan's question in the 1980 election, "Are you better off now than you were four years ago?" President Clinton said governing is really about the future. That is why the City Council was there at the meeting. Does the decision best affect the future? Can people years from now look back on what was done and say their lives were better because of what was done in 2004. It is hard work. What the City Council will hear are conflicting positions. Traffic impacts will/won't affect the neighborhood. Development will/won't occur if the City does something. The environment will/won't be degraded. Everyone is trying to predict the future. What we all bring to it is our best intentions, but none of us bring a monopoly on the ability to predict that future.

It is all about how we handle change. The City is in a unique position. It is right in the middle of a region that is constantly changing and experiencing incredible pressures. Can Milwaukie ignore the change? No. We would do that out our peril. Whatever the City does, it is about a transit center – but it is more about the future. It is about what we are leaving – the legacy – to people like the young lady from Milwaukie High School.

Phil Selinger, Project Planning Director, TriMet. He introduced several associates who worked with him on this effort: Alonzo Wertz (TriMet), Dave Unswerth (Metro), Bud Roberts (ODOT), Randy McCourt (DKS), and Michelle Gregory (Soapbox Enterprises). He acknowledge the excellent integration and coordination with Milwaukie staff throughout the effort. This group has been excellent to work with and will be in the future. He acknowledged how agency staff appreciated the excellent community involvement in the City of Milwaukie. The quality of that participation indicates an involved community that is concerned about its future.

His comments were contained in the May 16, 2004 memo forwarded to the City Council and represent the interagency effort. Some years ago efforts were being made to locate an off street transit center even before the South Corridor Study got underway that lead to the LPA. The site once considered was the old Safeway site, but there were problems with making it work. They were appropriate and good issues. The funds that were actually designated for that site were diverted to the Southgate project. The funds were diverted to Southgate because as the LPA was emerging it would be a location where something would be happening for this work program. The LPA called for a transit center and 600 parking spaces to be located at that site.

The LPA recommendation called for a working group to be established to work out some issues that were addressed in the process of getting to the LPA recommendation. The working group that was formed in consultation with Milwaukie staff consisted of 23 members of the community including north Milwaukie industrial, downtown, and neighborhood representatives. There were also nine staff and two consultants. There were other folks from the downtown community, the various neighborhoods, and north industrial who sat in on some of those sessions. He believed the process was fairly extensive. There were six meetings over a five month period that ended in February.

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Parallel to that, there were four Milwaukie only meetings that were set to allow a community discussion in the absence of the various agencies. The working group discussion prepared 21 evaluation factors, and each option was evaluated extensively and included a wide range of factors. As the working group moved toward its recommendation, there was an open house where the output of the working group was presented to the community and comments received. This was very important in preparing the final recommendation.

He described the purpose of a transit center that could be summarized in three areas:

1. Provides connections between local and regional transit services and provides access to the system in which the region has invested;
2. Provides a visible and convenient connection for the community which are generally located in town centers and offers a collection of services to allow the maximum number of people, in this case, to get to downtown Milwaukie facilities and as more people live in downtown Milwaukie provides access to those folks as well; and
3. Provides an important operational component for the transit system itself. It is a place where routes can terminate, operators can take break, bus schedules can recover if they fall behind, and is part of the machine needed to run the system.

Adjacent but a little contrasted to a transit center is a park-and-ride lot. It is a place for people who do not live on transit service to get to that transit service using their cars. That is critical as part of the trunk line high capacity services that include light rail and some of the bus routes. TriMet tries to locate park-and-ride lots on those major services but out of town center downtowns because they do generate traffic. The purpose is to intercept trips at the park-and-ride lots before they get to town centers and core areas.

Discussions were entered into with the working group with no preconceptions other than the baseline of trying to make the Southgate LPA selection to work. There were some issues related to the recommendation that came out of the LPA.

Selinger briefly reviewed the options considered four of which were focused on getting the Southgate location to work for the transit center and park-and-ride.

- Option 1 series was what came out of South Corridor work and the Draft Environmental Impact Statement (DEIS). The issues related to the main Milport intersection is challenged because it is a compound intersection with McLoughlin Boulevard. At least in the future it would be difficult to make the intersection work effectively. The other concern with this option was the fact that light rail followed Main Street, and there were real or perceived impacts of that alignment on the businesses on that street in the north industrial area. Overall there were concerns about if and how the transit center and park-and-ride would impair truck and commerce in that district. Options to deal with that was to wrap Main Street around the transit center to create additional stacking room at the intersection and effectively separating those two intersections with the transit center in the middle of the loop. Another scenario was created with working group input that reduced business impacts by sending the alignment under Hwy. 224 at a more oblique

angle. The final scenario in this grouping put the park-and-ride over the intersection that had a more compact arrangement. Light rail was elevated in that area, but all in all this scenario was quite expensive. While these options were technically feasible, they did not address the issues primarily coming out of the north Milwaukie industrial district in the working group.

- This led to a widening of the field – or series 2 options. All of these alternatives moved the alignment from Main Street to the Tillamook Branch freight rail line. This immediately eliminated the Main Street impacts.
 - 2.1 consolidated the transit center at the planned Tacoma Street station. This would eliminate the Southgate station.
 - 2.2 placed the transit center at the ODOT property with a tight s-curve arrangement following Main Street for a short distance. It would have provided a small park-and-ride and transit center. All of these options came down to Kellogg Lake with a park-and-ride but not a transit center.
 - 2.3 located the transit center at what is now the Heiberg site to the rear of the Southgate site. This option was workable but it had very poor access that translated into safety concerns because it was far removed from the main road and any 24-hour activity. It would be isolated and difficult for emergency services to monitor the location. It would also have been difficult for busses to access.
 - 2.4 and 2.5 were somewhat similar in this grouping. 2.4 took the transit center into the south end of downtown Milwaukie at the post office site near Lake Road. It was a very compact arrangement with a walking connection to a park-and-ride lot on the Kellogg Lake site.
 - These were the options that were worked with going into the recommendation. Just prior to making the recommendation an additional option was considered which was to pull the transit center across to join the park-and-ride on the other side of Kellogg Lake. That became the recommendation of the working group.

From the agencies' standpoint the most promising options were likely 2.4 and 2.5. From the working group's standpoint, there was continuing interest up to the end of making the ODOT site work. Part of the concern of the participating agencies, mainly TriMet, was that bus operations would be impaired at the proposed transit center locations to the north at Tacoma and ODOT. There is bus service from the north along McLoughlin Boulevard, from the east to Milwaukie, and some from the south. The services from the north, once it gets to the Milwaukie town center, would come into downtown Milwaukie then have to back track and lay over to make connections to the north. That movement had extraordinary operating costs associated with it. In the case of Tacoma Street, it would be about \$800,000 annually, and ODOT would be \$600,000 annually. The alternative to those additional costs would be to truncate the service without coming into downtown Milwaukie and forcing riders from the north and northeast to other services to get to the downtown area. This was not a desirable scenario.

Selinger described the working group recommendation for Option 2.5. The first phase would be a bus only transit center on south side of Kellogg Lake. It would require reconstruction SE 22nd Avenue and River Road to provide access to the transit center.

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It would also establish an improved bus stop on Main Street in front of City Hall. In this scenario, the passenger movement in downtown from the bus layover function that would be contained at the south end of Kellogg Lake. The idea was to get the best of both worlds – preserve the transit center for riders and citizens but maintain the operational requirements of the system. The second phase of this option would be construction a parking structure over the transit center. Light rail would be extended over Kellogg Lake with an elevated light rail station adjacent to the parking structure. There would be a walk connection from downtown Milwaukie to the transit center and across to the Island Station Neighborhood with pedestrian connectivity to the waterfront.

Some of the issues that emerged as the recommendation came forward was the scale of the garage proposed to be 585 spaces. He believed using sensitive materials, landscaping, and stepping back the top level could mitigate the scale. There was concern about building a transit center in a landfill, and Selinger indicated conventional techniques like piling could be used. There were concerns that this option would reduce downtown bus circulation, particularly at the Planning Commission meetings. By locating a single, primary bus stop at City Hall, busses circulating through the downtown area would be eliminated. There would be no downtown layovers. The City Hall bus stop improvement could help implement the Main Street streetscape plan and help complement the work on the Safeway site. Another important consideration is how this project might coordinate with projects taking place in and around Milwaukie. These include Kellogg Creek restoration, Trolley Trail, Treatment Plant relocation, ODOT preservation project on McLoughlin Boulevard, and the McLoughlin Boulevard improvement project. All of these projects would be coordinated with the transit center.

Selinger believed the working group recommendation met the objectives going into the review. The Southgate site as mitigated in Options 1 technically does work, and the needs could be met. The working group has come up with a very attractive recommendation that perhaps better works for transit and the needs for providing connections to downtown Milwaukie.

Planning Director John Gessner made three points. The \$600,000 estimate of increased costs was revised downward to \$400,000. He had previously reported to City Council that the parking lot count was reduced to 525. In an effort to reduce the height, ½ of the upper deck was removed to help with the view impacts for the neighbors living on the north side of the Lake. Although the agencies to agree they can go back to the LPA as mitigated, it would be substantial conflict many of the concerns particularly relating to the loss of business and tax base. He provided highlights of the Planning Commission decision. One was in the findings had to do with the process. The Commission document the scope of work taken over by the working group, the length and inclusiveness and overall quality of the process. It showed Milwaukie how projects like this ought to be conducted, and he was proud to be a part of it. The Commission articulated 12 or 13 reasons for adopting option 2.5, and he identified the three most important:

1. It results in the timely relocation of the transit center as requested by the City Council. It does not involve property acquisition because it is already owned by the City;

2. It has the fewest impacts and most benefits to the City of the alternatives;
and
3. Many of the problems identified in the LPA by the Planning Commission and City Council have been resolved.

There are still a number of concerns that were identified in the working group process that need to be resolved – traffic, environmental impacts, and views. There are means to get there. The conditions the Planning Commission forwarded include the creation of an advisory group to help guide the design of the process so that environmental, public safety, traffic, and other issues can be resolved. There are a number of additional steps that will ensure environmental and other community site development issues are addressed.

Planning Commission Chair Donald Hammang said the Commission realized this is a decision that on the face of it does not appear to be the best choice. However, it is the only decision that came out of the process that had neighborhood support and driven by this support that meets the needs identified time and time again. These were bringing transportation into Milwaukie without tearing up the neighborhoods, comes the closest to meeting the 14 Points articulated by the neighborhood associations in their early dealings with the return of South/North Rail. It is a product of the working group – not of any staff project. The working group was made up of the neighborhood association chairs and businesses from the City of Milwaukie which are both valid constituents in such a process. It was approved by consensus with a few dissenting votes to be the best of all the alternatives. It will help get the busses of the streets of Milwaukie which is something people have been striving to attain for years. It looks disorderly and probably impedes the healthy development of the City. Hammang said he had a background in public involvement being a recall member. The process did seem fair to him from his position although he could not be involved as a Planning Commission member. He understands it was a difficult decision, and it is important to consider “out-of-the-box” solutions. Combining the transit center and light rail site on Kellogg Lake was a result of neighborhood leaders brainstorming. It was not a staff idea. Carlotta Collette from Ardenwald and David Aschenbrenner from Hector Campbell put that process together, so it does have grass roots support.

Councilor Stone understood the working group was made up of people from neighborhoods and business leaders and that there were about 20 people. She asked if that were accurate.

Hammang believed there were 10 people from the neighborhood associations and 13 people representing businesses. He understood each neighborhood had a representative.

Gessner believed the final vote was about 18 to 3. Staff tallied the people attending and could better address the numbers attending.

Councilor Stone said when Gessner first sat down, he threw out a figure of \$400,000 instead of \$600,000. Was that the amount of money Selinger talked about?

Gessner replied Selinger was talking about a \$600,000 annual cost to locate the transit center at the ODOT site. That was a preliminary number that was subsequently revised to \$400,000, and this was reported to the working group and the Commission elsewhere.

Councilor Stone wondered if that was an annual figure and how those numbers were arrived at.

Selinger said these types of calculations are done all the time to efficiently configure service. It looks at the average bus travel time on the street that is about 13-14 mph, distances, number of busses per hour, and hourly operating costs. TriMet looks at that as a differential – one location versus another. The agency is continually trying to optimize the system so money is well spent.

Councilor Stone was surprised there was a \$200,000 discrepancy. She wondered how Selinger was getting his figures.

Selinger did not do the calculations himself, so he was not sure. People in the scheduling department did the rough work, and one of his staff did the summary.

Councilor Stone asked if they were available.

Selinger said scheduling staff could be available but not at this meeting. Michael Fisher, who recently retired from TriMet, was the project lead and prepared the summary.

Councilor Stone asked if Selinger could get these calculations to the City Council.

Selinger said he would.

Program Coordinator Jason Wachs said the list of people invited to the group at its inception included 10 Neighborhood District Association (NDA) leaders, 13 north industrial representatives, 9 local and regional staff, and 2 consultants. As various options came up, new members were recruited. As of January there was a list of those involved in one way or another. At that time, about 13 downtown interest holders, 5 more NDA leaders and other citizens, and 5 more north industrial representatives. Updates were provided during the process. Others have come into the process as Planning Commission meetings took place.

Mayor Bernard understood the actual voters were the original committee.

Wachs said that was correct.

Councilor Stone understood this process went for about 5-6 months. In the course of this process, were some of these members kind of coming sometimes and not coming at other times, or was there a pretty solid group in terms of numbers at each meeting?

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Wachs replied there was a solid group. There was definitely consistent attendance. There were two process taking place at the same time: the working group and the Milwaukie only group that opened up the process even more particularly to those in the downtown and Kellogg Lake areas. More or less, the attendance was consistent. The Milwaukie only group was everyone on the working group but without regional staff. City of Milwaukie staff was there.

Councilor Stone understood Wachs to say there were 9 local and regional staff, 2 consultants, 13 downtown business leaders, 5 NDA leaders, and 5 people from the north industrial land.

Wachs said the initial group was 10 NDA leaders. Over the 5 months there was a lot more outreach to find more participants particularly in the downtown and Kellogg Lake area.

Councilor Stone understood there were roughly 10.

Wachs said overall the NDA and citizen participants totaled 15.

Councilor Barnes requested the names of those involved with this decision be read into the record.

Michelle Gregory, Soapbox Enterprises, read the list of people from Milwaukie:

1. Gary Hunt
2. Keith Bell
3. Mark Hendricks
4. Norm Unrein
5. Bill Munson
6. Brian Heiberg
7. George Anderson
8. Chuck Willie
9. Howard Dietrich
10. David Aschenbrenner
11. Dolly Macken-Hambrigh
12. Peter Koonce
13. Ed Zumwalt
14. Roger Cornell

Councilor Stone was trying to clarify the actual citizens living in Milwaukie versus the business owner versus staff. The list just read was a combination of citizens living here and business owners. Of that list, there were more business owners listed than residents.

Gregory said that was the initial list. It is important to stress, that as part of both the Milwaukie only process and the working group process as things moved forward and new options considered there was an effort to expand and include more people. There

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are other who did participate at other working group meetings as well as Milwaukie only meetings, and those people were either business owners in the downtown area or residents of Milwaukie who were concerned about the downtown area. There were residents of the Island Station and Lake Road neighborhoods that came occasionally. A comprehensive list could be compiled from the sign-in sheets.

Mayor Bernard understood these were business owners, property taxpayers, and residents.

Gregory said the staff did its best to get a balance.

Councilor Loomis asked for a description of the voting process, and who was eligible to vote. It was 18 – 3; was that the original committee or whoever was there.

Gregory said the vote for the recommendation was taken at the last working group meeting. That meeting was attended by staff resourcing the project all along, the original members of the working group, some additional citizens and interested business owners who started coming to the meetings at the end of the process. The effort was made to expand the number of people for input. When the actual vote was taken, staff and paid resource people literally backed away from the table. Anyone who was a member of the community as a stakeholder, business and resident, was part of that vote. At the time there were 18 plus 3 of those individual.

Councilor Loomis asked if this was the only option voted upon during the entire working group process.

Gregory said throughout the process there were periodic rankings to get a consensus of direction. That was the only official vote the working group took. She believed there was some straw polling in the Milwaukie only process.

Gessner said there was a deliberate narrowing process. By the time the group was midway through the process there were 8 separate alternatives that were contending against each other. There were a lot of different values expressed about the different options – what impacts might affect different people differently. The working group was brought to the process of reducing the options. It was a non-vote process, but it was collaborative and consensus based process of selecting options 2.4 and 2.5 for final consideration. The next meeting resulted in the final decision to go to 2.5 in preparation of the working group's final recommendation that the City Council has in its packet. He referred to the February 4, 2004 recommendation from the working group to the Planning Commission. He wanted to respond to some of the concerns about stakeholder involvement and processes by getting the names of all the participants to construct how that process went and forward the information to the City Council.

Councilor Lancaster asked for clarification if there were members who were not part of the working group that were part of that vote.

Gessner did not believe there was ever an eligibility criteria for the working group. It was a pretty organic group, and the membership would change depending on who was able to attend the meetings. It became a little bit fuzzy when the Milwaukie only group was created. That was in part due to the working group's strong desire to do problem solving without the agencies being present. Secondly, as indicated by Gregory and Wachs, as the downtown locations were identified as prospects a lot of effort went into getting additional stakeholders in. The working group was a loose term for a large group of persons who were involved at one point or another. He used a liberal interpretation when reporting to the Planning Commission. Basically, if you show up at the meeting, you are a working group member. Not everyone was there for the vote. The number of people he identified as attending at least one meeting was as high as 30. He will provide more information.

Mayor Bernard attended several meetings but did not vote at the last meeting. Often one person from a business could not attend, so someone attended for him/her.

Councilor Loomis asked if everyone comfortable with that process of voting, talking, and coming in.

Gessner indicated he had a very strong sense that the working group was comfortable with that. He did not recall any discussion about discomfort in the way it was being managed.

Public Testimony -- Proponents

Debbie Cronk, 11863 SE 28th Avenue, Milwaukie. She owns multiple properties in the City of Milwaukie and has for many years. The thought of having light rail in Milwaukie was very exciting for her. Having the downtown revitalized and having the building in the Safeway area is wonderful. The 2.5 area, to her makes the most sense. It leaves the downtown for further redevelopment. She understands the corridor for the bus will be very nice and much like downtown Portland. The housing at the other end of Main Street will make it very interesting. She also has worked with the Trolley Trail group, and the bridge to the waterfront to connect to the Trolley Trail so people can take their bikes on light rail. One of the big things for the City is that there will be no loss of tax base with this site, which she believes is very important. Many people are concerned about the Kellogg Lake area. It was never a lake in the very beginning; it was a creek. She thought people like the Master Gardeners and the Corps of Engineers could turn it into a very beautiful park area with foot and bike paths as well as a better wildlife area. The fish ladder has not moved fish through there for quite a long time. She supported the 2.5 option and liked the idea of being able to take light rail to the airport.

Lisa Batey, 11912 SE 19th Avenue, Milwaukie. She has been a resident for two years. Although she is a relative newcomer, she is excited about the transit center option on Kellogg Lake from a couple of perspectives. As a potential transit rider, she find the current set up confusing, and she finds it does not make her feel safe. Having a consolidated stop on Main Street where all the busses stop, people would not have to worry about being at the wrong stop and missing their bus. The critical mass of people

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waiting makes for a more user-friendly system. More importantly, as a member of the Island Station neighborhood where she has been involved in the NDA for the past two years, she knows improvements to the intersection of River Road and McLoughlin Boulevard have been a target of the neighborhood for over a decade. It has worked with ODOT to get improved sidewalks and crossing. She did not know how many people had been killed trying to get across McLoughlin Boulevard. The NDA voted readily to support this option when it was presented. Lastly as someone who has been active in her NDA and member of the Citizens Utility Advisory Board, she said this was a process that engaged everybody and all had the opportunity to participate. It was announce in The Pilot and was not a closed-door, hidden process. It was open and Batey hoped the City Council would respect the process. It would send a poor message to those contemplating participation in civic life if the process were not respected. She encouraged the City Council to endorse the option.

Councilor Lancaster asked Batey if she was currently a transit rider.

Batey said she did not as she works from home.

Jeanne Searls, works at 4120 SE International Way and lives on King Road, Milwaukie, read a written statement into the record.

"Her family has had a Milwaukie address since 1955. I live and work in the Milwaukie area as do many of my children, including three grandchildren attending Milwaukie High School. I, also, spent much of my career participating, organizing, and staffing voluntary citizens' committees.

I support the recommendations of the Working Group and the Planning Commission.

*During the past 49 years, I saw the City of Milwaukie lose much of its identity to inevitable growth. However, during recent years there is new energy and vision. With the waterfront construction and the relocation of the transit center to the Kellogg Lake location, the City can **redefine itself as vibrant city and an oasis** from the hustle bustle of commuters, traffic, and shopping malls.*

I attended the presentation of the options under consideration by the very broad-based Working Group. The backup data, which was available, demonstrated the obvious painstaking hours of the staff and citizen's work and deliberation. Each option showed, not only the effects for the Milwaukie community but how it fit into the planning for the whole of North Clackamas.

After review and testimony, the Planning Commission adopted the Kellogg Lake site. It is obvious that no choice will please everyone.

*Now it is your decision whether to have the courage to be leaders with vision or reactionaries, whether to support recommendations of **your** volunteer citizen groups and staff or to react to individual complainants. Please continue with vision. Don't lose the energy."*

James Stilwell, Comptroller for Harder Mechanical Contractors, 2148 NE Martin Luther King, Jr. Boulevard, Portland, Oregon 97212. The building is located on Hanna Harvester Drive. He provided background on the company's situation. The building was purchased in 2000. During negotiations, Harder inquired about the potential of light rail coming to Milwaukie. The realtor showed a plan of light rail coming down McLoughlin Boulevard, so Harder determined it would be fine and would probably add to the value of the property. Some time ago, he got a phone call that a new route had been chosen and would go right through the middle of the Harder building. The company has spent 1-1/2 years renovating an old building and spent a lot of money. The building is about 46,000 square feet. Harder installed a pipe fabrication shop and a clean room fabrication area used for high tech businesses such as Intel and computer companies. Harder has about 4,500 square feet of Class 10 clean room which is probably the largest facility of its kind in Oregon and Washington. The company invested a lot of time, effort and money, and the building turned out well for Harder. It is in an industrial area, so there are no problems with neighborhoods. There are currently ha 43 full time employees that are mostly in the Pipe Fitter's Union. The average hourly wage is \$33.00, and fringe benefits are an additional \$14.27 an hour. Obviously these are fairly high-paying jobs with considerable overtime. The average weekly gross pay is about \$1,800 with another \$700 in fringe benefits. The total payroll at that location is about \$70,000 per week and \$4 million annually. Harder paid \$24,733 in property taxes last year. TriMet tax is about \$25,000 a year from that location. Harder is one of the 100 largest privately held companies in Oregon with about 650 employees total with another company in Vancouver. Harder originally moved the shop from Vancouver to Milwaukie. If light rail goes through the building, the company would probably conservatively cost Harder about \$1 million. It would be a difficult operation to move because of the ongoing work with tight schedules. Harder would have to create a brand new building because it would have to move equipment. The company has a lot to lose. If it must move, Harder has property in Vancouver, WA where its other company is located. If these jobs are lost, they will not only be lost to the City of Milwaukie and the County, but also the state. He thought there were a couple of things the City Council should consider. If the City is going to have light rail, use must be maximized by the people. One needs to look at the overall effect on the area. If light rail is built, there will be less traffic. Some are against this option for various reasons and may be looking at the top of a parking garage. On the other hand, if Harder moves, 43 jobs will be lost along with the tax money. He did not see a lot of people in opposition and urged the City Council to chose this option. Without jobs, the quality of life will not be that good.

Mayor Bernard asked Stillwell how much was invested in the remodel.

Stillwell responded Harder spent about \$1.4 million and has no intentions of leaving Milwaukie.

Dave Green, 5431 SE Willow Street, Milwaukie. Those who know him and the property he owns know that he is a Greenspace advocate and is here in support of the Kellogg Lake site. In his day job, he does water and wastewater planning work, and he frequently looks forward 20, 40, 50 years. He asked that the Mayor and Council to do the same when it considers the transit center. It sets the stage for what happens in

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Milwaukie's downtown for a long time to come. Green is a current member of the Milwaukie Riverfront Board but spoke as an individual. With this transit center, he believed Milwaukie had a great opportunity to work with the region to return some vitality to the downtown. He was involved from the Riverfront Board's perspective in helping move the downtown plan forward. This transit center will help make that vision a reality. A downtown transit facility is critical to a healthy, thriving downtown and will bring in people and businesses to help provide some resurgence to what he thinks is a dying downtown. In addition to the benefits to downtown, the Kellogg Lake location provides a great opportunity to relocate some parking out of the riverfront park and allow users to have not only replacement but also additional parking. Another big service to the riverfront is that the transit center with its crosswalk will provide some additional connectivity between the park and the downtown. Connectivity to the riverfront park has been a big priority for those who have set through all the board meetings. Lastly, the mitigation for the environmental impacts coming out of the construction can be used to enhance Kellogg Creek and return it more to its original condition. He also sees opportunity for those mitigation funds to be used to enhance the natural areas that are currently in the plan for the Milwaukie riverfront. He noted the Planning Commission recommended that funds from the sale of the property for the transit center could be used at least in part for the Riverfront Park. He certainly supported that. He asked the City Council to look with a long term vision and urged support of the transit center at the Kellogg Lake site.

David Aschenbrenner 11505 SE Home Avenue, Milwaukie. He wears several different hats. He is chair of the Hector Campbell NDA, and the group voted in favor of option 2.5. He spoke representing the neighborhood, himself, and the working group. The NDA voted in favor of this option. It had several meetings and discussions, and several members of the NDA were involved with the open houses and working group. As a member of the working group he thanked the City staff, TriMet and Metro for getting citizen involvement and hopefully listening. This is a unique opportunity for citizens to get involved and look at the issues in depth. After looking at the technical data, the working group agreed the option 1.0 series would not work for Milwaukie in the future. That is what we are looking at – the future. City Council heard that the parking facility could be used for more than just park-and-ride. It can be used for riverfront events and provide connectivity to the riverfront. He thought this was nice and discussed the lack of parking at last summer's fireworks event. The city manager and staff provided an excellent report that contains a lot of information. This has been going on for a while. He was involved with this back when the other light rail option was on the table. He voted against it because of what it did to the neighborhoods and because there was no citizen involvement in the process. This was a complete turnaround with a lot of citizen involvement. It has options he feels are best for Milwaukie in the long term and in the vision for the future. By putting the one block transit center in the downtown and realigning the current parking lot, the size of the Farmers' Market could almost double by closing Jackson Street on those days. There is also the potential for fixing the brown water drainage issues for the vendors as well as fixing the electrical outlets. During the Centennial, there were all kinds of issues related to rain and power. This is another chance to fix those little problems. There will have to be mitigation on a lot of different levels. Planting trees on the site to camouflage the parking structure as well as

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providing wildlife habitat that is not there now. Conditions may be added to this recommendation such as a walkway, a viewing platform that extends out over the lake to make the site, and picnic tables to make that site more user friendly in the future. He left it with the staff recommendation, the Planning Commission report, and the working group report. This is visionary and looks into the future. It does not solve things over night, and it will not happen over night. This is a long process. There will be a vote. The site has to be studied and mitigation issues laid out. This is just one of the first steps on the process. It is a recommendation that says, “go take a look at this site – tell us if it is feasible – tell us if it will work – here are our concerns, can you address them in the process?” Then bring it back to the City for the planning, zoning, and Comprehensive Plan, and building permit processes. That all has to happen. This is just a recommendation.

Carolyn Tomei, 11909 SE 19th Avenue, Milwaukie, State Representative for the citizens of Milwaukie. Tonight the City Council has an awesome responsibility ahead of it. This is a difficult decision and may be the hardest one people make while on Council. Tonight Council will hear a lot of testimony both for and against the study to move the transit center to the McLoughlin/Kellogg site. She encouraged the Council to vote “yes.” As a past member of the Milwaukie Downtown Development Association (MDDA), a City Councilor and Mayor, she continues to bring businesses into Milwaukie. She worked for that for years. When she moved to Milwaukie 38 years ago, the City had a thriving business community. That has changed over the years just as it has in most small cities throughout the country. Now we must work to retain the businesses we do have and recruit new business. The City Council heard from a business owner tonight who has wonderful, family wage jobs and pays a lot of property taxes. We need to do this to maintain the City’s viability. Without new business revenue, without increasing value and tax receipts through new development and redevelopment and family wage jobs, this City will have difficult time, if not impossible, to continue the services now being provided to its citizens. Recent Budget Committee meetings are likely convincing the City Council of that. Milwaukie has a reputation in the development community and the region for being inconsistent, unpredictable, and difficult to work with. The City needs to re-establish its credibility. The City Council asked to relocate the transit center – not to remove it. Milwaukie needs to demonstrate to its regional partners including not just TriMet and Metro but also Oregon City, Portland, Clackamas County and Multnomah County and the development community that the City will keep its commitments. If we do not keep our commitments, why would investors in the City expect anything different? When you set up the working group to study the re-siting of the transit center, the expectation was that after five months and hundreds of hours of deliberation and information gathering in a process that was open to all who expressed an interest. The recommendation dictated by the neighborhood members was to be given a great deal of weight in the process. The development community and regional partners are watching closely. The City needs to let the development community and federal, state, and regional partners know that Milwaukie is open for business and is willing to work with them. We are going to retain our industrial tax base and encourage new industries and businesses. Our City has changed since Tomei moved here in 1966, and it will continue to change. We have an opportunity here tonight to help design and direct change that change. The Downtown and Riverfront Plan developed

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while she was mayor called for improvements along Milwaukie's bay and riverfront. She has been working for over 20 years to get rid of the sewage treatment plant. Location of the transit center in close proximity of that plant and the potential for a bridge over McLoughlin Boulevard to the riverfront provides yet another argument for the removal of "Old Stinky." We need to show our regional partners we need to support us that in the endeavor to remove the Kellogg Treatment Plant that Milwaukie is and will continue to be good and credible and reliable partners. The City also needs to ensure that all those affected by the transit center move will be involved in the mitigation of any negative effects the move will have on their properties.

Chuck Willie, WW Metal Fab, 2200 SE Mailwell, Milwaukie. The company employs up to 100 people when business is good and is located in the north industrial area. He was a member of the committee, and in the course of five months examined a significant number of alternatives. Many of these alternatives were creations of the group. With the help of TriMet, ODOT, and City of Milwaukie, the committee examined all the aspects, impacts and possible mitigating factors relating to these options. This was done, in his opinion, while holding the highest banner of what was best for Milwaukie in the long term. Each subgroup had the opportunity to delineate the effects on their represented parties and vote on which alternatives moved forward. He was quite surprised and pleased that this group could grapple successfully with a difficult and complex array of alternatives and issues without disintegrating into factions that could never achieve a conclusion or recommendation. He commended City staff on keeping focus and for maintaining the necessary time constraints. Milwaukie has a tremendous commercial and industrial area. Many of these businesses have been here for years. They contribute significantly to tax base and require relatively little in services. There are some retail businesses but in the main provide transportation, manufacturing, warehousing, construction and community support services to not only Milwaukie but also the region and the nation. These companies provide a lot of very good jobs to workers who live for the most part in the southeast area from Portland to Canby. These companies may not be glamorous nor do they toot their horn, but they are the financial heart and blood of the City. Willie believed they were also the City's future. When these jobs are lost, they do not just go down the street. They are usually lost to the entire state and sometimes to the nation. Several of the alternatives examined presented the potential for significant damage to businesses in the north industrial area. For example, most of these businesses require egress with truck and trailer combos up to 53-feet in length multiple times an hour. Turning radiuses and intersection crossings are a major concern. Cross traffic, light rail, and car volumes are a major deterrent to the long-term success of these businesses. Egress to the north industrial area is already somewhat compromised with the current Hwy. 224/McLoughlin Boulevard juncture at Milport and Ochoco. Light rail down Main Street just exacerbates the situation and eliminates businesses, parking, and increases car traffic across these intersections. That is why no alternative with the Main Street alignment was acceptable. The whole group concurred after studying the alternatives and possible mitigations. What has been put before the City Council represents, in his opinion, the best solution this group could offer. It is an opportunity for this City to achieve a major objective – namely moving the transit center out of the middle of town quickly and positions to City to take full advantage of light rail or commuter rail in the future. All this without

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compromising the development of other projects such as the Trolley Trail, moving the treatment, or development of the waterfront. If light rail comes, its path through Milwaukie will not solve many of the issues that face City planners and decision makers. One should expect development in an urban area to make life more complex and contentious, but the City needs to be engaged and make the best possible choices for the City. He heartily endorsed the plan before the City Council and judged the City Council should do also.

Mayor Bernard understood there were 100 ± employees and asked the wages. He recalled this was an old warehouse before Willie's company moved in and asked how much was spent to renovate the building.

Willie said these were good paying jobs for the most part with a wide range of wages. The company spent close to \$1 million renovating and moving into that building. The average hourly salary is \$10 - \$20. When business is good, employees have the opportunity to work as much overtime as they can handle. Over the past few years, the business has had to be restructured to some extent because high tech customers have disappeared.

Councilor Lancaster asked if the truck traffic Willie mentioned truck traffic 50-feet and greater three times an hour. He asked if that was an average.

Willie believed he said multiple times per hour. The traffic consultant can speak to that more accurately, but he knows standing in front of his building there is a significant amount of truck trips per hour down Mailwell. He spoke in terms of daylight hours. He was referring to traffic in general not just his business.

Mayor Bernard added should some of those currently empty buildings have more jobs in trucking, that intersection would be substantially impacted.

Willie said there were significant questions whether long truck and trailer combos could make the turn if light rail was aligned down Main Street in the area of Mailwell and other intersecting streets.

Mayor Bernard said trucks back up to a door at WW Metal Fab then goes across Main Street at that point. If light rail goes that way, the company would have to shift the trucking to another side of the building.

Willie said the company would lose all the parking on that side of the building as well as the egress out that door.

Dorothy Snowhill, 10218 SE 36th Avenue, Milwaukie. Ms. Snowhill had to leave the meeting, so Mary King read her written testimony into the record.

"I have been following this only by what I read in the papers. However, I know that a committee has been working long and hard to come to a consensus. It would seem appropriate to accept their decision."

I wonder whether the Uniform Land Acquisition and Relocation Assistance Act (PL 91-646) has been addressed in the various site analyses. Whenever Federal Funds are involved in any phase of a project, this law applies. Oregon has a similar law which applies to funding by state and local agencies.

My problem is, and yours should be also, the net cost of the various proposals when relocation of a business or home is involved, costs and time escalate dramatically. The appraisal comes first, and is frequently deemed too low by the owner. Unless compensation can be increased considerably, litigation (condemnation/eminent domain) is the recourse. Leaving this up to a jury is pretty "chancy" for the agency, and the juries usually allow more monies than the appraisal has indicated. This also creates a time element with today's crowded court dockets.

To conform to the Federal regulations, interviews must be conducted and documented of all parties in the proposed taking. For a business, this means finding another location with all the amenities of their present location, including floor space, parking, customer availability, traffic patterns, access to the railroad, and any thing that has made the business flourish at that location. After [an] agreeable location is found, you will have to move the business at your expense. All existing codes must be met, even if the business has been grandfathered in its current location. The acquiring agency will need to spearhead this also, getting bids and making certain that the move goes well.

For taking a residence, the same applies, but is even more detailed with regard to accessibility of jobs, schools, churches, shopping, transportation, number of bedrooms, etc. A Decent, Safe, and Sanitary replacement home must be provided, even if the old one was not up to standard. All of the owner's needs must be met. All relocation costs must be paid by the displacing agency, also including all costs associated with purchasing a new home, obtaining a loan, modifying the home to meet owner's needs, and moving costs.

If you don't have a qualified Relocation Agent on the staff, a professional must be hired. This is costly, but would avoid some of the pit falls. The current cost would approach \$75 an hour. This would include hours of interviews, market research for replacement business locations or housing for the owners to consider until an agreeable solution is secured. Relocation Assistance for a simple, uncomplicated residence move involves at least 80 hours of relocation time and rarely costs less than \$10,000. A more complex move involving the disabled, elderly, tenants with pets, tenants who smoke, low income, credit risks, etc., can quickly reach \$50,000 per displacement.

Relocation can double the costs of any residential acquisition, and can far exceed the site costs in the case of a business. Although the law required that any environmental assessment include a relocation plan documenting these estimated costs, there is no real way to ascertain the exact cost until displacement is at hand.

Another consideration if businesses are to be displaced is the fact that businesses can (and often do) move to another city, county, or state in an effort

to improve their situation. Not only would the displacing agency have to pay for the move, but the city, county, state would suffer a reduced tax base as well.

Using the vacant land owned by the City for Option 2.5, the transition is almost pain free, and is quick to resolve. No matter what the objection is to this location, the Option 2.5 is economically prudent. We don't need extra taxes at this juncture. It gives us a solution now when we need it the most, instead of 5 to 10 years from now with a bond issue to pass to pay for the other locations.

Please stick to Option 2.5 to save years of possible litigation over money we don't need to spend and don't have either. Thank you."

Peter George, President Holman Distribution 2300 SE Beta Street, Milwaukie. The company has been in business in Milwaukie for 45 years and for the last 20 years has been the headquarters. He got involved in the process of the working group because of light rail concerns. The initial work of the working group was quickly in their benefit. The neighborhood people he got to know during the process were remarkably considerate of the situation and recognized those things being discussed as impediments to continuing business if the light rail were aligned along Main Street. For many that was almost the end of the necessity of being involved, but they got caught up in it. There was an investment of time and interest that carried over and for many to a point of looking at what was best for the City even though they were past what was best for the businesses. He thought it was important to consider the validity of the process and how the City intends to do things like this in the future. This will send a message to those who come after of either validation or frustration. What has happened during all the working group deliberations, all of the Milwaukie only deliberations, the Planning Commission which did an excellent job in conducting its hearings has been impressive so far. George understood there were people who are disappointed in the outcome. That is inevitable, but they had every opportunity to participate. The staff and City of Milwaukie went out of their way to contact people to try to get them involved and let them know what was going on. No one was ever turned away from participation. This is a great situation and potentially as good an outcome as could be hoped for. He encouraged the City Council to acknowledge the validity of the process and looked forward to participating in the future.

The City Council hearing recessed for 5 minutes.

Mark Hendricks (testifying via speaker phone from Atlanta, GA), Rudie Wilhelm Warehouse Company, 2400 SE Mailwell, Milwaukie. He was a member of transit center working group. He brought attention to part of his written testimony where he described how his company and the others in the north industrial district got involved. They felt as though they had been blindsided by the original LPA because it would have made a mess of the Milport/Main/99E intersection. It would have harmed those businesses. At the working group level they took the time to explain how their businesses operate. Virtually everything one sees in a major grocery store such as Safeway or Albertson's spends a little bit of time in our neighborhood. Every bottle of liquor in Oregon is there, and a lot of it goes through that 99E and Milport intersection. Pendleton has a distribution center there also. What was gratifying to him was that he felt that the

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planners, neighborhood representatives and city officials understood and wanted to help the businesses in this process. The businesses reciprocated by staying involved and trying to find alternatives. Several of those were okay with the businesses but not with other interests such as the high school with option 2.4. He had a lot of respect for those involved in the process, but he had to praise the process itself. The group came up with options, debated them, put them out for public scrutiny, and did what the City asked. He hoped the Council was proud of the results. He hoped those who find fault with the conclusion would act in the spirit of the north industrial folks. Don't just say "no." Don't hide behind that word, because north industrial did not. Tell us what you would do. If anyone prefers the Southgate site and an eventual light rail line down Main Street, you have to know the damage that will result to the industrial and jobs base. He hoped someone in the group has gone into detail on that and noted he had done so in his written testimony. As for Kellogg Creek, he thought a transit center can be constructed there that can be more visually appealing and environmentally desirable than what exists now. He appreciated the City Council for taking his testimony from Atlanta and also allowing him to participate in the process. He was proud to have done it and would answer any questions the City Council might have.

Councilor Barnes noted both she and Hendricks were in the media at about the same time. She saw he moved on and so had she. She asked how many jobs are at his business and what kind of wages are they paid.

Hendricks said Rudie Wilhelm directly employs about 50 people in the company's three buildings in that area. There is about 7 acres behind the Southgate and another one across Milport near Waverley Golf Course. There are a lot of others who derive income because his company contracts with various trucking companies and vendors to move the merchandise that comes to Rudie Wilhelm throughout the region. Did you know that every Tootsie Roll that comes into the region all the way from Anchorage, AK south to northern California spends time in Milwaukie? Every Junior Mint sits about 20 yards from his office. That 50 is kind of a soft number, and Hendricks wished he could provide a better number in terms of all the economic impact. He has heard somewhere in the neighborhood of 1,300 jobs. The warehouse employs Teamsters, as does the trucking company Wilhelm uses, so these are family wage jobs employed at the site.

Brian Newman, Metro Councilor, 600 NE Grand Avenue, Portland 97232. He did not envy the position the City Council is in and the difficult decision before it and realized it is often caught between conflicting advise from the neighborhood and stakeholder business groups. It is often a thankless job with no pay. Being someone formerly in Council's shoes he had the utmost respect for the process and appreciated seeing democracy in action in Milwaukie. He is a member of the Metro Council representing most of urban Clackamas County, a Milwaukie resident, former member of the Milwaukie City Council, and Chair of the South Corridor Policy Committee. He testified in support of the working group recommendation. This is not an easy decision. If it were easy, it would have been made 20 years ago. In fact moving the transit center has been discussed for almost 20 years. There are no easy alternatives, and there are no decisions that will not have impacts. If there were not impacts, the decision would have been made to put it at the Safeway site. That decision was changed when the impacts

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to the Masonic Lodge and Ledding Library surfaced. The Council is learning about the impacts to the north industrial area with more being learned from tonight's testimony. There are no easy choices, and Newman will respect whatever choice the City Council needs to make. He supported the working group recommendation because when he looks at all the alternatives, it has the least impacts and those can be mitigated. It will not be easy, and he would look to the City Council for direction and insights on how to further mitigate the impacts if the working group recommendation is selected. He was not there to talk about the details of option 2.5; there are people who know it better than he. He was not a member of the working group because he wanted to respect the process by not adding more politicians in the room during deliberations. He did want to discuss some of the larger issues and dispel some myths he hears from those opposed to the recommendation. It is patently false that Metro and TriMet are directing the process. Those involved with the history of the process know that. When the Milwaukie City Council adopted its downtown plan, the transit center was identified at the Safeway site. Although probably flawed, it was the original decision. As a matter of fact, there was a ceremony on the Safeway site with U.S. Senator Gordon Smith because TriMet and Metro, taking instruction from the Milwaukie City Council, got \$3.5 million in federal funds. Just about every mayor in the region was in that parking lot when Smith showed up with a giant check for the City. Within a month, that decision was changed. TriMet and Metro followed Milwaukie's lead and went out and got the money. When the neighborhood leaders first came up with the 14 Points even before Southgate, the location they identified was at Milwaukie Jr. High, now the Waldorf School site. No one at Metro or TriMet said, "you're crazy" or "no, we're not going to do it." A councilor at the time, Newman walked by the site when 5 – 6 Metro and TriMet employees were taking measurements and making drawings to figure out how to make it work. That decision never had to be made because the School District sold the property to the Waldorf School. When that happened, neighborhood leaders said, "let's move it to Southgate." No one at Metro and TriMet complained. TriMet went so far as to condemn the site, and now TriMet owns the site. It can ultimately be used as a park-and-ride, so that is not really a problem. He wanted to impress upon the City Council that Metro and TriMet have at every step followed the City's lead and listened to what the City Council had to say. That will continue in the future. This recommendation for Kellogg Lake did not come from Metro – he first read about it in the newspaper from one of the citizen leaders. No one laughed – no one said "no." People got busy and did the schematics for a design Newman thought worked and mitigated some of the impacts people were concerned about. It is not perfect, but there are no easy alternatives. The worst-case scenario from his perspective is that nothing is done with the transit center staying exactly where it is. That is what Newman is afraid of if consensus is not reached. We are committed to making South Corridor work. Some people say this will never happen, so why bother. The fact is that since the City Council adopted the LPA, there has been polling, focus groups, and business roundtables on how to fund phase 2 of the South Corridor. The finishing touches are being put on the phase 1 financing plan. He was absolutely confident that given a good year or two, phase 2 financing will be there. This is a reality and is moving forward. He did not want the City Council to think Milwaukie has been forgotten. He spends almost every day in a meeting talking about how to make this work and finance implementation of the vision.

Councilor Barnes said some of the strongest opponents of this proposal come from Newman's neighborhood. She asked him to explain this since he has been a neighborhood leader.

Newman and his wife decided to purchase their house in Historic Milwaukie. They own one car and do so consciously because on most days they can take transit. One of the reasons they like the location of their home is that they can walk to the existing service. The light rail line goes right behind his house and when he looks out his window while washing dishes and see the train go by every 15 minutes. He realizes this is best for Milwaukie, and he has no idea what the impact will be on his property. He does support this decision because it takes the transit center out of the downtown and avoids some of the biggest impacts. It is not so far from the downtown that it does not support the vision of business growth, residential growth, and all the things Milwaukie wants to see downtown. That is why he supports the proposal. He respects those on the other side, but that his how democracy works. This process adds value and there will be a better decision at the end.

Mary King, 9877 SE 33rd Avenue, Milwaukie. She was a former City Council member for almost five years. She was not going to say anything about why she felt the City Council should support this location because that was in her letter. King spoke of her disappointment in the demeaning of the public process that has gone on to get us to this point. When she was elected to Council it was at a very fractious time in the City. That Council spent all the years she was on Council shoring up and shaping up the public process to ensure citizens were heard. She knew this Council felt the same way. She knew the public process the Council gave to the citizens has been done impeccably and to the highest standards. When she hears the public process was flawed it makes her sad because we cannot get anywhere in this City if we go through six months of public process that is very well done and then turn it on its nose and say "no it was flawed so now we have to start all over again." We have struggled in the City of Milwaukie to move forward because of this kind of thing. She asked the City Council to have faith in the public process and the Planning Commission. She wanted to say to the citizens who were not supporting 2.5 that she knew this City Council will listen to them and take their ideas for how to mitigate any environmental or traffic impacts. In ten years this will be a fabulous project for all of the people in Milwaukie. The City Council should not turn its back on the members of the Committee who put in so many hours of their personal time. She knew the City Council would not turn its back on the concerns of the Milwaukie neighbors who will be impacted. She hoped the City Council would not turn its back on the future of the City.

Art Ball, 4960 SE Harvey Street, Milwaukie. He was a member of the working group since its initiation. He started about four years ago when light rail discussions began. From light rail, discussion went to the working group and into the transit center to move the busses out of the City. Although this was discussed many times at the Lewelling Neighborhood meeting, Ball was speaking for himself. He read written comments from Jean Michel into the record.

“Honorable Mayor and Council Members,

I regret I am unable to address you in person and thank Art for delivering my thoughts to you.

As a representative of the Lewelling Neighborhood I served as alternate to the Milwaukie Transit Center Working Group. As such I participated in the Milwaukie only sessions and represented the Lewelling neighborhood in the voting at the final group meeting. As representative of our neighborhood I voted in favor of option 2.5. I maintain that position. I was very pleased that the process supported the mandate of the MILWAUKIE NEIGHBORHOODS 14 POINTS, that is: Preserve our neighborhoods and help us to grow the way we want to. Plan for future projects and extensions of projects so they don't take Milwaukie down in the process of achieving regional transportation objectives. Acknowledge Milwaukie's situation as an inevitable transportation hub and help achieve the things we cannot do on our own.

The 2.5 Option can bring to us the funds and the opportunity to deal with several of our needs: Traffic Calming in the Historic Neighborhood, Realignment of the River Road and 22nd Avenue intersections with McLoughlin Blvd, and funds for the Riverfront Park to name a few.

I realize change brings a down side also. We must be able to minimize the negative impacts to those affected. We can do it if we work together.

Ball then read his statement into the record:

“The 2.5 alternative recommendation that's before you tonight for your approval was not arrived at in haste. The Advisory Group composed of Metro staff, Tri-Met staff, Milwaukie City staff, representatives from the Industrial area and community Leaders spent countless hours studying, evaluating and discussing numerous alternatives before concluding the 2.5 was by far the best choice. The process consumed thousands of hours with each alternative receiving maximum consideration.

It should also be noted that included in this process and prior to presentation of the recommendations an open house was held for the public to review and comment on all the options. Residents of Milwaukie who were interested were there to view and discuss all the alternatives, comment and register their vote for the option they favored. The 2.5 option received overwhelming approval. Why? Because after discussing all the pro's and con's of each option it was apparent to them the 2.5 had the least detrimental affect on the City and the entire community. One thing that must be mentioned is, with each alternative considered it was always done with one thought in mind – WE MUST DO WHAT'S BEST FOR THE CITY OF MILWAUKIE!!

The Kellogg Lake site being proposed provides many advantages to the City of Milwaukie. Its location assures quick and easy access to the business section of

town and yet doesn't intrude on the business community or the North industrial area. It seems to be a perfectly good use for this parcel of undeveloped property without having to invest in developed land to build a transit center. Also, included in this plan, which is a plus will be the reconfiguration of the intersection at River Road and McLoughlin Blvd., what is now a very dangerous intersection. Adverse affects to the immediate neighborhood, if any, should be negligible.

Approval of this recommendation would be an asset to the City of Milwaukie and a positive step in the right direction."

Ball encouraged the City Council to vote in favor of the 2.5 recommendation.

Carlotta Collette, 3905 SE Johnson Creek Boulevard, Milwaukie. She has been a resident for 12 years. She is president of the Ardenwald-Johnson Creek NDA. Since that group has not voted, she spoke on behalf of herself. Her response to everything that has been said is, "thank you." She appreciated that people have taken so much time to participate in the process. She has heard some of the criticisms, so she responded to those. There was a lot of response tonight to the criticism that the process was flawed, so she did not feel she needed to address that. People gave willingly huge amounts of time and explored options that were very difficult and complex. They worked terrifically as a team. There were times when the group was so excited by the process and how creative things felt to discredit that process and those engaged in it was really a shame and does the City a disfavor. This City should be proud of processes like that. She was not one of the first working group members. Peter Koonce was because of his knowledge in transportation, but she offered to be there. She ended up covering the last half or two-thirds of the meetings. Another criticism the City Council will hear is that the mandate was merely to mitigate for the LPA; not come up with a new alternative. The group worked really hard to just mitigate in place for the bad consequences for the industrial community. The group could not do it. There was no way to put a transit and light rail through the heart of the north industrial community without damaging no matter what alternative they came up with. The group went outside the box and got creative and came up with option 2.5. It is not just the least damaging of the alternative; it is a really creative option. She thinks the City has the opportunity to gain a lot from putting a transit center and eventually in many years light rail and a park-and-ride at that site. She provided a copy of here thoughts about what could be done with the site. She believed it could be terrific with pedestrian bridges over the road that serve as gateways to Milwaukie, integrated design at the bus stops, and a lot of really exciting positive things. Option 2.5 gives the City safe, convenient ways to reduce traffic on our streets. That is ultimately what we are about. Whether we live in Hector Campbell, Ardenwald, Historic Milwaukie, we are trying to reduce traffic in our community. The only successful way to do that is with public transportation and alternative modes like bikes and pedestrians. 2.5 gives this City safe, convenient ways to reduce traffic on our streets. It provides money from a number of sources including the sale of the Kellogg site to help us move forward with revitalizing our City. It creates the opportunity to restore Kellogg Creek and purchase and restore additional high quality open space for our community. One of her neighbors called her this week out of the blue and said he had two acres – one acre on which the neighbor

wanted to build a house and might be willing to donate the other acre. It turns out that acre is a wetlands and connects to Roswell Pond. Milwaukie has high quality open space that is available if it can get some money from the sale of the Kellogg site to buy it, or in this case donated. The land is out there; this is not the only piece of open space in Milwaukie. Option 2.5 also helps design and create an attractive gateway for the City in terms of walking bridges over McLoughlin. 2.5 does all this faster and cheaper than any of the alternatives and with the fewest impacts to our neighborhoods - all of our neighborhoods. For a long time Milwaukie has neglected its industrial neighborhood. No businesses and no homes would be lost with option 2.5. We lose no jobs, no tax revenues with option 2.5. What we gain is opportunity; local, state, and federal partners with whom to grow our community to be the town we want it to be. She hoped the Council decision helps us move forward, because there is still a lot of work to do to make our dreams come true.

Gary Hunt, Chief Financial Officer, Oregon Transfer, 9304 SE Main, Milwaukie. As an active participant in the Milwaukie Transit Center Working Group, he continued to feel that the recommendations reached by the group and supported by City staff and advisors from other public agencies present the best solution in meeting the City's and region's transit needs. He felt it was important it was a super majority of this working group to endorse that proposal. He discussed Oregon Transfer, the process, and the option. Oregon Transfer has been a corporate citizen of Milwaukie for over 40 years. It operates in excess of 300,000 square feet of warehouse space in the North Industrial area serving local and regional distribution needs. As Mark Hendricks of Rudie Wilhelm mentioned, many things you find in your grocery store come through these Milwaukie facilities such as Sun Maid raisins, C&H sugar, Hershey bars, Dole fruit cups, and Henry Weinhard products. Oregon Transfer provides about 100 family wage jobs directly in the Portland metropolitan area with over half of the employees working and headquartered in Milwaukie. Approximately 30 employees live in Clackamas County. Oregon Transfer pays almost \$150,000 in property taxes, and in the last year invested over \$200,000 in its Milwaukie facility. The company began its participation in the working group only in opposition to what was presented in terms of where the transit center would be and the light rail alignment. The concern was the exacerbation of already problematic intersections at McLoughlin and Milport and Mailwell and Main and the potential for additional Main Street traffic and the loss of business property and employee parking. The safety issues regarding train, truck, bus, auto, and pedestrian mobility all in one place was of great concern. What started out as an anti-position did turn into a positive desire to assist in trying to find the best solution for the area. The process that lead to the conclusions outline was extensive, exhaustive and inclusive. The system was organic and seemed to grow with each meeting. Hunt was one of the original members and attended all of the meetings. Each time a new stakeholder was involved representatives from that area were invited to participate. A tremendous amount of time was spent by various individuals and groups in this process. Compromises and refinements were a part of the continuing process. In fact, balancing the competing interests and conflicting objectives was the reason for the existence of the group. He provided examples to illustrate that. Option 2.4 was gaining a lot of interest. There was a visit from some of the Milwaukie High administrators and some people from the downtown business area and neighborhoods. They presented their

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DRAFT MINUTES

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concerns, and the working group listened carefully and ultimately rejected that option. By same token, not everything is perfect in the north industrial area with option 2.5. There is one person who had a business in that area for many years, whose business will in fact be impacted. He voted for the proposal because he realized that it was the best option for the City. At the time, at least, even those who voted against the proposal said they could “live with it” under certain mitigating factors. He re-emphasized, if similar issues are to be resolved by similar processes in the future honoring the credibility of this group’s deliberations and decisions is very important. All the time and energy that has been expended, and if a relatively few loud voices undo the thoughtful and careful considerations of the working group it will be challenging for many to justify providing resources to this kind of a project again. Finally, no siting or plan would be perfect. However, the 2.5 option seems to provide the greatest good for the greatest number.

Councilor Barnes understood Hunt said he attended all the working group meetings. She asked Hunt if he would be available to come back if there were additional questions.

Hunt did attend all the working group meetings and would be available to come back.

Carlotta Collette read **Bill Monson’s** testimony into the record. She explained he wanted to attend but is on-call that evening.

“Dear Mayor and City Council of Milwaukie,

I am a land owner on the north side industrial district and active participant in the working group that recommended the 2.5 plan. It is an excellent plan, the product of many hours of cooperative work between the neighborhoods, businesses, City of Milwaukie, TriMet, and Metro. The process was respectful and inclusive. We will not be able to duplicate this process nor should we have to. This is as good as it gets. This mass transit plan will take Milwaukie into the next century. We are proud of this intelligent urban plan. I was stunned to hear of recent dissent from neighborhood participants who were involved in the working group. Had concerns been voiced during our meetings, they would have been respectfully addressed. To object now after the fact destroys the good faith and trust all the participants placed in the process. Such objections should be viewed in this light. The LPA was deeply flawed, detrimental to north side businesses and the City of Milwaukie. It is not a workable plan and will meet strong-willed opposition if it is once again advanced. In my opinion, we either back 2.5 or Milwaukie will have no light rail. Of course the process will need to remain open to modification as unforeseen circumstances dictate and further opportunities for sensitive development arise. But the basic structure of 2.5 is sound. It accomplished many worthy goals with a minimal footprint. I urge you to support 2.5 for the greater good of all.

*William Monson
Owner Iridio Property”*

Howard Steward read his comments into the record:

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Along with Jeanne Searls, over the past decade, I have established and operated Bio-Safe Skin Products at 4120 SE International Way, Milwaukie. I also am the business rep on the Milwaukie Planning Commission.

In recent months, your Planning Commission has heard nine hours of public testimony on three separate nights from Milwaukie residents plus a couple, three business people. We were provided copies of the minutes of the study group's meetings, which were well worth reading. He got a good feel of what was happening by reading those minutes. In the last part of the Seventies and throughout the Eighties, Ms. Searls and I owned a hands on community relations firm. Throughout those years, we provided consultative services to corporate clients, several of whom were Fortune 500 companies, in 37 U.S. communities.

I mention that background to affirm that never have I seen a purer community listening process than that which your staff designed and conducted throughout the six months which were required for the working group to come to consensus.

Additionally, under the balanced hand of Donald Hammang following the Planning Commission's listing to the testimony of citizens relative to the Milwaukie Working Group's 18 – 3 vote in favor of the Kellogg site for a transit center, your Planning Commission voted 6 - 1 to recommend the Kellogg site to you – our Council.

In all my nearly 40 years of working toward a decision with citizen groups, I don't recall a single time when there was a cleaner decision than that of the Milwaukie working group and/or your Planning Commission. In my opinion you have every right to feel proud of your staff, of the citizens who worked so steadfastly to reach consensus, and of your Planning Commission Chair if not the rest of the Commission. We hope against hope that you will adopt the Planning Commission recommendation for the Lake Kellogg Site.”

Mayor Bernard said that finished the list of all those wishing to speak in support, and no one else present indicated a desire to speak. He asked if City Council wanted to continue this evening or set a continuance date in the near future.

Neutral Testimony

The City Council agreed to hear those three who had requested time to speak from a neutral position or to ask questions. He called upon Stan Link, Matthew Bristow, and Les Poole; however, they had apparently left the meeting.

The group concurred this would be a good break point.

Firestone said the City Council could pick a date and let everyone present know. The minimum notice for a special meeting is 24 hours.

The group agreed to continue the hearing at a special meeting on May 25, 2004 at 6:00 p.m. at City Hall.

There were none present who wished to testify that could not attend the May 25 special meeting.

OTHER BUSINESS

Board and Commission Appointments

Mayor Bernard, with concurrence from the Council members, re-appointed Tom Hogan to Library Board. The group agreed to interview Joan Staley and Sharon Phillips for re-appointment to the Center/Community Advisory Board.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 9:12 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

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

From: Ruthanne Bennett, Civil Engineer

Subject: Stormwater Master Plan Update Contract Amendment

Date: May 19, 2004 for June 1, 2004 City Council Meeting

Action Requested

Authorize the City Manager to sign a contract amendment for the Stormwater Master Plan update with URS Corporation for the additional amount of \$20,084 (including 10% contingency).

Background

On June 10, 2003, City Council authorized the City Manager to sign a contract for the Stormwater Master Plan Update with URS Corporation in the amount of \$74,105. During the initial stages of the work by the consultant, it was determined that major changes would be necessary and that parts of the Master Plan needed to be redone, not just updated. Additional funds are needed because:

- It is more efficient to create a new computer model of the City's storm system than to update the model created in 1997, since major deficiencies (both geographical omissions and inaccuracies) have been identified in the existing model.
- State and Federal water quality regulations have changed since the last Storm Master Plan was written in 1997 and it is necessary to incorporate current regulations into the Master Plan.
- A new Stormwater Master Plan report (as opposed to updating sections of the 1997 report) is necessary due to major changes since the 1997 Plan was developed.

Concurrence

Engineering staff coordinated with the Community Development and Public Works Director and with Public Works Operations staff on this change to the project.

Fiscal Impact

Funding for this project will consist of \$101,600 from the FY 2003-2004 Storm Fund Budget. This is an increase of \$20,084 from \$81,516 that was originally approved by City Council June 10, 2003.

Construction of the Meek Street Storm Project cannot proceed during this fiscal year and is being deferred until next fiscal year. FY2003-2004 Storm Fund dollars budgeted for the Meek Street Project will be used for these Stormwater Master Plan Update costs that were not included in the budget. Design of the Meek Street Storm Project will be completed this fiscal year in order to allow for construction in summer 2004.

Work Load Impacts

This project is part of the Engineering and Storm Division's annual work program.

Alternatives

1. Authorize the City Manager to sign the contract amendment as proposed.
2. Elect to do the additional project work at a later date.
3. Elect to postpone the additional project work indefinitely.



To: Mayor and City Council

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

From: Jeffrey King, Project Manager

Subject: Fiscal Year 2004 Fee Resolution

Date: May 17, 2004 for June 1, 2004 City Council Meeting

Action Requested

Adopt the attached Resolution increasing City fees including:

Community Development Fees

- **Building**
- **Planning**

Background

Staff in affected departments recommend the City's fees and charges be adjusted according to the fee schedule attached to the proposed resolution. Proposed fees and charges were developed by each affected department and are based on 1) a comparative analysis of other local government fees and charges and/or 2) a cost recovery analysis completed by the affected department.

1. Building Department Fees & Charges

Because existing fees do not adequately cover expenses, the Building Department has experienced a continuing shortfall in the Department's budget. Over the last four years, the City has contributed an average of \$38,000 per year to the Department from the

General Fund. Given the current Citywide budget deficit, that subsidy cannot continue. In addition, the intent of the State Building Codes Division has been that building departments be self-sufficient and carry sufficient reserve funds to sustain the program during times of decreased building activity.

Structural permit fees were raised 20% one year ago, bringing Milwaukie's fee structure roughly into the mid-point, compared to five local jurisdictions of similar size and population. However, a significant downturn in building activity this year (anticipated \$8.3 million total valuation as opposed to an average of \$11.5 over the past five years) rendered the increase ineffective. Thus, the 30% increase is needed.

Several factors have combined to increase the Department's workload and subsequent revenue requirements.

- The citizens of the community, as well as our stakeholders, have been very vocal in their desire for increased accountability and continuity in the plan review and inspection process. They have also expressed a desire for a shorter turnaround time and increased access to staff. To this end, the City has recently hired a full-time Building Official and a part-time Plumbing Inspector, which introduces a fixed cost to the program.
- The State Building Codes have been updated to require more comprehensive review in the areas of seismic design and accessibility to persons with disabilities.
- The City's residential buildable lands inventory contains mostly infill properties that require more comprehensive review due to unusual topography, limited Fire Department access, and increased environmental restrictions (wetlands, erosion control, etc.).
- The City has a large amount of commercial/industrial property and, subsequently, building and remodeling projects that require more comprehensive review than residential projects.
- Increased requests by stakeholders to "fast track" projects (phased permits and deferred submittals), which require significantly more review, coordination, and record-keeping.
- Increases in the cost of living, cost of employee benefits and general increases in the costs of doing business.

Based on the Department's current fee schedule, anticipated level of development, and projected expenses, the Department faces a budget deficit of approximately \$30,000 for FY 03/04. The Department currently has no reserve funds with which to provide services to its citizens and stakeholders during periods of decreased building activity.

Based on an analysis of projected revenues and expenditures for the City of Milwaukie, as well as surrounding jurisdictions, the following was determined:

- Current plumbing and mechanical fees are generally in line with, or higher than, those of surrounding municipalities of similar size, but are subject to the same inflationary pressures as other fees.
- Current building permit and plan review fees are inadequate to sustain current levels of service and provide for an adequate reserve fund.

RECOMMENDATIONS:

It is staff's recommendation that, effective July 1, 2004, the following fee increases and new fees be adopted:

- Building permit fees for structural only, to be increased across the board by 30%, with a minimum fee of \$75.00

2. Planning Department Fees & Charges

In order to recover costs associated with these services, staff is proposing to increase fees for several planning documents and one land use application.

The increases for documents are for those items that are sent out for reproduction. The proposed increases are based on actual costs charged by companies such as LazerQuick plus actual in-house labor cost adjustments. Documents reproduced in-house will not increase.

As part of land use applications, technical report reviews for traffic, wetlands, geotechnical, and hydrology are sometimes required. A reserve deposit of \$1,000 is currently required. However staff has determined that this deposit is often short of the actual costs for use of a consultant as well as in-house labor needed to complete the review. Because the existing reserve is inadequate, the City must spend scarce engineering funds and then try to recoup them from the applicant. To ensure the setting of a fair reserve deposit, the City is proposing an increase of the traffic review reserve deposit to \$2,500. For all other types of review, the reserve deposit will remain at \$1,000. In all cases any unused deposit would be returned to the applicant.

RECOMMENDATIONS:

It is staff's recommendation that, effective July 1, 2004, the following fee increases and new fees be adopted:

- Planning Document charges for materials:

<i>Comprehensive Plan</i>	
Existing	\$15
Proposed	\$18

Downtown Riverfront Land Use Framework Plan

Existing	\$15
Proposed	\$18

Downtown Riverfront Public Area Requirements

Existing	\$15
Proposed	\$23

Transportation System Plan

Existing	\$15
Proposed	\$32

Downtown Design Guidelines-Black & White

Existing	New Document (no fee currently in place)
Proposed	\$10

Downtown Design Guidelines-Color

Existing	New Document (no fee currently in place)
Proposed	\$25

- Planning Land Use Application Fees:

Technical Report Review

Traffic, Wetlands, Geotechnical, Hydrology, etc	
Existing	Actual Cost of Review
Proposed	Actual Cost of Review

Reserve Deposit for above:

Existing	\$1,000
Proposed	Traffic: \$2,500 All Others: \$1,000

Concurrence

Staff consulted with the Planning, Building, Engineering and Community Development Departments in setting the proposed fees. All concur with the proposed changes.

Fiscal Impact

These fees are designed to recover the cost of routine activities only and are intended to collect revenues for the services provided.

Work Load Impacts

This resolution will not impact the workloads of staff in any of the affected departments.

Alternatives

1. Approve Fee Ordinance as written.
2. Amend Fee Ordinance as proposed.
3. Decline to approve fee changes at this time.

Attachment

- A. Resolution
- B. Fee Schedule Comparison-Existing FY04 and proposed FY 05
- C. Proposed FY05 Fee Schedule

Attachment A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING FEES FOR SERVICES; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION; .

WHEREAS, The City completed a formal Cost of Services Study and User Fee Analysis in Fiscal Year 1994 – 1995 and updated the Study in Fiscal Year 1995- 1996; and

WHEREAS, The City Council reviewed all costs of services and user fee structures; and

WHEREAS, Affected departments annually review labor costs as well as compare fees with other local jurisdictions and adjust accordingly; and

WHEREAS, The fees set forth in the attached "Fees and Charges" are set at a level to cover the costs of providing the services for which the fees are charged but to not generate and excess income for the City".

WHEREAS, Fees are set by City Council resolution;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milwaukie, Oregon; determines that the fees, herewith attached as “Fees & Charges”, are effective July 1, 2004, and:

Section 1. The attached document entitled "Fees and Charges" is adopted as the official fee schedule of the City of Milwaukie.

Section 2. The fees imposed by this Resolution are not taxes subject the property limitations of Article XI. Section 11(b) of the Oregon Constitution.

Section 3. Any previously adopted fee for which a fee or charge is stated in the attached "Fees and Charges" is amended to conform to the amount stated in the "Fees and Charges". Any previously adopted fee for for which a fee or charge is not stated in the attached "Fees and Charges" shall remain at its present amount.

Introduced and adopted by the City Council on June 1, 2004.

This resolution is effective on July 1, 2004.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder

City Attorney

Document3 (Last revised)

Attachment B



CITY HALL
10722 SE Main
MILWAUKIE, OREGON 97222

PHONE: (503) 786-7555
FAX: (503) 652-4433

Fees & Charges

Adopted DATE—Resolution #??-2004 (except as noted)
Effective July 1, 2004

PLANNING FEES & CHARGES

Land Use Applications:

Accessory Dwelling Unit (Type I)	\$860
Accessory Dwelling Unit (Type II)	\$1,770
Annexation/Initial Zoning/Comp. Plan land use or Other Boundary Change	\$3,210
Annexation (Expedited)	\$1,175
Appeal to City Planning Commission/City Council	\$505
Community Service Overlay	\$1,500
Community Service Overlay—Wireless Communication Facility (Type II)	\$750
Community Shopping Commercial	\$1,500
Comprehensive Plan/Map Amendment	\$3,210
Conditional Use	\$1,500
Exception, Use	\$1,500
Expedited Land Division	\$4,125
Extension of Planning Commission Approval	\$40
Historic Resource Alteration (Minor Quasi-Judicial)	\$1,500
Historic Resource Alteration (Type I)	\$500
Historic Resource Deletion	\$2,035
Historic Resource Demolition	\$2,035
Historic Resource Designation	\$0
Home Occupation Application	\$25/yr
Home Improvement Exceptions	\$800
Lot Consolidation:	
• Base fee (nonrefundable)	\$250
• Reserve deposit	\$250
Minor Alteration Review	\$1,500
Minor Land Partition:	
• Base fee (nonrefundable)	\$750
• Reserve deposit	\$1,000
Mixed Use Overlay Review	\$1,500
Nonconforming Use/Structure (Minor Quasi-Judicial)	\$1,500
Nonconforming Use/Structure (Type II)	\$800
Partition (Final Plat)	\$150
Partition Replat:	
• Base fee (nonrefundable)	\$500
• Reserve deposit	\$500
Planned Development (Final)	\$3,245
Planned Development (Preliminary)	\$2,615
Preapplication Conference, Standard	\$75
Preapplication Conference, Transportation Review	\$150
Property Line Adjustment	\$640
Right-of-Way Usage for Wireless Communication Facility	\$250/month per antenna per utility pole
Street or Plat Vacation	\$1,905
Subdivision (Preliminary Plat)	\$2,630
Subdivision (Final Plat)	\$150
Subdivision Replat:	
• Base fee (nonrefundable)	\$500
• Reserve deposit	\$1,000
Technical Report Review:	
• Traffic, Wetlands, Geotechnical, Hydrology, etc.	Actual Cost of Review
• Reserve deposit:	
• Traffic	\$1,000 \$2,500
• All others	\$1,000
Temporary Structure (Type I)	\$50
Temporary Structure (Minor Quasi-Judicial)	\$1,010
Transition Area Plan Review	\$1,500
Transportation Plan Review (Minor Quasi-Judicial)	\$1,160
Transportation Plan Review (Type II)	\$565
Transportation Plan Review (Adjustment or Exception):	
• Fee	\$750
• Reserve deposit	\$750
Tree Permit	\$35

City of Milwaukie Fees & Charges
 Adopted DATE/Effective DATE—Resolution #??-2004 (except as noted)
 Page 2

Variance (Minor Quasi-Judicial).....	\$1,500
Variance (Type II):	
• Base fee (nonrefundable)	\$800
• Reserve deposit.....	\$700
Variance (Sign).....	\$1,500
Variance (Subdivision).....	\$2,080
Water Quality Resource:	
• Base fee (nonrefundable)	\$750
• Reserve deposit.....	\$750
Willamette Greenway Review.....	\$1,500
Wireless Communication Facility Review:	
• Fee.....	Actual Cost of Review
• Deposit.....	\$1,000
Zoning Map Amendment (aka "Zone Change")	\$3,210
Zoning Ordinance Amendment.....	\$3,210
Zoning Ordinance Amendment Measure 56 Notice:	
• Fee.....	Actual Cost
• Reserve deposit.....	\$1 per affected property, \$35 minimum

Discounts for Land Use Applications:

- Two or more applications* 100% for most expensive application/50% discount for all others
 - Senior citizens and low income citizens** 25% discount (50% for appeals)
 - NDA-sponsored land use applications related to parks.....Fees waived
- * This applies to applications which relate to the same parcel of land and which will be considered at the same Planning Commission meeting.
- ** Seniors must be at least 62 years of age. Low-income citizens may qualify for reduced fees by filing an application similar to the form used to apply for reduced sewer and water rates.

Other Reviews & Inspections:

Building Permit Review (Major).....	\$130
Building Permit Review (Minor).....	\$95
Building Permit Review (Short).....	\$25
Nonconforming Situation Determination	\$50
Planning Director Interpretation	\$50
Planning Inspection Fee.....	\$50
Property Value Reduction Claims	\$1,515
(Additional deposit may be required, to cover contract attorney or appraiser costs, as determined by City Manager.)	
Sign Permit Review	\$95

Materials:

Comprehensive Plan or Zoning Ordinance:	\$15
Comprehensive Plan or Zoning Ordinance:	\$15 \$18
Comprehensive Plan or Zoning Ordinance Map:	
• 11x17 Xerox handout (Black & White/Color).....	No charge/\$2
• GIS maps (e.g., Zoning Map)	Full sheet \$43; see Engineering fees for other sizes
• Bluelines (e.g., Zoning Map).....	All sizes \$5
Comprehensive Plan ancillary documents:	
• Ardenwald Park Master Plan	\$2
• Downtown and Riverfront Land Use Framework Plan	\$15 \$18
• Elk Rock Island Natural Area Management Plan	\$7.50
• Furnberg Park Master Plan.....	\$5
• Johnson Creek Resources Management Plan.....	\$15
• Lake Road Multimodal Plan.....	\$7.50
• North Clackamas PFP	\$25
• Regional Center Master Plan.....	\$15
• Scott Park Master Plan.....	\$2
• Springwater Corridor Master Plan.....	\$7.50
• Transportation System Plan	\$15 \$32
• Water Tower Park Master Plan.....	\$2
• Wichita Park Master Plan	\$2
• Vision Statement (one page).....	No charge
Sign Ordinance.....	\$5
Land Division Ordinance.....	\$5
Downtown Design Guidelines (Black & White/Color).....	\$10 \$25
Downtown and Riverfront Public Area Requirements.....	\$15 \$23
Transportation Design Manual.....	\$5
Other informational handouts (10 pages or less).....	No charge
Other informational handouts (over 10 pages).....	At cost

BUILDING FEES & CHARGES

Section I. Residential Building Permits

A. Structural Permits—Valuation shall be calculated using the most current ICBO Building Valuation Data Table for “good construction” and without the Oregon modifier. The square footage of a dwelling or addition shall be determined from outside exterior wall to outside exterior wall for each level. The square footage of garages, carports, covered porches or patios, and decks shall be calculated separately at the corresponding values from the most current ICBO Building Valuation Data Table. Permit fees for remodels and alterations shall be calculated using the valuation determined by the fair market value as determined by the Building Official.

1. Permit Fee

Permit fees from calculation of total valuation from the square footage of the improvement	
\$1-\$500	\$14.40 <u>\$18.75</u>
\$501-\$2,000	\$14.40 <u>\$18.75</u> plus \$2.22 <u>\$2.89</u> per \$C over \$5C to \$2K
\$2,001-\$25,000	\$47.70 <u>\$62.10</u> plus \$8.88 <u>\$11.54</u> per \$K over \$2K to \$25K
\$25,001-\$50,000	\$251.94 <u>\$327.52</u> plus \$6.60 <u>\$8.58</u> per \$K over \$25K to \$50K
\$50,001-\$100,000	\$416.94 <u>\$542.02</u> plus \$4.44 <u>\$5.77</u> per \$K over \$50K to \$100K
\$100,001 and up.....	\$638.94 <u>\$830.52</u> plus \$3.75 <u>\$4.88</u> per \$K over \$100K
Minimum permit fee	\$60.00 <u>\$75.00</u>

- 2. **Initial Plan Review Fees** 65% of the permit fee
- 3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions** ~~\$65.00~~ **\$70.00***/hr. (min. charge 1 hr.)
- 4. **Third Party Plan Review Fee (for transfer of plan review to a third party)** 10% of the permit fee (\$65.00 min.)

B. Mechanical Permits—Fees per current Mechanical Permit application

Minimum Permit Fee	\$50.00 <u>\$60.00</u> *
--------------------------	--

1. HVAC

For the installation of:	
a. Air handling unit including ducts:	
Up to 10,000 cfm.....	\$22.00 <u>\$23.00</u> *
Over 10,000 cfm	\$25.00 <u>\$26.00</u> *
b. Air conditioning/heat pump (site plan required)	\$38.50 <u>\$40.00</u> *
c. Alteration of existing HVAC system.....	\$17.50 <u>\$18.50</u> *
d. Boiler/compressor	\$17.50 <u>\$18.50</u> *
e. Install/relocate/replace furnace/burner including ductwork and vent:	
Up to 100,000 BTU/H.....	\$17.50 <u>\$18.50</u> *
Over 100,000 BTU/H.....	\$20.50 <u>\$22.00</u> *
f. Install/relocate/replace heaters (room, suspended, wall- or floor-mounted)	\$17.50 <u>\$18.50</u> *
g. Vent for other than furnace	\$13.75 <u>\$18.50</u> *

2. Environmental Exhaust and Ventilation

For the installation of:	
a. Appliance vent	\$13.75 <u>\$15.00</u> *
b. Dryer exhaust.....	\$11.00 <u>\$12.00</u> *
c. Each hood that is served by a mechanical exhaust or air conditioning.....	\$9.00 <u>\$10.00</u> *
d. Exhaust system with single duct (bath fan) each.....	\$7.50 <u>\$8.50</u> *
e. Exhaust system apart from heating or air conditioning.....	\$11.00 <u>\$12.00</u> *

3. Fuel Piping and Distribution

a. LPG-NG-Oil fuel piping:	
Up to 4 outlets (includes gas tag).....	\$20.00 <u>\$22.00</u> *
Each additional outlet over 4	\$1.50 <u>\$2.00</u> *

4. Other Listed Application or Equipment

a. Decorative fireplace or insert	\$33.00	\$35.00 *
b. Woodstove/pellet stove.....	\$45.00	\$47.00 *
c. For each appliance or piece of equipment regulated by the code but not classed in other appliance categories, for which no other fee is listed in this code, or for which there is an alteration or extension of an existing mechanical system	\$17.50	\$18.50 *

5. Stand-alone Fire Suppression Systems (requires a backflow device installed by licensed plumbing contractor or persons exempt from licensing)

0 sq. ft. to 2,000 sq. ft.	\$87.50	\$90.00 *
2,001 sq. ft. to 3,600 sq. ft.	\$130.00	\$135.00 *
3,601 sq. ft. to 7,200 sq. ft.	\$164.00	\$169.00 *
\$7,201 sq. ft. and greater	\$304.00	\$315.00 *

C. Plumbing Permits—Fees per current Plumbing Permit application

1. Total Bathrooms Per Dwelling

1 bath dwelling (includes 1 kitchen)	\$325.00	\$335.00 *
2 bath dwelling (includes 1 kitchen)	\$360.00	\$370.00 *
3 bath dwelling (includes 1 kitchen)	\$430.00	\$440.00 *
Additional bathroom/kitchen	\$170.00	\$175.00 *

Includes the first 100 ft. of water piping, sanitary and storm sewer lines, hose bibs, icemakers, underfloor low point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system.

2. Additions, Alterations, and Repairs \$16.25 ~~\$16.75~~*/fixture

3. Building Sewer Connection \$55.00 ~~\$57.00~~*

4. Multipurpose or Continuous Loop Fire Suppression Systems

0 sq. ft. to 2,000 sq. ft.	\$87.50	\$90.00 *
2,001 sq. ft. to 3,600 sq. ft.	\$130.00	\$135.00 *
3,601 sq. ft. to 7,200 sq. ft.	\$164.00	\$169.00 *
\$7,201 sq. ft. and greater	\$200.00	\$315.00 *

5. Minimum permit fee..... \$50.00 ~~\$60.00~~*

D. Other Inspections and Fees

1. Inspections outside of normal business hours..... ~~\$95.00~~ ~~\$98.00~~*/hr. (min. charge 2 hrs.)
 (Must be preapproved by applicant)

2. Inspections for which no fee is specifically indicated..... \$65.00 ~~\$68.00~~*/hr.
 (Must be preapproved by applicant)

3. Reinspection fee..... \$55.00 ~~\$58.00~~*/hr.

4. Replacement sheets..... \$22.00 ~~\$23.00~~*/sheet

5. The minimum fee shall be..... \$50.00

6. Investigation fee Amount of subject permit fee

7. Temporary Certificate of Completion..... \$50.00

E. Manufactured Dwelling and Cabana Installation Permits— All jurisdictions in the Tri-County area shall charge a single fee for the installation and set-up of manufactured homes. This single fee shall include the concrete slab, runners, or foundations when they comply with the prescriptive requirements of the Oregon Manufactured Dwelling standard, electrical feeder and plumbing connections, and all cross-over connections.

- 1. **Installation permit** ~~\$430.00~~ **\$445.00***
- 2. **Earthquake-resistant bracing** ~~\$130.00~~ **\$135.00***
- 3. **Reinspection** ~~\$130.00~~ **\$135.00***
- 4. **Statewide code development, training and monitoring fee** (in addition to all other manufactured dwelling fees and charges) \$30.00

Section II. Commercial/Industrial Building Permits

A. Structural Permits—Valuation shall be calculated using the most current ICBO Building Valuation Data Table, using the occupancy and construction type as determined by the Building Official, with no Oregon modifier, multiplied by the square footage of the structure to determine the valuation, or value as stated by the applicant, whichever is greater. When the construction or occupancy type does not fit the ICBO Building Valuation Data Table, the valuation shall be determined by the Building Official with input from the applicant.

- 1. **Permit Fee**
 Permit fees from calculation of total valuation from the square footage of the improvement
 - \$1-\$500 ~~\$14.40~~ **\$18.75**
 - \$501-\$2,000 ~~\$47.70~~ **\$62.10** plus ~~\$2.22~~ **\$2.89** per \$K over \$2K to \$25K
 - \$2,001-\$25,000 ~~\$251.94~~ **\$327.52** plus ~~\$8.88~~ **\$11.54** per \$K over \$25K to \$50K
 - \$25,001-\$50,000 ~~\$416.94~~ **\$542.02** plus ~~\$4.44~~ **\$5.77** per \$K over \$50K to \$100K
 - \$50,001-\$100,000 ~~\$638.94~~ **\$830.52** plus ~~\$3.75~~ **\$4.88** per \$K over \$100K
 - \$100,001 and up..... ~~\$60.00~~ **\$75.00**
 - Minimum permit fee..... ~~\$60.00~~ **\$75.00**
- 2. **Initial Plan Review Fees** 65% of the permit fee
- 3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions** ~~\$65.00~~ **\$70.00*/hr.** (min. charge 1 hr.)
- 4. **Fire and Life Safety Plan Review Fee** (commercial only).....40% of structural permit fee
 (Based on valuation of total improvements or \$50.00/hr. to review a Fire and Life Safety Master Plan)
 (Hourly charge must be approved by Applicant)
- 5. **Seismic Site Hazard Report Review** 1% of total structural and mechanical fees

B. Mechanical Permits—Valuation shall be calculated on the value of the equipment and installation costs.

- 1. **Use this section for commercial installation, replacement or relocation of nonportable mechanical equipment or mechanical work not covered previously. Indicate the value of all mechanical labor, materials, and equipment.**
 Permit Fee:
 - \$1 to \$5,000 ~~\$50.00~~ **\$60.00***
 - \$5,001 to \$10,000..... ~~\$50.00~~ **\$60.00*** plus ~~\$1.66~~ **\$1.71*** per \$C over \$5K
 - \$10,001 to \$100,000..... ~~\$133.00~~ **\$145.50*** plus ~~\$10.20~~ **\$10.50*** per \$K over \$10K
 - \$100,001 and up..... ~~\$1,051.00~~ **\$1,090.50*** plus ~~\$7.00~~ **\$7.25*** per \$K over \$100K
 - Minimum permit fee..... ~~\$50.00~~ **\$60.00***
- 2. **Plan review fee** 25% of mechanical permit fee
- 3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions** ~~\$65.00~~ **\$70.00*/hr.** (min. charge 1 hr.)

C. Plumbing Permits

1. Each fixture	\$16.25	\$16.75*
2. Utilities per 100 feet	\$60.00	\$62.00*
a. Catch basin	\$26.00	\$27.00*
b. Drywells each	\$26.00	\$27.00*
c. Footing drain (per 100 lin. ft.)	\$52.00	\$53.00*
d. Rain drain connector	\$26.00	\$27.00*
e. Manholes each	\$52.00	\$53.00*
3. Piping (per 100 lin. ft.)	\$60.00	\$62.00*
4. Building Sewers (per 100 lin. ft.)	\$60.00	\$62.00*
5. Initial Plan Review Fees	30% of the Plumbing permit fees	
6. Plan Review Fees Required/requested by Changes, Additions, or Revisions	\$65.00	\$70.00* /hr. for commercial
7. Minimum permit fee	\$50.00	\$60.00*
8. Medical Gas Permits: Valuation shall be calculated on the value of the equipment and installation costs.		
Medical Gas Permit Fees:		
\$1-\$5,000	\$50.00	\$60.00*
\$5,001-\$10,000	\$50.00	\$60.00* plus \$1.66 \$1.71* per \$C over \$5K
\$10,001-\$100,000	\$133.00	\$145.50* plus \$10.20 \$10.50* per \$K over \$10K
\$100,001 and up	\$1,054.00	\$1,090.50* plus \$7.00 \$7.25* per \$K over \$100K
Minimum permit fee	\$50.00	\$60.00*

D. Other Inspections and Fees

1. Inspections outside of normal business hours	\$95.00	\$98.00* /hr. (min. charge 2 hrs.) (Must be preapproved by applicant)
2. Inspections for which no fee is specifically indicated	\$65.00	\$68.00* /hr. (Must be preapproved by applicant)
3. Reinspection fee	\$55.00	\$58.00* /hr.
4. Replacement sheets	\$22.00	\$23.00* /sheet
5. The minimum fee shall be	\$50.00	
6. Investigation fee	Amount of subject permit fee	
7. Temporary Certificate of Occupancy	\$180.00	
8. Change of use/occupancy	\$300.00	

E. Deferred Submittal Fee (in addition to project plan review fee)
 (OAR 918-050-0170).....\$250.00 + 10% of deferred item permit fee
 per deferred submittal (minimum \$300.00)

F. Phased Permit Fee (in addition to project plan review fee)
 (OAR 918-050-0160).....\$250.00 + 10% of total project permit fee per phase
 (minimum \$300.00, not to exceed \$1,500 per phase)

Section III. Permit Related Fees

- A. A State surcharge shall be collected in an amount as required by State law.
- B. Electrical permit fees shall be as adopted in Resolution 19-2003, adopted by the City Council on May 6, 2003 (effective July 1, 2003) with the following exceptions:
 - 1. The state surcharge shall be the amount required by State law as noted in Section III.A of this resolution.
 - 2. The Minor Labels program will be deleted as required by SB 512 and SB 587.
- C. House Moving/Demolition Permits

2,000 sq. ft. or less	\$75.00 \$78.00*
Each additional 1,000 sq. ft.	\$35.00 \$38.00*
Plan Review Fee	65% of the permit fee
- D. Prefabricated Structures(Per current permit fees)
- E. Temporary Structures.....(Per current permit fees)
- F. Manufactured Dwelling Parks and Mobile Home Parks Per current State of Oregon permit fee (OAR.Division 650.Table 1) plus 30%
- G. Recreational Parks and Organizational Camps Per current State of Oregon permit fee (OAR.Division 650.Table 1) plus 30%
- H. Miscellaneous Building Valuations
 - 1. Retaining Walls

To 8 ft. high, including footing.....	\$247.00 \$254.00* /lin. ft.
Over 8 ft. high.....	\$268.00 \$276.00* /lin. ft.
 - 2. Fences

Over 6 ft. to 8 ft. high.....	\$14.50 \$15.00* /lin. ft.
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 - 3. Concrete Slabs on Grade Foundations—For house moves, modular buildings, pole buildings, etc.

Plain concrete:	
4-in. slab.....	\$2.85 \$3.00* /sq. ft.
5-in. slab.....	\$2.94 \$3.10* /sq. ft.
6-in. slab.....	\$3.10 \$3.25* /sq. ft.
Reinforced concrete	Add \$1.05 \$1.15* /sq. ft.
 - 4. Crawl Space Foundations

For house moves, modular, etc.	\$7.35 \$7.50* /sq. ft.
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 - 5. Accessory Buildings

With floor slab	\$53.50 \$55.00* /sq. ft.
Without floor slab	\$26.80 \$28.00* /sq. ft.
 - 6. Pole Buildings

Up to and including 14-ft. eave height	\$31.00 \$32.00* /sq. ft.
Over 14-ft. eave height	\$42.00 \$45.00* /sq. ft.
For insulation:	
Roof—add.....	\$.32 \$.35* /sq. ft.
Slab—add	\$.32 \$.35* /sq. ft.
Wall—add	\$.32 \$.35* /sq. ft.
For slabs on grade.....	see Section III.H.3 for fees
 - 7. Swimming Pools (pool only/deck extra)

Concrete or gunite.....	\$67.00 \$70.00* /sq. ft.
Plastic below ground	\$41.00 \$45.00* /sq. ft.

Section IV. In-Fill and Grading

A. In-Fill and Grading Permit Fees

50 cubic yards or less	No charge
51 to 100 cubic yards	\$30.00 <u>\$35.00*</u>
101 to 1,000 cubic yards	\$40.00 <u>\$45.00*</u>
1,001 to 10,000 cubic yards	\$60.00 <u>\$65.00*</u>
10,001 cubic yards or more.....	Total hourly cost*

*Cost to include supervision, overhead, equipment, hourly wages, and benefits of employees involved

B. In-Fill and Grading Plan Review Fees

50 cubic yards or less	No charge
51 to 100 cubic yards	\$30.00 <u>\$35.00*</u>
101 to 1,000 cubic yards	\$40.00 <u>\$45.00*</u>
1,001 to 10,000 cubic yards	\$60.00 <u>\$65.00*</u>
10,001 cubic yards or more.....	Total hourly cost*

*Cost to include supervision, overhead, equipment, hourly wages, and benefits of employees involved

C. Other Inspections and Fees

1. Inspections outside normal business hours ~~\$70.00~~ **\$75.00***/hr. (min. charge 2 hrs.)
2. Reinspection fee..... ~~\$70.00~~ **\$75.00***/hr.
3. Inspections for which no fee is specifically indicated ~~\$70.00~~ **\$75.00***/hr.

Attachment C

PROPOSED NEW SCHEDULE



CITY HALL
10722 SE Main
MILWAUKIE, OREGON 97222

PHONE: (503) 786-7555
FAX: (503) 652-4433

Fees & Charges

Adopted DATE—Resolution #??-2004 (except as noted)
Effective July 1, 2004

PLANNING FEES & CHARGES

Land Use Applications:

Accessory Dwelling Unit (Type I)	\$860
Accessory Dwelling Unit (Type II)	\$1,770
Annexation/Initial Zoning/Comp. Plan land use or Other Boundary Change	\$3,210
Annexation (Expedited)	\$1,175
Appeal to City Planning Commission/City Council	\$505
Community Service Overlay	\$1,500
Community Service Overlay—Wireless Communication Facility (Type II)	\$750
Community Shopping Commercial	\$1,500
Comprehensive Plan/Map Amendment	\$3,210
Conditional Use	\$1,500
Exception, Use	\$1,500
Expedited Land Division	\$4,125
Extension of Planning Commission Approval	\$40
Historic Resource Alteration (Minor Quasi-Judicial)	\$1,500
Historic Resource Alteration (Type I)	\$500
Historic Resource Deletion	\$2,035
Historic Resource Demolition	\$2,035
Historic Resource Designation	\$0
Home Occupation Application	\$25/yr
Home Improvement Exceptions	\$800
Lot Consolidation:	
• Base fee (nonrefundable)	\$250
• Reserve deposit	\$250
Minor Alteration Review	\$1,500
Minor Land Partition:	
• Base fee (nonrefundable)	\$750
• Reserve deposit	\$1,000
Mixed Use Overlay Review	\$1,500
Nonconforming Use/Structure (Minor Quasi-Judicial)	\$1,500
Nonconforming Use/Structure (Type II)	\$800
Partition (Final Plat)	\$150
Partition Replat:	
• Base fee (nonrefundable)	\$500
• Reserve deposit	\$500
Planned Development (Final)	\$3,245
Planned Development (Preliminary)	\$2,615
Preapplication Conference, Standard	\$75
Preapplication Conference, Transportation Review	\$150
Property Line Adjustment	\$640
Right-of-Way Usage for Wireless Communication Facility	\$250/month per antenna per utility pole
Street or Plat Vacation	\$1,905
Subdivision (Preliminary Plat)	\$2,630
Subdivision (Final Plat)	\$150
Subdivision Replat:	
• Base fee (nonrefundable)	\$500
• Reserve deposit	\$1,000
Technical Report Review:	
• Traffic, Wetlands, Geotechnical, Hydrology, etc.	Actual Cost of Review
• Reserve deposit:	
• Traffic	\$2,500
• All others	\$1,000
Temporary Structure (Type I)	\$50
Temporary Structure (Minor Quasi-Judicial)	\$1,010
Transition Area Plan Review	\$1,500
Transportation Plan Review (Minor Quasi-Judicial)	\$1,160
Transportation Plan Review (Type II)	\$565
Transportation Plan Review (Adjustment or Exception):	
• Fee	\$750
• Reserve deposit	\$750
Tree Permit	\$35

City of Milwaukie Fees & Charges
 Adopted DATE/Effective DATE—Resolution #??-2004 (except as noted)
 Page 2

Variance (Minor Quasi-Judicial).....	\$1,500
Variance (Type II):	
• Base fee (nonrefundable)	\$800
• Reserve deposit.....	\$700
Variance (Sign).....	\$1,500
Variance (Subdivision).....	\$2,080
Water Quality Resource:	
• Base fee (nonrefundable)	\$750
• Reserve deposit.....	\$750
Willamette Greenway Review.....	\$1,500
Wireless Communication Facility Review:	
• Fee.....	Actual Cost of Review
• Deposit.....	\$1,000
Zoning Map Amendment (aka "Zone Change")	\$3,210
Zoning Ordinance Amendment.....	\$3,210
Zoning Ordinance Amendment Measure 56 Notice:	
• Fee.....	Actual Cost
• Reserve deposit.....	\$1 per affected property, \$35 minimum

Discounts for Land Use Applications:

- Two or more applications* 100% for most expensive application/50% discount for all others
 - Senior citizens and low income citizens** 25% discount (50% for appeals)
 - NDA-sponsored land use applications related to parks.....Fees waived
- * This applies to applications which relate to the same parcel of land and which will be considered at the same Planning Commission meeting.
- ** Seniors must be at least 62 years of age. Low-income citizens may qualify for reduced fees by filing an application similar to the form used to apply for reduced sewer and water rates.

Other Reviews & Inspections:

Building Permit Review (Major).....	\$130
Building Permit Review (Minor).....	\$95
Building Permit Review (Short).....	\$25
Nonconforming Situation Determination	\$50
Planning Director Interpretation	\$50
Planning Inspection Fee.....	\$50
Property Value Reduction Claims	\$1,515
(Additional deposit may be required, to cover contract attorney or appraiser costs, as determined by City Manager.)	
Sign Permit Review	\$95

Materials:

Zoning Ordinance:.....	\$15
Comprehensive Plan:.....	\$18
Comprehensive Plan or Zoning Ordinance Map:	
• 11x17 Xerox handout (Black & White/Color).....	No charge/\$2
• GIS maps (e.g., Zoning Map)	Full sheet \$43; see Engineering fees for other sizes
• Bluelines (e.g., Zoning Map).....	All sizes \$5
Comprehensive Plan ancillary documents:	
• Ardenwald Park Master Plan	\$2
• Downtown and Riverfront Land Use Framework Plan	\$18
• Elk Rock Island Natural Area Management Plan	\$7.50
• Furnberg Park Master Plan.....	\$5
• Johnson Creek Resources Management Plan.....	\$15
• Lake Road Multimodal Plan.....	\$7.50
• North Clackamas PFP	\$25
• Regional Center Master Plan.....	\$15
• Scott Park Master Plan.....	\$2
• Springwater Corridor Master Plan.....	\$7.50
• Transportation System Plan	\$32
• Water Tower Park Master Plan.....	\$2
• Wichita Park Master Plan	\$2
• Vision Statement (one page).....	No charge
Sign Ordinance.....	\$5
Land Division Ordinance.....	\$5
Downtown Design Guidelines (Black & White/Color)	\$10/\$25
Downtown and Riverfront Public Area Requirements.....	\$23
Transportation Design Manual.....	\$5
Other informational handouts (10 pages or less).....	No charge
Other informational handouts (over 10 pages).....	At cost

BUILDING FEES & CHARGES

Section I. Residential Building Permits

A. Structural Permits—Valuation shall be calculated using the most current ICBO Building Valuation Data Table for “good construction” and without the Oregon modifier. The square footage of a dwelling or addition shall be determined from outside exterior wall to outside exterior wall for each level. The square footage of garages, carports, covered porches or patios, and decks shall be calculated separately at the corresponding values from the most current ICBO Building Valuation Data Table. Permit fees for remodels and alterations shall be calculated using the valuation determined by the fair market value as determined by the Building Official.

1. Permit Fee

Permit fees from calculation of total valuation from the square footage of the improvement	
\$1-\$500	\$18.75
\$501-\$2,000	\$18.75 plus \$2.89 per \$C over \$5C to \$2K
\$2,001-\$25,000	\$62.10 plus \$11.54 per \$K over \$2K to \$25K
\$25,001-\$50,000	\$327.52 plus \$8.58 per \$K over \$25K to \$50K
\$50,001-\$100,000	\$542.02 plus \$5.77 per \$K over \$50K to \$100K
\$100,001 and up.....	\$830.52 plus \$4.88 per \$K over \$100K
Minimum permit fee.....	\$75.00

2. Initial Plan Review Fees 65% of the permit fee

3. Plan Review Fees Required/Requested by Changes, Additions, Revisions \$70.00/hr. (min. charge 1 hr.)

4. Third Party Plan Review Fee (for transfer of plan review to a third party) 10% of the permit fee (\$65.00 min.)

B. Mechanical Permits—Fees per current Mechanical Permit application

Minimum Permit Fee..... \$60.00

1. HVAC

For the installation of:	
a. Air handling unit including ducts:	
Up to 10,000 cfm.....	\$23.00
Over 10,000 cfm	\$26.00
b. Air conditioning/heat pump (site plan required)	\$40.00
c. Alteration of existing HVAC system.....	\$18.50
d. Boiler/compressor.....	\$18.50
e. Install/relocate/replace furnace/burner including ductwork and vent:	
Up to 100,000 BTU/H.....	\$18.50
Over 100,000 BTU/H.....	\$22.00
f. Install/relocate/replace heaters (room, suspended, wall- or floor-mounted)	\$18.50
g. Vent for other than furnace	\$18.50

2. Environmental Exhaust and Ventilation

For the installation of:	
a. Appliance vent	\$15.00
b. Dryer exhaust.....	\$12.00
c. Each hood that is served by a mechanical exhaust or air conditioning.....	\$10.00
d. Exhaust system with single duct (bath fan) each.....	\$8.50
e. Exhaust system apart from heating or air conditioning.....	\$12.00

3. Fuel Piping and Distribution

a. LPG-NG-Oil fuel piping:	
Up to 4 outlets (includes gas tag).....	\$22.00
Each additional outlet over 4	\$2.00

*These fees previously adopted by City Council in 2003, to be phased in now for 2004. Increases shown as reference only.

- 4. Other Listed Application or Equipment**
 - a. Decorative fireplace or insert \$35.00
 - b. Woodstove/pellet stove..... \$47.00
 - c. For each appliance or piece of equipment regulated by the code but not classed in other appliance categories, for which no other fee is listed in this code, or for which there is an alteration or extension of an existing mechanical system \$18.50

- 5. Stand-alone Fire Suppression Systems (requires a backflow device installed by licensed plumbing contractor or persons exempt from licensing)**
 - 0 sq. ft. to 2,000 sq. ft. \$90.00
 - 2,001 sq. ft. to 3,600 sq. ft. \$135.00
 - 3,601 sq. ft. to 7,200 sq. ft. \$169.00
 - \$7,201 sq. ft. and greater \$315.00

C. Plumbing Permits—Fees per current Plumbing Permit application

- 1. Total Bathrooms Per Dwelling**
 - 1 bath dwelling (includes 1 kitchen) \$335.00
 - 2 bath dwelling (includes 1 kitchen) \$370.00
 - 3 bath dwelling (includes 1 kitchen) \$440.00
 - Additional bathroom/kitchen \$175.00
 - Includes the first 100 ft. of water piping, sanitary and storm sewer lines, hose bibs, icemakers, underfloor low point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system.

- 2. Additions, Alterations, and Repairs** \$16.75/fixture

- 3. Building Sewer Connection** \$57.00

- 4. Multipurpose or Continuous Loop Fire Suppression Systems**
 - 0 sq. ft. to 2,000 sq. ft. \$90.00
 - 2,001 sq. ft. to 3,600 sq. ft. \$135.00
 - 3,601 sq. ft. to 7,200 sq. ft. \$169.00
 - \$7,201 sq. ft. and greater \$315.00

- 5. Minimum permit fee**..... \$60.00

D. Other Inspections and Fees

- 1. Inspections outside of normal business hours** \$98.00/hr. (min. charge 2 hrs.)
 (Must be preapproved by applicant)

- 2. Inspections for which no fee is specifically indicated** \$68.00/hr.
 (Must be preapproved by applicant)

- 3. Reinspection fee** \$58.00/hr.

- 4. Replacement sheets** \$23.00/sheet

- 5. The minimum fee shall be** \$50.00

- 6. Investigation fee** Amount of subject permit fee

- 7. Temporary Certificate of Completion** \$50.00

*These fees previously adopted by City Council in 2003, to be phased in now for 2004. Increases shown as reference only.

E. Manufactured Dwelling and Cabana Installation Permits— All jurisdictions in the Tri-County area shall charge a single fee for the installation and set-up of manufactured homes. This single fee shall include the concrete slab, runners, or foundations when they comply with the prescriptive requirements of the Oregon Manufactured Dwelling standard, electrical feeder and plumbing connections, and all cross-over connections.

- 1. **Installation permit** \$445.00
- 2. **Earthquake-resistant bracing** \$135.00
- 3. **Reinspection** \$135.00
- 4. **Statewide code development, training and monitoring fee** (in addition to all other manufactured dwelling fees and charges) \$30.00

Section II. Commercial/Industrial Building Permits

A. Structural Permits—Valuation shall be calculated using the most current ICBO Building Valuation Data Table, using the occupancy and construction type as determined by the Building Official, with no Oregon modifier, multiplied by the square footage of the structure to determine the valuation, or value as stated by the applicant, whichever is greater. When the construction or occupancy type does not fit the ICBO Building Valuation Data Table, the valuation shall be determined by the Building Official with input from the applicant.

- 1. **Permit Fee**
 Permit fees from calculation of total valuation from the square footage of the improvement
 - \$1-\$500 \$18.75
 - \$501-\$2,000 \$18.75 plus \$2.89 per \$C over \$5C to \$2K
 - \$2,001-\$25,000 \$62.10 plus \$11.54 per \$K over \$2K to \$25K
 - \$25,001-\$50,000 \$327.52 plus \$8.58 per \$K over \$25K to \$50K
 - \$50,001-\$100,000 \$542.02 plus \$5.77 per \$K over \$50K to \$100K
 - \$100,001 and up..... \$830.52 plus \$4.88 per \$K over \$100K
 - Minimum permit fee \$75.00
- 2. **Initial Plan Review Fees** 65% of the permit fee
- 3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions** \$70.00/hr. (min. charge 1 hr.)
- 4. **Fire and Life Safety Plan Review Fee** (commercial only).....40% of structural permit fee
 (Based on valuation of total improvements or \$50.00/hr. to review a Fire and Life Safety Master Plan)
 (Hourly charge must be approved by Applicant)
- 5. **Seismic Site Hazard Report Review** 1% of total structural and mechanical fees

B. Mechanical Permits—Valuation shall be calculated on the value of the equipment and installation costs.

- 1. **Use this section for commercial installation, replacement or relocation of nonportable mechanical equipment or mechanical work not covered previously. Indicate the value of all mechanical labor, materials, and equipment.**
 Permit Fee:
 - \$1 to \$5,000 \$60.00
 - \$5,001 to \$10,000..... \$60.00 plus \$1.71 per \$C over \$5K
 - \$10,001 to \$100,000.....\$145.50 plus \$10.50 per \$K over \$10K
 - \$100,001 and up..... \$1,090.50 plus \$7.25 per \$K over \$100K
 - Minimum permit fee \$60.00
- 2. **Plan review fee** 25% of mechanical permit fee
- 3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions** \$70.00/hr. (min. charge 1 hr.)

*These fees previously adopted by City Council in 2003, to be phased in now for 2004. Increases shown as reference only.

C. Plumbing Permits

1. Each fixture	\$16.75
2. Utilities per 100 feet.....	\$62.00
a. Catch basin.....	\$27.00
b. Drywells each	\$27.00
c. Footing drain (per 100 lin. ft.).....	\$53.00
d. Rain drain connector.....	\$27.00
e. Manholes each.....	\$53.00
3. Piping (per 100 lin. ft.).....	\$62.00
4. Building Sewers (per 100 lin. ft.)	\$62.00
5. Initial Plan Review Fees	30% of the Plumbing permit fees
6. Plan Review Fees Required/requested by Changes, Additions, or Revisions	\$70.00/hr. for commercial
7. Minimum permit fee.....	\$60.00
8. Medical Gas Permits: Valuation shall be calculated on the value of the equipment and installation costs.	
Medical Gas Permit Fees:	
\$1-\$5,000	\$60.00
\$5,001-\$10,000	\$60.00 plus \$1.71 per \$C over \$5K
\$10,001-\$100,000	\$145.50 plus \$10.50 per \$K over \$10K
\$100,001 and up.....	\$1,090.50 plus \$7.25 per \$K over \$100K
Minimum permit fee.....	\$60.00

D. Other Inspections and Fees

1. Inspections outside of normal business hours.....	\$98.00/hr. (min. charge 2 hrs.) (Must be preapproved by applicant)
2. Inspections for which no fee is specifically indicated.....	\$68.00/hr. (Must be preapproved by applicant)
3. Reinspection fee.....	\$58.00/hr.
4. Replacement sheets	\$23.00/sheet
5. The minimum fee shall be.....	\$50.00
6. Investigation fee	Amount of subject permit fee
7. Temporary Certificate of Occupancy	\$180.00
8. Change of use/occupancy	\$300.00

E. Deferred Submittal Fee (in addition to project plan review fee)
 (OAR 918-050-0170)..... \$250.00 + 10% of deferred item permit fee
 per deferred submittal (minimum \$300.00)

F. Phased Permit Fee (in addition to project plan review fee)
 (OAR 918-050-0160)..... \$250.00 + 10% of total project permit fee per phase
 (minimum \$300.00, not to exceed \$1,500 per phase)

*These fees previously adopted by City Council in 2003, to be phased in now for 2004. Increases shown as reference only.

Section III. Permit Related Fees

- A. A State surcharge shall be collected in an amount as required by State law.
- B. Electrical permit fees shall be as adopted in Resolution 19-2003, adopted by the City Council on May 6, 2003 (effective July 1, 2003) with the following exceptions:
 - 1. The state surcharge shall be the amount required by State law as noted in Section III.A of this resolution.
 - 2. The Minor Labels program will be deleted as required by SB 512 and SB 587.
- C. House Moving/Demolition Permits

2,000 sq. ft. or less	\$78.00
Each additional 1,000 sq. ft.	\$38.00
Plan Review Fee	65% of the permit fee
- D. Prefabricated Structures(Per current permit fees)
- E. Temporary Structures.....(Per current permit fees)
- F. Manufactured Dwelling Parks and Mobile Home Parks Per current State of Oregon permit fee
(OAR.Division 650.Table 1) plus 30%
- G. Recreational Parks and Organizational Camps Per current State of Oregon permit fee
(OAR.Division 650.Table 1) plus 30%
- H. Miscellaneous Building Valuations
 - 1. Retaining Walls

To 8 ft. high, including footing.....	\$254.00/lin. ft.
Over 8 ft. high.....	\$276.00/lin. ft.
 - 2. Fences

Over 6 ft. to 8 ft. high.....	\$15.00/lin. ft.
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 - 3. Concrete Slabs on Grade Foundations—For house moves, modular buildings, pole buildings, etc.
 Plain concrete:

4-in. slab.....	\$3.00/sq. ft.
5-in. slab.....	\$3.10/sq. ft.
6-in. slab.....	\$3.25/sq. ft.
Reinforced concrete	Add \$1.15/sq. ft.
 - 4. Crawl Space Foundations

For house moves, modular, etc.	\$7.50/sq. ft.
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 - 5. Accessory Buildings

With floor slab	\$55.00/sq. ft.
Without floor slab	\$28.00/sq. ft.
 - 6. Pole Buildings

Up to and including 14-ft. eave height	\$32.00/sq. ft.
Over 14-ft. eave height	\$45.00/sq. ft.
For insulation:	
Roof—add.....	\$.35/sq. ft.
Slab—add	\$.35/sq. ft.
Wall—add	\$.35/sq. ft.
For slabs on grade.....	see Section III.H.3 for fees
 - 7. Swimming Pools (pool only/deck extra)

Concrete or gunite	\$70.00/sq. ft.
Plastic below ground	\$45.00/sq. ft.

*These fees previously adopted by City Council in 2003, to be phased in now for 2004. Increases shown as reference only.

Section IV. In-Fill and Grading

A. In-Fill and Grading Permit Fees

50 cubic yards or less	No charge
51 to 100 cubic yards	\$35.00
101 to 1,000 cubic yards	\$45.00
1,001 to 10,000 cubic yards	\$65.00
10,001 cubic yards or more	Total hourly cost*

*Cost to include supervision, overhead, equipment, hourly wages, and benefits of employees involved

B. In-Fill and Grading Plan Review Fees

50 cubic yards or less	No charge
51 to 100 cubic yards	\$35.00
101 to 1,000 cubic yards	\$45.00
1,001 to 10,000 cubic yards	\$65.00
10,001 cubic yards or more	Total hourly cost*

*Cost to include supervision, overhead, equipment, hourly wages, and benefits of employees involved

C. Other Inspections and Fees

1. Inspections outside normal business hours \$75.00/hr. (min. charge 2 hrs.)
2. Reinspection fee \$75.00/hr.
3. Inspections for which no fee is specifically indicated \$75.00/hr.

*These fees previously adopted by City Council in 2003, to be phased in now for 2004. Increases shown as reference only.

ENGINEERING FEES & CHARGES

Inspections:

Right-of-Way Permit Inspection	\$135
Subdivision Const. Inspect. (Street/Sewer/Water/Storm Sewer)	5.5% of Total Const. Cost (min. \$500)
Public Impvts. Const. Inspection (Comm./Ind./Misc. Dev.)	5.5% of Total Const. Cost (min. \$500)
Street Opening Inspection Fee	\$85
Right-of-way/Street Opening Reinspection (beyond standard of 2 for R-O-W and 1 for street opening)	\$85
Street Opening Deposit.....	\$1,000*

*Performance bond amount at discretion of City Engineer

Aerial Maps (Engineering):

All sizes	\$5
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Aerial Maps (GIS):

Full Sheet	\$43
1/2 Sheet.....	\$33
1/4 Sheet.....	\$23
1/8 Sheet.....	\$12

GIS Maps (standard—no special request):

Full Sheet	\$43
1/2 Sheet.....	\$33
1/4 Sheet.....	\$23
1/8 Sheet.....	\$12

GIS Maps (special request ADD \$45/hr over 1 hour):

Full Sheet	\$95
1/2 Sheet.....	\$84
1/4 Sheet.....	\$74
1/8 Sheet.....	\$64

Bluelines:

All sizes	\$5
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Microfilm:

All sizes	\$5
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Electronic Drawings:

Paper—all sizes	\$5-\$45/hr. for additional work
Other format.....	\$7
Reproduction charges.....	\$1 for first page/\$.10 each additional page

Miscellaneous:

Sewer Inspection (residential).....	\$57
Sewer Dye Test.....	\$57
Moving Buildings	\$200 + \$65/hr. staff time + \$1,000 deposit
Sewer TV Inspection Tape	\$25

Erosion Control:

Technical Guidance Handbook	No charge
Minimum Charge for Clearing/Construction**	\$75
Minimum charge applies if:	
• Over 500 sq. ft. of disturbed soil	
• Not in or around a sensitive area (NR Zone, wetlands, conservancies, and streams)	
• Value of structure/remodel doesn't exceed \$20,000	
Clearing/Construction for Single-Family Residential.....	\$380
Rate if certified in erosion control***	\$225
Clearing/Construction for Multifamily Residential.....	\$490
Rate if certified in erosion control***	\$335
	(additional \$40 per ½ acre over 1 acre)
Clearing/Construction for Subdivision/Commercial/Industrial	\$623
Rate if certified in erosion control***	\$467
	(additional \$40 per ½ acre over 1 acre)
Additional Site Visit (due to code enforcement)	\$65

**Erosion control certification discount does not apply

***Certification requires 4 hours of training in erosion control every 2 years

WATER FEES & CHARGES

Service and Equipment:

Connect Service 5/8" or 3/4" Residential Service	\$2,460
Connect Service 1"	\$2,547
Connect Service 1 1/2"	\$2,923
Connect Service 2"	\$3,067

Equipment:

3/4" Meter	\$208
1" Meter	\$301
1 1/2" Meter	\$510
2" Meter	\$625
Hydrant Meter Deposit	\$579

Miscellaneous:

Delinquent Account—Past Due Notice*	\$5
Delinquent Account—Notice of Termination*	\$25
After-hours Restoration of Service*	\$80
(Monday-Friday 5:00-8:00 p.m.; Saturday and Sunday 8:00 a.m.-5:00 p.m.)	
Accounts remaining delinquent more than 3 months*	10 percent/year added to outstanding balance (to pay City's interest and collection costs)
Information Research	\$44/hr.
Reimbursement District Fee	To be determined by scope of project

POLICE FEES & CHARGES

Permits/Licenses:

Adult Business	\$372
Alarm Permit—Residential (seniors 60+ exempt from fee requirement)	\$15
Alarm Permit—Business	\$21
Gun Background Check.....	\$21
Liquor License (Original Application).....	\$108
Liquor License (Name or other change).....	\$83
Liquor License (Renewal Application)	\$36
Liquor License (Temporary License)	\$10

Police Reports:

Dispatch Tape Copy.....	\$26
Video Tape Copy	\$31
Police Report.....	\$15

Police Services:

False Alarm Response (first three).....	No charge
False Alarm Response (each alarm after third).....	\$160
Vehicle Impound	\$50
Fingerprinting	\$10
Loud Party Response—first response	Warning
Loud Party Response—second response and/or <u>each</u> subsequent response in 24-hr. period.....	\$50

LIBRARY FEES & CHARGES

Charges:

Microfilm Copies..... \$0.10

Fines:

Overdue Fine (all materials)..... \$0.25/day (\$3 max.)
Missing Barcode..... \$1
Missing Book Jacket \$2
Missing Barcode and Book Jacket \$3
Books on Tape Cassette..... \$7
Juvenile or Adult Books on Tape—Vinyl Case..... \$5
Juvenile Kit—Plastic Bag \$2
CD Case \$1
Video Box \$3
Missing Pages Refer to Librarian
Lost Book Actual Retail Cost
Damaged Material..... Replacement Cost
Lost Library Card..... \$2
Public Computer Printing First 5 free then \$0.10 per page

RECYCLING FEES & CHARGES

Down to Earth Day:

Automobile Load	\$2
Station Wagon.....	\$2
Small Pickup	\$5
Standard Pickup.....	\$6
Large Truck	\$8
Small Trailer	\$5
Large Trailer	\$6
Unmounted Tires (each)	\$1.50
Residual Solid Waste Permit Registration	\$100
Residual Solid Waste Tonnage Fee.....	\$2.80/ton

TELECOMMUNICATIONS FEES & CHARGES

Registration fee	\$36
Franchise review deposit	\$5,000

MISCELLANEOUS FEES & CHARGES

Photocopier:

Photocopier—Staff Assisted Research Required	\$0.30
Photocopier—Unassisted	\$0.05

Other Copying/Service:

Audio tape	\$10
Video tape	\$20
Transcription (per hour).....	\$20

Financial Reports:

Comprehensive Annual Financial Report.....	\$10
Annual Adopted Budget	\$10

Miscellaneous:

Sidewalk Bench annual fee	\$74
Sidewalk Use—Vendor Fee.....	\$10
Major Community Event.....	Actual Direct Cost
Block Party—Misc. Event.....	Actual Direct Cost
Returned Check Charge	\$25
Lien Search	\$25
Postage and Handling.....	\$2

BILLABLE RATES

Community Development and Public Works Administration:

Community Development/Public Works Director	\$60
Project Manager	\$40
Office Supervisor	\$45
Office Assistant	\$30

Engineering:

Engineering Director	\$55
Civil Engineer	\$45
Associate Engineer	\$40

Planning:

Planning Director	\$55
Associate Planner	\$40
Assistant Planner	\$35

Building:

Building Official	\$50
Building Inspector	\$40
Permit Specialist	\$30

Fleet and Facilities:

Fleet/Facilities Manager	\$45
Mechanic	\$35
Facility Maintenance Worker	\$35

Public Works Operations:

Operations Supervisor	\$45
Utility Specialist	\$35
Utility Worker II	\$35
Utility Worker I	\$30

Code Compliance:

Code Compliance Coordinator	\$35
Code Compliance Assistant	\$30

BUSINESS REGISTRATION FEES & CHARGES

Standard base fee	\$100
Reduced standard base fee*	\$40
New business commencing between July 1 and December 31.....	\$50
Change in business ownership fee.....	\$5
Fee for each FTE	\$3
Penalty.....	\$10% of base fee each calendar month and fraction thereof delinquent
Temporary Business (2 weeks or less)	\$25
Business registration list	\$20

*If the applicant's annual gross income from the subject activity is less than \$10,000. Evidence of an applicant's gross income shall be presented at the time application is made. Acceptable documentation will be the most recently filed IRS form 1040, including Schedule C, Profit & Loss From Business. If this information is presented in person, no copy will be made. If documentation is mailed, the copy will be shredded after verification.

PARKING FEES & CHARGES

Monthly Permit	\$25
6-month prepay permit	\$125
Parking without a permit	\$25
Overtime parking.....	\$15
Parking in disabled space	\$250 min./\$600 max.



To: Mayor and City Council

Through: Mike Swanson, City Manager
JoAnn Herrigel, Community Services Director

From: Steve Campbell, Code Compliance Coordinator

Subject: Ordinance Amendment 8.08 – Prohibited Noises

Date: May 17, 2004

Action Requested

Approve an ordinance amending Municipal Code Chapter 8.08 – Prohibited Noises. The purpose of amending this section is to clearly define and designate allowable hours of construction activity.

Background

Code Compliance staff has identified areas within the Prohibited Noise Ordinance that limit the City's ability to effectively prohibit noise caused by construction activity during evenings, early morning hours, and weekends.

Current code language states that noises caused by construction activity are prohibited during the "nighttime period". The definition of "nighttime period" is from the hours of 10:00 p.m. to 7:00 a.m. In section (K), which talks about construction tools, it is proposed to replace the outdated terms for tool and machinery technology with more modern tool and machinery technology.

The proposed amendment addresses the concern for residents' peace, welfare, and livability. The City currently receives reports of noise created by construction activity on a regular basis. Typically, complaints are received regarding construction noise before 7:00 a.m. and between 6:00 p.m. and 10:00 p.m. Currently the only way to assist citizens with this concern is to request that a contractor cease activity when it bothers neighbors. If a contractor refuses to comply with a neighbor's request, staff can attempt mediation, but no other code enforcement mechanism exists.

By adopting this proposed amendment to the prohibited noise ordinance, the City will be able to help the citizen enjoy their morning and evening hours and weekends. Code Compliance staff would generally do enforcement of this ordinance. The

Police Department will assist with enforcement during late night and early morning hours.

Staff reviewed this code language with representatives of the building community and heard no major objections. The building industry representatives suggested that the City's ordinance be consistent with other jurisdictions in the area to reduce confusion. The proposed hours are within an hour of those restrictions placed on construction activity in Lake Oswego, Happy Valley and West Linn.

Concurrence

The Engineering and Planning Directors and Building Official concur with the proposal.

The City Attorney has reviewed and approved the proposal for legal sufficiency.

Fiscal Impact

No fiscal impact is expected from this action.

Alternatives

Maintain our current regulations regarding time limits under prohibited noises.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,
OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 8.08 –
PROHIBITED NOISES – DESIGNATED**

WHEREAS, Milwaukie Municipal Code Chapter 8.08 describes the control of all sound originating within the limits of the city; and

WHEREAS, Milwaukie Municipal Code Section 8.08.070 describes those conditions that are declared to be noises and unreasonable, excessive and unnecessary sounds in violation of this chapter; and

WHEREAS, it is in the interest of the City to regulate noise for the good of public health, comfort, convenience, repose, peace, safety and welfare of any other person or persons or of any residential neighborhood within the limits of the city.

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

Section 1: Milwaukie Municipal Code Section 8.08.070(I) is amended to read as follows:

I. Construction or Repair of Buildings, Streets, Etc. The construction of any building, property, building site, street, sidewalk, driveway, sewer or utility line during the hours of 7:00 p.m. and 7:00 a.m. Monday thru Friday and during the hours of 5:00 p.m. and 8:00 a.m. on Weekends;

Section 2: Milwaukie Municipal Code Section 8.08.070(K) is amended to read as follows:

K. Compressors, Hammers, Machinery, Etc. The operation during the hours of 7:00 p.m. and 7:00 a.m. Monday thru Friday and during the hours of 5:00 p.m. and 8:00 a.m. on Weekends of any air compressors, nail guns, hydraulic hammer, electric, gas or diesel powered generators, or other construction equipment, machinery or tools;

Section 3: All subsections of Milwaukie Municipal Code Section 8.08.070 not expressly amended by this ordinance remain in effect.

Read for the first time on _____, 2004 and moved to a second reading by _____ vote of the City Council.

Read for the second time and adopted by the City Council on _____, 2004.

Signed by the Mayor on _____, 2004.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

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

City Attorney



To: Mayor and City Council

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

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

Subject: Sanitary Sewer Master Plan

Date: May 17, 2004 for June 1, 2004 Meeting

Action Requested

Review and provide feedback.

Please note that this presentation will not address sewer rates or the relocation of the Kellogg Wastewater Treatment Plant. However, it will establish a Capital Improvement Plan that will influence Sewer System Development Charges proposed for Council consideration in September 2004.

Background

In December 2003, City Council authorized a contract with Crane & Merseth Engineering/Surveying for services to update the current Sanitary Sewer Master Plan that was completed in 1994. The 1994 plan evaluated and documented the condition of the sanitary sewer system and recommended projects for the Capital Improvement Plan (CIP). A majority of the projects proposed in the 1994 plan have either been completed or, upon further study, eliminated from the CIP.

An update to the Sanitary Sewer Master Plan was identified in the 2003-04 CIP. In November 2003, staff advertised a Request for Proposal (RFP) for an update of the 1994 master plan. The update addresses the following items:

- Evaluate the current condition of the sewer system.
- Model current and future conditions

- Evaluate the sewer system to identify any undersized pipes or other capacity issues.
- Recommend CIP improvements for the next 10 years.
- Estimate individual project costs.

In May 2004, the consultant provided a briefing for the Citizens Utility Advisory Board on the findings of the Master Plan. The presentation included the condition of our sewer system, compared flow rates with those projected in the previous Master Plan, and presented an engineering strategy for sewerage the unsewered areas within Milwaukie's Urban Growth Management Area.

The purpose of this meeting is to provide Council with an introduction and update on this project and to answer any questions council may have. In approximately 60 days, a formal report will be submitted for approval of Council at a regular session meeting.



To: Mayor and City Council

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

From: Jeffrey King, Project Manager

Subject: Authorization to submit two Metropolitan Implementation Program (MTIP) grant applications

Date: May 17, 2004 for the June 1, 2004 meeting

Action Requested

1. Authorize staff to complete federally funded MTIP grant applications for
 - a) Lake Road Multimodal Improvements
 - b) Downtown Pedestrian and Streetscape Improvements.
2. Authorize Mayor to sign MTIP application certification statement.

Background

Metro works with the Oregon Department of Transportation (ODOT) and federal agencies as the gatekeeper of federal transportation funds in the greater Metro region. The Metropolitan Implementation Program (MTIP) is the process used by Metro to ensure that available transportation funds are distributed equitably among jurisdictions throughout the region. Typically, applications are completed several years in advance of becoming available. The current MTIP application cycle considers projects that would qualify to receive funding in 2008 and 2009.

Clackamas County jurisdictions are expected to receive a proportionate share of the total \$41.75 million dollars estimated to be available to the region. Clackamas County jurisdictions work together as a team to develop project lists that are spread equitably across the county. At the initial stage, the County and its

jurisdictions are authorized to make applications at 200% of actual funding available. For Clackamas County this equates to \$15.1 million. Earlier this year, staff developed a preliminary list of MTIP projects. Projects included a Railroad Avenue Conceptual Design Plan; McLoughlin Blvd. Improvements Phase II; Lake Road Multimodal Improvements; and Downtown Pedestrian and Streetscape Improvements. After prioritizing projects with the County and other jurisdictions, staff has selected Lake Road Reconstruction Project and the Downtown Pedestrian and Streetscape Improvements Project.

The Lake Road project is a favorable candidate for the following reasons:

- City Adopted Lake Road Multimodal Plan in 1997.
- Included in the City's Transportation System Plan.
- Included in the City's Capital Improvements Plan for 2004-2008.

In addition, the project has a \$3 million congressional earmark placed by Earl Blumenauer under the proposed federal Safe Routes to Schools program. This \$3 million grant would be used for new sidewalks, bicycle lanes, safety improvements and right of way purchase. The MTIP application would be used for roadway reconstruction and other traffic improvements on Lake Road. The MTIP application would be for \$1.9 million and require a match of 10.27%.

The second project is for the Downtown Pedestrian and Streetscape Improvements Project. Initial planning for this project has also been completed. The benefits of this project include:

- Progress downtown public area improvements detailed in the Milwaukie Downtown and Riverfront Plan adopted by the City in 2000.
- Leverage and connect into planned sidewalk and streetscape improvements for Main and Harrison slated for the North Main Redevelopment Project.
- Will serve as a catalyst to encourage additional private development in the downtown.

The total project cost for the Downtown Core Pedestrian and Streetscape Improvements is estimated at \$375,000. Of that amount \$37,500 is required as a local match.

Jurisdictions successful in applying for funding will be notified in February 2005 and funds would become available in 2007.

Concurrence

Community Development, Planning, Engineering and Neighborhood Services have been consulted and concur with the application for both the Lake Road Reconstruction & Multimodal Project and the Downtown Core Pedestrian & Streetscape Improvements Projects.

Fiscal Impact

Generally, federal funds can provide up to approximately ninety-percent (89.73%) of the project, while the City is required to provide a local match of approximately ten-percent (10.27%). The total City match for the \$375,000 Downtown Core Pedestrian & Pedestrian Project is approximately \$37,500. The match for the Lake Reconstruction & Mutlimodal Improvements project is \$195,130. The federal Safe Routes to Schools Congressional earmark and/or the City Street Fund would provide local match for both projects. Match will likely be paid out over 2-3 year period.

Work Load Impacts

A staff team from the Engineering and Community Development Departments will complete the applications and participate in the public involvement process. The project is part of the work program for both departments.

Alternatives

- Support submitting the applications as recommended.
- Decide to endorse a different project.
- Decide not to proceed with the Lake Road application.
- Decide not to proceed with the Downtown Pedestrian project application.

Attachment

MTIP Local Public Involvement Checklist/Certification Statement-2 copies.

ATTACHMENT

Local Public Involvement Checklist

Local jurisdictions/project sponsors must complete this checklist for local transportation plans and programs from which projects are drawn that are submitted to Metro for regional funding or other action.

If projects are from the same local transportation plan and/or program, only one checklist need be submitted for those projects. For projects not in the local plan and/or program, the local jurisdiction should complete a checklist for each project.

The procedures for local public involvement (See Section 3 of Metro's Local Public Involvement Policy) and this checklist are intended to ensure that the local planning and programming process has provided adequate opportunity for public involvement prior to action by Metro. Project sponsors should keep information (such as that identified in italics) on their public involvement program on file in case of a dispute.

A. Checklist

1. At the beginning of the transportation plan or program, a public involvement program was developed and applied that met the breadth and scope of the plan/program. Public participation was broad-based, with early and continuing opportunities throughout the plan/program's lifetime.
Keep copy of applicable public involvement plan and/or procedures.
2. Appropriate interested and affected groups were identified and the list was updated as needed.
Maintain list of interested and affected parties.
3. Announced the initiation of the plan/program and solicited initial input. If the plan/program's schedule allowed, neighborhood associations, citizen planning organizations and other interest groups were notified 45 calendar days prior to (1) the public meeting or other activity used to kick off public involvement for the plan/program and (2) the initial decision on the scope and alternatives to be studied.
Keep descriptions of initial opportunities to involve the public and to announce the project's initiation. Keep descriptions of the tools or strategies used to attract interest and obtain initial input.
4. Provided reasonable notification of key decision points and opportunities for public involvement in the planning and programming process. Neighborhood associations, citizen planning organizations and other interest groups were notified as early as possible.
Keep examples of how the public was notified of key decision points and public involvement opportunities, including notices and dated examples. For announcements sent by mail, document number of persons/groups on mailing list.
5. Provided a forum for timely, accessible input throughout the lifetime of the plan/program.
Keep descriptions of opportunities for ongoing public involvement in the plan/program, including citizen advisory committees. For key public meetings, this includes the date, location and attendance.



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OPEN SPACES

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Portland, OR 97232-2736

- 6. Provided opportunity for input in reviewing screening and prioritization criteria.
Keep descriptions of opportunities for public involvement in reviewing screening and prioritization criteria. For key public meetings, this includes the date, location and attendance. For surveys, this includes the number received.
- 7. Provided opportunity for review/comment on staff recommendations.
Keep descriptions of opportunities for public review of staff recommendations. For key public meetings, this includes the date, location and attendance. For surveys, this includes the number received.
- 8. Considered and responded to public comments and questions. As appropriate, the draft documents and/or recommendations were revised based on public input.
Keep record of comments received and response provided.
- 9. Provided adequate notification of final adoption of the plan or program. If the plan or program's schedule allows, the local jurisdiction should notify neighborhood associations, citizen participation organizations and other interest groups 45 calendar days prior to the adoption date. A follow-up notice should be distributed prior to the event to provide more detailed information.
Keep descriptions of the notifications, including dated examples. For announcements sent by mail, keep descriptions and include number of persons/groups on mailing list.

B. Summary of Local Public Involvement Process

Please attach a summary (maximum two pages) of the key elements of the public involvement process for this plan, program or group of projects.

C. Statement of Local Priority

Provide evidence of review of the candidate project(s) or program(s) by the governing body at a meeting that is open to the public. The purpose of this review is to have the governing body identify the candidate projects/programs as their priority for application of regional flexible funds. This submission is due to Metro prior to release of draft technical ranking data.

D. Certification Statement

City of Milwaukie
(project sponsor)

Certifies adherence to the local public involvement procedures developed to enhance public participation.

(Signed)

(Date)



To: Mayor and City Council

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

From: Jeffrey King, Project Manager

Subject: Status Report on Economic Development Grant Projects

Date: May 17, 2004 for June 1, 2004 Meeting

Action Requested

Receive status report and provide feedback on economic development grant implementation tasks.

Background

Earlier this year, staff met with Council to gather feedback and kick-off implementation of economic development grant tasks. The City received a \$25,000 grant from the Mt. Hood Economic Alliance to further economic development efforts in the City. Staff is now providing a status report on efforts to date.

Economic Development Grant Tasks

1. Business Outreach & Visitation Program
Completion Date Goal: May 10-October 30, 2004

An initial outreach meeting with Marquis Company was held on May 11. Marquis is a health services company that recently moved their corporate headquarters and 60 employees to Milwaukie. The meeting included Mayor Bernard, Councilor Barnes, Greg Jenks from Clackamas County Economic Development and me.

The CEO of Marquis was extremely pleased with the interest the City showed his company.

Staff has contacted OEEO and has set a meeting date for June 15. Staff has also called Precision Castparts to set up a similar meeting. Staff is now preparing an introduction letter outlining the effort to additional companies. Other Milwaukie companies slated for outreach and visitation include Blount, Providence Milwaukie Hospital, Oregon Liquor Control Commission, ODS Health Plans, ADP, Albertson's, WW Metal Fabrication, Bob's Red Mill, Portland Mechanical, Dark Horse, Key Bank, McGrath's Fish House and Johnson Controls.

**2. Create an inventory and profile of available industrial commercial sites.
Completion Date Goal: August 30, 2004**

Staff has completed and is maintaining an inventory of available commercial and industrial sites throughout the City. Staff has also established relationships with many of the area brokers. Recently, profile information on ten Milwaukie industrial/commercial sites has been inputted on the OregonProspector.com website. This statewide website has been promoted by Governor Kulongoski as a united effort to increase exposure of Oregon industrial/commercial sites nationally. A Request for Proposals/multiple quotes solicitation will also be issued shortly for consultant assistance to create a more detailed profile of 10-12 of the largest sites. This profile will be placed on the City's web site.

**3. Develop an Economic Development/Enterprise Zone Marketing Flyer.
Completion Date Goal: August 15, 2004**

Councilor Barnes has been working with staff on production of a marketing flyer. Staff is now in the process of securing a consultant to complete final design, layout and printing. The final product will be 2,500+ copies of a professionally produced multi-color glossy two-sided sheet.

**4. Develop an Economic Development Section on the City's Web Site.
Completion Date Goal: September 30, 2004**

Staff has researched a number of existing community websites. An outline of content has been created. Staff met with Grady Wheeler on design ideas. The next step is meeting with IST staff to determine placement and how much content and design will be done in-house or with consultant assistance.

**5. Establish an Economic Development Advisory Committee.
Completion Date Goal: June- November 30, 2004**

Earlier this year, the City Council approved a charge statement to create

an Economic Development Advisory Committee. Staff has been working with members of Council and others to identify potential members of this committee. A roster of potential individuals and organizations is attached to this document. In most cases more than one person is listed in the event the first choice declines. Staff would like feedback from Council to determine whether to move forward on the choices presented and to help select a first choice where multiple candidates are identified. Once this has been completed, staff will send out a letter and follow-up with a call to formally solicit members for the committee.

6. Industrial Land Infill Feasibility.
Completion Date Goal: May 1 – September 30, 2004

The project would determine the feasibility of annexing a 6.5-acre parcel of land abutting the International Way Industrial Park at the corner of International Way and Lake Road. The City has signed a contract with a traffic consultant to determine feasibility of the site. The land has also attracted a developer who would consider building 75,000+ sf of industrial flex space. In addition, a number of businesses are interested in locating at this site. Additional grant monies could be used to fund further development review and annexation costs.

7. Industrial Building Reuse Assessment
Completion Date Goal: October 30, 2004

This item is part of the RFP that will be released shortly. A number of consulting hours will be provided to assist in filling space within a vacant facility in North Milwaukie Industrial area. Assistance will consist of retrofit, reuse and marketing assessments and strategies to improve the likelihood of obtaining a long-term occupant in the selected building.

8. Other: Technical Assistance

Over the last several months, staff was successful in recruiting Portland Mechanical to locate in Milwaukie. Portland Mechanical, a growing metal fabrication and industrial/commercial HVAC installation company, has purchased the 180,000sf Hanna South building. They are also bringing 80 existing jobs and will be adding 30 high wage union jobs over three years. Staff from the Community Development and Planning Departments assisted the company in securing a \$50,000 grant/loan from MHEA, enterprise zone tax abatements on new improvements and equipment, and proper permits. Portland Mechanical is currently making building improvements and plans to be in operation by July 2004.

Concurrence

Community Development, Planning, and the City Manager's Office support the implementation of economic development grant, program, and action steps.

Fiscal Impact

The total of these proposed economic programs and tasks is budgeted at \$57,000. The budget consist of a \$25,000 grant from Mt. Hood Economic Alliance, \$14,000 cash match by the City, \$8,000 in-kind match by the City (staff time, space, etc.) and \$10,000 through the North Main Property Owners Group in the form of a transportation access study. The \$14,000 cash match from the City is in the proposed FY2004/2005 budget.

Work Load Impacts

The proposed economic development program is included in the Community Development annual work program. Some tasks will need to be completed with consulting assistance.

Attachment

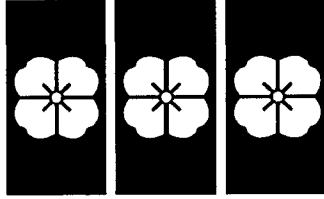
1. Potential Economic Development Advisory Committee Members

ATTACHMENT 1

Economic Development Advisory Committee Potential Members

Position	Name
City Council member	Deborah Barnes/Jim Bernard/Others
Planning Commission Member	To be selected May 25
Education (K-12 Schools)	Howard Steward, Sabin Technical School
Workforce Development	Bruce Mack, ETBS/Stephanie Hudson, Oregon Employment Dept.
Financial Institution	Pete Frohnert-Band of West/Cindy Barrick, Electra CU
Utility	Charlie Alcock -PGE?
Real Estate Broker	Frank Kramer/Bev Neal (Century 21)/Allen Patterson
Commercial/Industrial Developer	Gene Dieringer, Dieringer's Properties/Bob Dant/Stan Link
Business/Industrial Property Owner	Bobs Red Mill/Blaine Hogarth/PS Business Parks
No. Milwaukie Business Operator	Mark Hendricks, Rudie Wilhelm/Pete George/Harder Mechanical
Johnson Creek Business Operator	Precision Cast Parts
International Way Business Operator	Bobs Red Mill/Blount/ADP/ Johnson Controls
Downtown Business Operator	Windhorse Coffee/ODS/Reliable Credit
Milwaukie Entrepreneur/Small Business	Jenco Scientific/Marquis Company
North Clackamas Chamber of Commerce	Wilda Parks
Neighborhoods/At-Large Milwaukie Resident	Carlotta Colette, Art Ball
Milwaukie Non-Profit Institution	Waldorf School/Providence Hospital
Organized Labor	

CITY OF



MILWAUKIE

Ledding Library Board April minutes

Monday, April 19, 2004; 6:30 PM

Ledding Library

Meeting called by:

Tom Hogan

Attendees:

Attendees: Mark Docken, Pat Healy, Tom Hogan, Pat Lent, Michael Welling, and Ed Zumwalt.

Absent: Sue Trotter

Guests : Molly Hanthorn, Tom Kemper

Staff: Mike Swanson, Alice Rouyer, Jeff King, Joe Sandfort, and Cynthia Sturgis

Agenda topics

Approval of minutes

Minutes approved as written.

Librarian's report

Joe and Cynthia attended a workshop about election law issues for public employees. Gary Firestone from the city attorney's office said board and commission members could not endorse candidates or issues stating their board/commission status because they are appointed public officials. This does not affect their right as individuals to state their support for political candidates or issues. Firestone also advised the senior librarians on how to handle requests from the public for information, and what was allowed, or not allowed to be discussed by public employees during elections.

North Main project

Alice Rouyer, Tom Kemper from Kemper Co., and Jeff King gave a presentation on the new plans for the North Main project. Mr. Kemper had drawings of the proposed buildings and answered questions about the project. There will be a traffic study for the 21st and Harrison intersection which is the only vehicular entrance for both the project and the library. An Open House for the project will be held on May 12 at 6:00 pm in the Public Safety Building community meeting room.

General Admin., Facility Occupancy charges, proposed budget for 2004-05

Mike Swanson gave Board members a handout showing the breakdown of General Administrative and Facility Occupancy charges for each department. He explained the methodology in computing the amounts for the departments and answered questions from Board members.

Members asked Mike what spaces in buildings were not counted for the purpose of computing the Facility Occupancy charges. With plans for future expansion of the library building, the Board thought it important to know how the library budget would be affected.

This led into a discussion of the proposed budget for 2004-05. Board Chair, Tom Hogan thanked the city manager for recommending an increase in the general fund contribution to the library's revenue. Library staff has proposed two options for reducing expenditures a further \$38,000. Each includes cutting staff hours and reducing the materials budget.

Library Foundation

Molly Hanthorn and Joe Sandfort reported on the Foundation formation plans. They have met with attorney Kirsten Gurdin to answer questions about the process of forming a foundation. Her recommendations included using the IRS code 509 (3)a "supporting foundation" as a guide; library board members should be on the foundation board; foundation board members should be appointed by the Library Board. Joe has discussed the 509 (3)a recommendation with the city manager who will check with the city's attorney.

The Facility Planning Committee recommended that the attorney work on the initial documents – by-laws, mission statement, articles of incorporation – and to seek assistance from a CPA to file the application to the IRS. Before the IRS filing can take place, foundation officers need to be appointed. Before proceeding further, the Library Board needs to wait for a decision from the city attorney.

Friends of the Library

The Friends have scheduled a plant and paperback book sale for Saturday, May 8, 9:00 AM – 3:00 PM, on the grassy area next to the library parking lot.