

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION OCTOBER 19, 2004

**Mayor Bernard** called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Councilors present: Barnes, Lancaster, Loomis, and Stone.

Staff present: City Manager Mike Swanson, Finance Director Stewart Taylor, Community Development and Public Works Director Alice Rouyer, Planning Director John Gessner, Engineering Director Paul Shirey, and Civil Engineer Brion Barnett.

#### Information Sharing

**Councilor Loomis** discussed his plans to hold a monthly Saturday morning coffee hour so citizens could talk informally with Council members. He planned to start the program in January and looked forward to others joining him

**Councilor Barnes** provided copies of the new Milwaukie economic development flier. The first meeting was at the Sabin Center and was attended by 17 people. Many great things were said about Milwaukie. People viewed the lower cost of housing and tolerance for special employees as strengths. Mr. Dieringer reported his company approached Nature's and Trader Joe's about locating a store at 42<sup>nd</sup> Avenue and King road, but he was told the demographics would not support those stores. The education and income levels were too low to bring those types of stores into Milwaukie. The average Milwaukie income was \$28,000, which was much lower than Portland. If the City wants to woo those businesses it would need to avoid that as the issue.

**Councilor Stone** understood it was always the demographics, but she was looking at the demographics of those going through Milwaukie on McLoughlin Boulevard.

**Councilor Barnes** said the attendees believed Milwaukie would have to focus on parking to support economic development activity in the downtown. There was some concern expressed about a requirement that the nearest parking be 300 feet from the door. The City was perceived as a drive-by community with nothing downtown and on the riverfront, but discussion did follow about how things were changing. The local businesses appreciated the Council's availability. The information would be compiled for a Council report in January.

**Mr. Swanson** thought the reference to the 300-foot parking distance might have had to do with the Bob's Red Mill development and was limited to transit corridors.

**Councilor Barnes** attended the Linwood Neighborhood District Association meeting to discuss the library levy, and she believed people were receptive.

**Mayor Bernard** added that the Economic Development Committee was made up of some very good people, and there was a good deal of excitement.

**Councilor Stone** asked how the fliers would be distributed.

**Councilor Barnes** replied that was still being decided. The county will send the flier out when someone makes an inquiry from outside the area. That will distinguish Milwaukie from a lot of the other smaller communities.

**Councilor Lancaster** asked about points of contact for out-of-state business inquiries.

**Mayor Bernard** believed the County had that kind of list. The City will also update its website and was working with the County economic development department.

**Councilor Lancaster** asked if there was any discussion about being proactive and surveying the businesses that were ripe for expansion. A lot of major franchise companies are moving west. He suggested finding a way through public documents to solicit those companies early.

**Mayor Bernard** understood Greg Jenks of Clackamas County said most corporations check a city out long before making make contact. The City has been visiting businesses to find out who their suppliers were and how to help them expand. He discussed the importance of networking to open up opportunities. It has become a worldwide competition, and Multnomah County was driving businesses to Clackamas County with its higher taxes.

**Councilor Stone** liked the idea of going after the desirable businesses and recommended encouraging people who were not attracted by Milwaukie's demographics.

**Councilor Barnes** saw active business recruitment as being a full time job with a team, but there was not enough money. She appreciated Mr. Jenks' participation.

**Mayor Bernard** added several commercial realtors are participating on the Committee.

#### Develop a Temporary Event Ordinance

**Mr. Wachs** has acted as the special event coordinator for about 3-1/2 years. There was a process in place, but there was no ordinance giving the City the authority to regulate special events. He discussed some changes being proposed by staff.

The City currently required permits for events that were (1) staged on or impacted public streets, sidewalks, or other public property; (2) required City services such as police, traffic control, or public works; or (3) interfered with normal vehicular or pedestrian traffic.

The City needed an ordinance to establish the authority to regulate those types of events and minimize adverse impacts. There was also a recommendation to regulate certain sales events such as Christmas tree lots. Staff recommended three categories of events: (1) special events; (2) block parties; and (3) sales events.

**Mr. Wachs** explained the proposed ordinance included private property and allowed review outside the land use review process. He reviewed the exemptions that included events that occurred in parks maintained by the North Clackamas Parks and Recreation District, events held on premises designed or constructed to house an organization and its activities, funeral processions, temporary garage and yard sales, construction maintenance or repair, house moving, and any event or activity that was otherwise permitted under applicable zoning regulations.

**Councilor Stone** saw one category in the exceptions that was not in the current list – league play or tournaments.

**Mr. Wachs** said that was the same idea as the event held on a premise designed or constructed to house an organization and its activities. League play typically happened on fields that were there for that reason, and the City would not regulate.

**Councilor Barnes** how asked how the Annie Ross House events would fit into the proposed regulations.

**Mr. Wachs** said it would depend on the impact on the street. Last year, for example, the Annie Ross House requested a street closure, and that clearly impacted public property. If the event were held on the Annie Ross House property, the City would probably not require a permit.

**Councilor Barnes** was concerned about non-profits having to pay fees when they were trying to raise funds.

**Mr. Wachs** replied the bottom line would be that staff would have to receive the application to determine what type of event it was and if there was an exemption. Some events do not fall into a category, and staff would have to develop criteria. Sales events, for example, would require a good set of criteria dealing particularly with noise and traffic in residential areas.

The fees were intended to cover administrative costs and were not intended to generate revenue. The proposed fee for a special event or sales event was \$25 and a block party was \$15. Fees would not apply to neighborhood association events. He suggested fees because people do not always follow through on their events, yet staff had already gone through the review process that could also include the Fire District, TriMet, and others. Mr. Wachs noted the proposed fees were comparable to other cities.

The reviewing department would determine applicability of the second fee for certain events that required City services. This was in the current policy, and he believed it

should be continued as certain events may require extensive use of City services such as police, traffic control, and fire.

The third fee was for filming of motion pictures, commercials, or videotaped productions. He recommended a maximum of \$1,000. This amount was based on Lake Oswego's fee.

The key issues were regulating on private property under certain circumstances and fees that might be attached. Mr. Wachs sought direction on developing new application forms and criteria for sales events. All applications would come through him, so he could determine the appropriate category before sending them through the other reviewing departments.

**Councilor Lancaster** asked how people knew that they had to apply for a permit.

**Mr. Wachs** replied a lot of people simply asked because it was a common practice in most communities. Staff would publish information in *The Pilot* and could send notices to business license holders who might have sales events.

**Councilor Stone** asked if non-permitted events were a problem.

**Mr. Wachs** said there have been problems with Christmas tree sales because cars were parking in bike lanes and backing into traffic.

**Mayor Bernard** brought up the issues of the Farmers Market and insurance. Would Festival Daze have to go through the Parks District?

**Mr. Wachs** said the District does have new system for the parks it maintains. If an event were hosted by the City, which technically Festival Daze was, then the City would process the permit.

**Councilor Barnes** was concerned about non-profits. Milwaukie High School, for example, sells fireworks at the MarketPlace as a fundraiser, and she did not believe they should have to pay a fee.

**Mr. Wachs** suggested there would be a caveat for fee waiver.

**Mr. Swanson** cautioned against opening that door. The Council adopted a policy several years ago that was a blanket prohibition against waiving any fees because many groups could argue that they were a non-profit. These fees were modest. The purpose of the ordinance was to make sure there were provisions on sales events that protected the neighbors and the traveling public.

**Councilor Loomis** explained that Milwaukie High School operated the fireworks stand for a percentage, and it was actually owned by a large corporation.

### Sewer Extension Strategy

**Ms. Rouyer** shared ideas that resulted from staff discussions with Clackamas County about the unsewered area in the Urban Growth Management Area (UGMA). Staff sought feedback on some of its ideas on how to extend sewer service.

She indicated the Milwaukie city limits and the area within Milwaukie's UGMA including areas A and B. One was identified as needing service soon because it was currently unsewered, and neither Milwaukie nor Clackamas County Service District #1 provided service. It was agreed that the County would not extend service into that area and that the City would eventually provide service as septic systems failed. There was currently no strategy for getting there.

In the early 1990's, there was a discussion of simply annexing the entire area into Milwaukie, but the property owners did not support that. In time, those properties will need sewer service, and environmental regulations will increase to protect nearby Johnson Creek.

One strategy would be to annex the right-of-way on Linwood Avenue and essentially enclose those properties. That would tell the property owners that the City was committed to serving that area at some time in the future, and the City would annex at the time the service was provided. The City would have to follow up with an action plan and phasing strategy. The City would also seek Community Development Block Grant (CDBG) funding to assist owners in getting service extended to their properties. She thought that might spur further development in that area and increase property values. It would be a commitment to the future from an environmental standpoint as well as filling the service need. It would not come without controversy because it would take away property owners' ability to say "no" in the future because it would be essentially an island annexation.

**Councilor Barnes** asked if there was an informal way to get feedback.

**Councilor Lancaster** asked why would they say "no" to the idea.

**Mr. Swanson** said property owners would be paying an additional \$4 per thousand assessed value.

**Councilor Barnes** asked how many houses were in that area, and **Ms. Rouyer** said there was no property count at this time.

**Councilor Stone** asked Ms. Rouyer if she had a sense of ownership versus rental.

**Ms. Rouyer** did not have that information at this time and getting it would be a large undertaking at this time. She discussed grant funding to provide sewer service on the north side of Johnson Creek.

**Councilor Barnes** suggested a town hall meeting to gauge property owners' interest.

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**Councilor Barnes** suggested a town hall meeting to gauge property owners' interest.

**Mayor Bernard** replied at some point those property owners would be forced to hook up to sewer service due to failing septic systems.

**Mr. Swanson** added that at some point urban services would have to be provided by a municipality because the County was less and less able to provide services in those areas. The City will have to fill that void at some point and ensure there was sufficient value in those areas to provide services. Current residents cannot pick up the slack. Milwaukie would be the logical provider, and there were some real opportunities for creative uses of that area.

**Councilor Barnes** did not want it to seem like the City was forcing something but rather was offering to help.

**Mayor Bernard** understood Clackamas County would have to bring the streets up to urban standards.

**Ms. Rouyer** said Clackamas County would probably write the City a check or provide in-kind service. She understood Council wanted a town hall scheduled.

**Councilor Loomis** thought it sounded like staff needed more time.

**Councilor Stone** did not want to see a town hall meeting, although she liked the concept of informing people and not making it seem as if the City were forcing something upon them. She did not believe the City was ready to address the annexation issue at this time.

**Mr. Swanson** said in terms of need for service, this was the area of failing septic systems that would need the service sooner than others.

**Councilor Stone** was all for having a town hall meeting when the City got to the point of saying the infrastructure was failing and Milwaukie was the logical provider.

**Mayor Bernard** was in favor of annexing the right-of-way.

**Mr. Swanson** explained health hazards and an island create a situation in which the annexation could not be referred. The state has not really been pursuing health hazard annexations for some time, so the City would be on the front line. Milwaukie needed to position itself to be ready, but when it happens, it will probably be forced – there will not be a choice. Milwaukie was the service provider pursuant to its agreements with Clackamas County.

**Councilor Barnes** understood the point but did not want property owners to feel like big government was telling them what to do. She wanted them to be part of the process to educate them on the options. This is just part one of the annexation questions before the City. She felt there would be a more favorable reaction down the line if people felt they were treated fairly.

**Ms. Rouyer** thought people understood they needed the City service. She was concerned that the County would get tired of waiting on the City and put a capital improvement project into that area. Annexing the right-of-way would set up a bold move that said the City was committed to providing services in the future. The safety valve was that people would not have to annex into the City until they received the service. This option would tell the County not to come into the area.

**Mayor Bernard** supported strategy 1 – annexing the right-of-way and preparing a service delivery strategy.

**Councilor Loomis** wanted to hear the other two strategies.

**Councilor Lancaster** thought from a long-term planning perspective it made perfect sense to create the island and prepare for the future. Everything would change when Kellogg was decommissioned, so Milwaukie needed to be ready. Informing people of what was happening and the long-term benefits would be critical.

**Mayor Bernard** adjourned the work session at 6:35 p.m.

*Pat DuVal*

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Pat DuVal, Recorder

# AGENDA

## MILWAUKIE CITY COUNCIL WORK SESSION OCTOBER 19, 2004

### MILWAUKIE CITY HALL

Second Floor Conference Room  
10722 SE Main Street

### **WORK SESSION – 5:30 p.m.**

A light dinner will be served.

### Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Development of a Temporary Event Ordinance	Jason Wachs
2.	5:45 p.m.	Sewer Extension Strategy	Alice Rouyer
3.	6:25 p.m.	Adjourn	

### Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the preceding items.
- Executive Session: The Milwaukie City Council may go into Executive Session pursuant to ORS 192.660. 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.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.



To: Mayor and City Council

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

From: Jason Wachs, Program Coordinator

Subject: Development of a Temporary Event Ordinance

Date: October 5, 2004

#### Action Requested

Provide direction to staff in the development of a Temporary Event Ordinance that provides the city with authority to regulate Special Events, Block Parties, and Sales Events.

#### Background

The City of Milwaukie currently has a written policy, application, and review process for Special Events, but it is without accompanying code language and does not address sales events.

The current Special Events policy requires a permit for events that:

- are staged on or impact public streets, sidewalks, or other public property;
- require city services such as police, traffic control, or public works assistance;
- interfere with normal vehicular or pedestrian traffic.

Staff recommends that events be separated into 3 categories in order to more fully encompass the breadth of events that take place and address the particular needs of each. They include:

- **Special Events** - Defined as temporary events, or gatherings, including, but not limited to, a parade, festival, exposition, show, party or other similar activity that does not recur on a regularly scheduled basis within a year, is conducted wholly on public property or partly on public property, and is not a permitted use in the zone where it is occurring.

- **Block Parties** - Defined as a party or celebration that involves the closure of a limited portion of a single local public street, that has attendance of not more than 150 people, and does not include the sale or distribution of alcohol.
- **Sales Events** - Defined as those activities that occur on a seasonal or sporadic basis and involve the processing and/or sale of commodities and services such as produce, firewood, and fireworks.

Staff recommends that the following changes to the current policy be included in the ordinance. The complete draft ordinance is attached.

- a. Staff recommends that the ordinance include public and private property. This provides the city with the opportunity to review specific events that may not be considered formal land use decisions and can be reviewed against established criteria.
- b. Staff recommends that specific exemptions are made to the ordinance for Temporary Events that the city does not wish to regulate. The exemptions include:
  - events that occur in parks that are maintained by the North Clackamas Parks and Recreation District with the exception of events that are sponsored by the City of Milwaukie. The North Clackamas Parks & Recreation District has a permitting process in place for city parks they maintain;
  - events sponsored or conducted by any school, religious, civic, fraternal organization, or league provided such events are held on premises specifically designed or constructed to house the organization and its activities;
  - funeral processions, which are already included in the Milwaukie Municipal Code;
  - temporary garage sales or yard sales;
  - construction, maintenance, or repair of any dwellings or other structures;
  - the moving of a house or other structure from one location to another;
  - any event or activity that is otherwise permitted on the property under applicable zoning regulations.

- c. Staff recommends that council consider a resolution establishing the following three fees, but that these fees be waived if an event is sponsored by an official Neighborhood District Association.
  1. A processing fee of \$25 for Temporary Event Permits to hold Special Events and Sales Events and \$15 for a permit to hold Block Parties. These fees help to offset some of the staff time to review the applications.
  2. Reimbursable fee for costs, such as, but not limited to, fire and police protection, with one-half paid to the city before the event and the rest within thirty (30) days after. The initial payment would be based on an estimate of the costs, which would be determined by each department involved. The City Manager would have final discretion over the assessment of these costs.
  3. A maximum processing fee of \$1,000 for the filming of motion pictures, commercials, or videotaped productions, which would provide the leeway that is necessary to review each proposal.

#### Concurrence

Planning, Engineering, Streets, Building, Police, Community Services (Includes Code Compliance), Fleet and Facilities, and Clackamas County Fire District #1 concur with the direction of this ordinance.

#### Fiscal Impact

Fees assessed are intended to cover review costs, not generate revenue for the city due to the limited number of events per year.

#### Work Load Impacts

The new event categories established by this ordinance may result in a small increase in the number of events that require permits. This may increase the workload for the departments who are responsible for reviewing the applications, but not substantially.

#### Alternatives

1. Provide direction to staff in the development of code language for the regulation of Temporary Events.
2. Take no action.

#### Attachments

- A. Draft Temporary Event Ordinance (Title 11 Miscellaneous Permits)

Attachment A

## **Title 11 Miscellaneous Permits**

### **Chapter 11.04 Purpose**

The purpose of these regulations includes the following:

- a. To allow the orderly and safe conduct of Temporary Events including Special Events, Block Parties, and Sales Events held on public and private property;
- b. To minimize the potential adverse impacts on affected neighbors and public resources of Temporary Events.
- c. Allow for Temporary Events that are otherwise prohibited by the Milwaukie Zoning Ordinance.

### **Chapter 11.08 Authority, Administration, and Enforcement**

- a. The City Manager is authorized to administer provisions of this section and to review and decide Temporary Event Permits based on following the procedures and regulations provided within this ordinance. The City Manager may approve, approve with conditions, or deny applications for Temporary Event Permits in accordance with applicable approval criteria.
- b. The City Manager may adopt administrative procedures and forms that are deemed necessary to administer these regulations.
- c. City action on Temporary Event Applications do not constitute land use decisions or limited land use decisions as defined by the Oregon Revised Statutes. Temporary Events that receive city permits are outright permitted uses and therefore not subject to land use review.
- d. The City Manager may authorize variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions the literal enforcement of the Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.
- e. The provisions of this article are cumulative of all city ordinances or other applicable law. Building permits, electrical permits, food establishment permits, alcoholic beverage licenses, permits to use parks, permits needed for impacts to county streets or roads, permits needed for impacts to state owned streets or roads and all other permits required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the Temporary Events must be applied for separately in accordance with the application ordinance or law. No alcoholic beverages shall be permitted for sale or consumption at a Temporary Event without first obtaining a liquor license from the Oregon Liquor Control Commission.

### **Chapter 11.12 Exemptions**

The provisions of this article do not apply to:

- a. events that occur in parks that are maintained by the North Clackamas Parks and Recreation District with the exception of events that are sponsored by the City of Milwaukie;
- b. events sponsored or conducted by any school, religious, civic, or fraternal organization provided such events are held on premises specifically designed or constructed to house the organization and its activities;
- c. funeral processions. Regulations and restrictions for funeral processions are contained in Section 10.28.060;
- d. temporary garage sales or yard sales as described in Section 5.08.110;

- e. league play or tournaments by athletic associations in parks or recreational centers intended for such activities;
- f. construction, maintenance, or repair of any dwellings or other structures;
- g. the moving of a house or other structure from one location to another.
- h. any event or activity that is otherwise permitted on the property under applicable zoning regulations.

Exemptions to the provisions of this article as listed above do not exempt any event from other permits that may be needed according to Milwaukie's Ordinance or other applicable law.

## **Chapter 11.16 Definitions**

**Section 11.16.010 Generally.** Terms used in this title are defined as provided in this chapter, unless the context requires otherwise.

**Section 11.16.020 Adverse Impacts.** Impacts to property and its environs that could result from a Temporary Event including, but not limited to, access and circulation, setbacks, parking, noise, hours of operation, fumes, odors, dust, and traffic. Hazardous activities such as the use of pyrotechnic devices, black powder or smokeless powder, and the use of guns are included.

**Section 11.16.030 Applicant.** "Applicant" means a person who has filed a written application for a Temporary Event Permit.

**Section 11.16.040 Block Party.** "Block party" means a party or celebration that involves the closure of a limited portion of a single local public street, that has attendance of not more than 150 people, and does not include the sale or distribution of alcohol.

**Section 11.16.050 City Manager.** "City Manager" means the City Manager of the City of Milwaukie or his/her designee.

**Section 11.16.060 Permittee.** "Permittee" means the person or organization to whom a Temporary Event Permit is granted pursuant to this ordinance.

**Section 11.16.070 Person.** "Person" means an individual, firm, partnership, corporation, association, or other legal entity.

**Section 11.16.080 Reimbursable Costs.** "Reimbursable Costs" mean all costs and expenses incurred by the city for activities associated with staging of the Temporary Event, including, without limitation, the following:

- a. Utilities services provided to the Temporary Event including all of the costs of installation, maintenance, connection, and removal
- b. Food services inspection
- c. Repair, maintenance and removal of facilities in the event of a failure of promoter
- d. Repair of streets, alleys, sidewalks, parks, and other public property
- e. Police protection
- f. Fire protection
- g. Emergency medical service
- h. Garbage disposal and cleanup
- i. Traffic control
- j. Other direct costs associated with the Temporary Event

**Section 11.16.090 Special Event.** "Special Event" means a temporary event, or gathering, including, but not limited to, a parade, festival, exposition, show, party or other similar activity that does not recur on a regularly scheduled basis within a year, is conducted wholly on

public property or partly on public property, and is not a permitted use in the zone where it is occurring.

**Section 11.16.100 Temporary.** “Temporary” means lasting for a limited time, generally not more than eight (8) hours in any one-day, not exceeding thirty (30) consecutive days, and not occurring on a regularly scheduled basis within a year.

**Section 11.16.110 Temporary Event.** “Temporary Event” is any Special Event, Block Party, or Sales Event.

**Section 11.16.120 Temporary Event Permit.** “Temporary Event Permit” means written approval from the City Manager to hold a Temporary Event.

**Section 11.16.130 Sales Event.** “Sales Event” is a seasonal or sporadic event involving the processing and/or sale of commodities and services. These activities could include, but are not limited to, the seasonal sale of goods such as produce, firewood, fireworks, and Christmas trees.

### **Chapter 11.20 Temporary Event Permit Application; Issuance**

**Section 11.20.010 Application Submission Requirements** - A person desiring to hold a Temporary Event shall apply for a Temporary Event Permit by filing with the City Manager a written application upon a form provided for that purpose. The deadline for the submittal of a Temporary Event Permit Application to hold a Special Event or a Sales Event is thirty (30) days prior to the start of the Special Event or Sales Event. The deadline for submittal of a Temporary Event Permit Application to hold a Block Party is no less than seven (7) days prior to the start of the Block Party. Applicants who are filming a motion picture, commercial, or videotaped production within the city limits must file a Temporary Event Permit Application at least seven (7) days prior to filming.

Only Temporary Event Permit Applications that are submitted at least two (2) months prior to the start of the Temporary Event will be eligible for appeal before City Council as described in Chapter 11.32.

### **Section 11.20.020 Fees**

- a. All Temporary Events are required to pay a processing fee to be established by resolution with the exception of events sponsored by the City of Milwaukee, events that are sponsored by one or more of Milwaukee’s Neighborhood District Associations, and/or events that may be excluded under Section 5.08.110. A Temporary Event Application to film a motion picture, commercial, or videotaped production includes a unique processing fee as mentioned in Section 11.20.020 e.
- b. A deposit of one-half of the estimated reimbursable costs as described in Section 11.16.080 may be required to be paid to the city as a result of a Temporary Event and must be received by the City Manager not less than seven (7) working days before the date of the Temporary Event as shown on the appropriate permit. Prior to the issuance of the permit the applicant may be asked to agree in writing to pay such deposit and the balance of the reimbursable costs within thirty (30) days after the Temporary Event. The City Manager has final discretion over the assessment of all reimbursable costs.
- c. Temporary Events that occur for more than 72 consecutive hours are required to obtain a business license as described in Title 5, Chapter 5.08 unless excluded under Section 5.08.110.
- d. An applicant for a Temporary Event must have general liability including Products & Completed Operations Liability, Auto Liability if applicable, Liquor liability if applicable and Professional Liability if applicable, which is described in more detail in Chapter 11.24. The limits of insurance shall be no less than \$1,000,000 per occurrence/aggregate and are subject to review by the City Manager.

- e. A Temporary Event Permit to film a motion picture, commercial, or videotaped production requires processing fees in addition to the reimbursable costs mentioned in Section 11.20.020 (b), but shall not apply to recreational films or to the filming of news events. These additional fees are described below.
  - 1. A processing fee in an amount to be established by resolution is required for all Temporary Event Permits for filming motion pictures, commercials, or videotaped productions.

### **Section 11.20.030 Application Process & Approval Criteria**

- a. Upon receipt of the completed Temporary Event Permit Application the City Manager shall forward a copy of the application to various City departments and other organizations who shall review the application and return it, with any comments, to the City Manager within five (5) working days of receipt. The City Manager may solicit comments from affected Neighborhood District Associations and immediate neighbors of the proposed event at this time and require the submission of additional information by the applicant.
- b. The City Manager shall issue, issue with conditions, or deny the Temporary Event Permit based on the standards of this chapter. A Temporary Event Permit to hold a Special Event will be issued for a period not to exceed fourteen (14) consecutive days. A Temporary Event Permit to hold a Block Party will not be granted for a period that exceeds fifteen (15) hours and all Block Parties must be held between the hours of 7 a.m. and 10 p.m.

### **Chapter 11.24 Indemnification and Insurance Requirements**

- a. An applicant for a Temporary Event Permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the Temporary Event.
- b. An applicant for a Temporary Event Permit must have general liability and property damage insurance that protects the sponsor, the City, and the City's officers, agents, and employees from any and all claims, demands, actions and suits for damage to property or personal injury, including death, arising from the activities covered in the permits. Types of insurance that must be carried include Commercial General Liability, including Products & Completed Operations Liability, Auto Liability if applicable, Liquor Liability if applicable and Professional Liability if applicable. A certificate of insurance evidencing these requirements including an endorsement naming the City, and the City's officers, agents and employees as an additional insured must be presented to the City 5 days prior to the event. Failure to provide such evidence will result in the delay or denial of an application. The insurance shall provide coverage for personal injury to each person, coverage for each occurrence involving property damages; or a single limit policy covering all claims per occurrence. The limits of the insurance shall be no less than \$1,000,000 per occurrence/aggregate and are subject to review by the City Manager.

### **Chapter 11.28 Denial or Revocation**

**Section 11.28.010 Denial** - The City Manager may deny a Temporary Event Permit if,

- a. a permit has been granted for another Temporary Event at the same place and time;
- b. it will occupy any part of a federal highway;
- c. it will unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;
- d. the applicant fails to adequately provide for the protection of participants, maintenance of public order in and around the Temporary Event location, crowd security, taking into

- consideration the size and character of the Temporary Event, or emergency vehicle access;
- e. the applicant fails to comply with, or the proposed Temporary Event will violate a city ordinance or other applicable law;
  - f. the applicant makes a false statement of material fact on an application or other permits are required;
  - g. the applicant fails to provide proof that he or she possesses or is able to obtain a license or permit required by city ordinance or other applicable law for the conduct of all activities included as part of the Temporary Event;
  - h. the applicant has had a Temporary Event Permit revoked within the preceding 18 months;
  - i. the applicant has committed, within the preceding 18 months, two or more violations of a condition or provision of a Temporary Event Permit or this article;
  - j. the applicant fails to pay any outstanding reimbursable costs owed to the city for a past Temporary Event; or
  - k. the applicant fails to submit the required deposit and/or fails to agree in writing to reimburse the city for the estimated costs for the proposed Temporary Event.

**Section 11.28.020 Revocation** - The City Manager may revoke a Temporary Event Permit if.

- a. the applicant fails to comply with or the Temporary Event is in violation of a condition or provision of the Temporary Event Permit, an ordinance of the city, or any other applicable law; or
- b. the permit holder made a false statement of material fact on an application; or
- c. an unforeseen circumstance occurs prior to or during the event that greatly diminishes the safety and security of the proposed event. This could include, but is not limited to, inclement weather such as a snow storm, flood, or wind storm, fire, or another catastrophic event.

### **Chapter 11.32 Appeal from Denial, Revocation, or Approval of Temporary Event Permit**

The decision of the City Manager may be reviewed by the City Council upon an appeal by any person who disagrees with the decision of the City Manager. Such appeal shall be filed with the City Recorder within 5 working days from the date of the decision of the City Manager. The City Recorder shall schedule a hearing of such appeal to the City Council no later than the second regular session following the filing of the written appeal and shall notify the applicant of the date and time that he or she may appear either in person or by a representative. The City Council may grant, grant with conditions, or deny a Temporary Event Permit during such an appeal.

Ample time is needed for the City Recorder to schedule an appeal to the City Council, therefore, the option to appeal a decision is forfeited should a Temporary Event Permit application be submitted less than two (2) months prior to the date of the Temporary Event.



**To: City Council**

**Through: Mike Swanson, City Manager**

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

**Subject: Strategy for extending City sewer service to unsewered areas in the Urban Growth Management Area.**

**Date: September 24, 2004 for the October 5, 2004 work session**

### **Action Requested**

Discuss strategies for extending City sewer service to areas in the Urban Growth Management Area. Strategies include discussion of recent sewer basin master planning in the unsewered area east of the City and phased annexations that would help accomplish future public sewer extensions.

### **Background**

Following the recent Hill Street annexation, staff met with counterparts at Water Environment Services (WES). The City needed to clarify roles with the County when reviewing building permits for new development in annexation areas. During that conversation, City staff sought a status report from the County regarding plans for sewer extensions in the area south of Johnson Creek Blvd., north of King Road and east of the City limits to Bell Avenue. The City has long desired to be the sewer provider in this area. This was memorialized in a County/City Urban Growth Management Agreement (UGMA) signed in July 1990. This area is identified in that agreement as Dual Interest Area "A" and is generally understood to be the City's first priority area for future annexation. Council approved three small annexations in this area in the past four years. The annexations were all requested by private property owners, and all have been completed.

Staff from WES indicated that they have consistently not permitted new sewer extensions into the area in order to reserve it for future City sewer service and annexation in accordance with the UGMA. They have no intention of reversing that policy. County staff did mention that they frequently get calls from residents with failing septic tanks or cesspools asking when public sewer might be available. This led to a conversation about

the City's plans for providing sewer service to this area in the future. Options are provided for sewer extension into Dual Interest Area "A" in the draft Sewer Master Plan update. The Council will be considering the Master Plan this fall. Staff will be prepared to discuss strategies for sewer service extensions into this area such as basin master planning and phased annexations in more detail at the October 5, 2004 work session.