

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
MAY 6, 2003**

4634

CALL TO ORDER

The 1909th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Deborah Barnes
Larry Lancaster

Joe Loomis
Susan Stone

Staff present:

Mike Swanson,
City Manager

John Gessner,
Planning Director

Gary Firestone,
City Attorney

Jeff King,
Project Manager

Alice Rouyer,
Community Development/
Public Works Director

Tom Larsen,
Building Official

Larry Kanzler,
Police Chief

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

NAMIWalks for the Mind of America

Stephen Loaiza, NAMI Oregon Executive Director, 1130 SE River Forest Road, Milwaukie, explained NAMI is an acronym for the National Alliance for the Mentally Ill. As a non-profit organization, it offers education, support, and advocacy to the mentally ill, their families and friends. Statistically, about 1 out of every 5 families in the United is impacted by mental health issues, so NAMI provides an important resource to Oregon residents.

Loaiza read a proclamation naming Sunday, May 18 2003 as *NAMIWalks for the Mind of America Day* in the City of Milwaukie and urged residents to support the event.

Centennial Commemorative

Police Chief Larry Kanzler presented the Mayor and Council with replicas of the first Milwaukie Marshal's badge mounted on individual plaques commemorating Milwaukie's Centennial Year.

Workplace Safety Awareness Day

Mayor Bernard read a proclamation naming Wednesday, May 14, 2003 as *Workplace Safety Awareness Day* in the City of Milwaukie.

History Notes

Mayor Bernard read notes prepared by Milwaukie Museum Curator Madalaine Bohl on the 6th Milwaukie City Council meeting held August 13, 1903.

CONSENT AGENDA

Mayor Bernard announced that Consent Agenda item B -- Resolution Setting Fees for City Services for Fiscal Year 2004 would be moved to "other business."

It was moved by Councilor Stone and seconded by Councilor Barnes to adopt the consent agenda that included:

- A. **City Council Minutes of March 10 and April 15, 2003; and**
- B. **Moved for discussion in other business; and**
- C. **Resolution 16-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City of Milwaukie to Apply for a Local Government Grant from the Oregon Parks and Recreation Department for the Development of Phase 1 of Lewelling Community Park and Authorizing the City Manager to Sign the Application; and**
- D. **Resolution 17-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Oregon State Police Emergency Management Division to Directly Send the City of Milwaukie's Share of the 9-1-1 Quarterly Telephone Tax Distributions to the City of Lake Oswego Communications Department (LOCOM); and**
- E. **Resolution 18-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Sign an Intergovernmental Agreement Renewing the Current Agreement between the Cities of Portland and Milwaukie for Portland Police Data System (PPDS).**

The motion to adopt the Consent Agenda passed unanimously.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARNIG**Liquor License Change of Ownership Application for Kimmy's Market and Teriyaki Located at 3141 SE Harrison Street**

Mayor Bernard called the public hearing on the change of ownership application for Kimmy's Market and Teriyaki to order at 6:15 p.m.

The purpose of the hearing was to consider written and oral evidence regarding the application followed a City Council decision based on the criteria set forth in Milwaukie Municipal Code Section 5.40.060. The City Council action is not final. It is the City Council's responsibility to make a recommendation only to OLCC for final disposition. Mayor Bernard reviewed the order of business.

There were no actual or potential conflicts of interest declared.

Staff Report

Police Chief Larry Kanzler presented the staff report in which he requested the City Council recommend denial of the change of ownership application to the Oregon Liquor Control Commission (OLCC).

As part of his duties and responsibilities, Kanzler reviews all liquor licenses that come to the City of Milwaukie to consider whether applicants are qualified or if there is a history that would preclude them from having a license. For this application, the police department recommends the City Council deny the change in ownership application.

Kanzler stated the reasons for his recommendation. In 2000, the Min's were operating the Newberg Food Market, and on June 30, 2000, an employee served alcohol to a minor. According to Oregon liquor law, licensees are responsible for training their employees on how to properly check identification, which in this case was not done. OLCC, in an effort to negotiate a resolution, required the Min's to install age verification equipment. In April 2001, Mr. Min, who was working as an employee of the new owner of the Newberg Market, was cited for selling alcohol to a minor acting as an OLCC decoy. This decoy had been dispatched because of neighbor complaints about the market. Mr. Min did not use the identification verification equipment although it was installed and operational. Kanzler believed this showed an unwillingness to follow the rules. Now this person is applying for a license in Milwaukie. The police department is too understaffed to constantly monitor the operation, and the chief is concerned about further exposing Milwaukie youth to alcohol and exacerbating existing community problems. Kanzler recommended the City Council deny the application based on the Min's past history.

Councilor Barnes asked Kanzler if it would be different if Mrs. Min owned the business, and the husband had no involvement at all.

Kanzler said Mrs. Min expressed regret about her husband's past actions, but he understands it is their intent to operate the store together. They made application together for the license.

Councilor Loomis sees only 1 application in the material submitted for Council consideration. He asked if the first violation was a result of the Min's not being at the business, or if it was a training issue.

Kanzler said either the Min's had not met their training obligations, or the employee chose not to verify the buyer's age. In the second violation, the equipment was not used.

Councilor Stone asked if the Min's had lost their liquor license in Newberg.

Kanzler said the Min's sold the business prior to the violation, and he does not know the current owner's name. Mr. Min was working as an employee of the market when he sold alcohol to a minor. He voiced some concerns about how applicants use the license transfer process.

Councilor Stone asked **Kanzler** if he had any details about the employee's selling alcohol to a minor and if false identification was used. She could not imagine a person would willingly sell to a minor since that is against the law.

Kanzler said OLCC conducted the investigation, and he has only those details included in his report. He would only assume since the minor was not cited that false identification was not involved. The other minor was a decoy under the supervision of the OLCC.

Councilor Stone asked how often the Milwaukie police department would have to deploy officers to Kimmy's Market to monitor operations and would being across the street from the Public Safety Building make it more feasible.

Kanzler said monitoring is task driven, and one cannot assume it will happen because the police department is across the street. There are a lot of young people in the housing authority area, and it only takes a minute to buy alcohol. The police department does not have the resources to catch people in the act or generally supervise store activities. It takes some kind of catastrophic issue such as a fight or a crime involving alcohol to find out where and when underage sales took place. That is the point at which the police get involved, but the damage has already been done. He has been successful in other cities by taking a hard line. It sends a message to all the alcohol retail outlets that the city will not tolerate putting the kids in jeopardy. There is a demonstration in the Min application that did not take place.

Councilor Stone asked if the Milwaukie police department would be responsible for monitoring the store or if OLCC has some responsibility as well. Is monitoring routine if the licensee has a history, or does there have to be an incident to trigger it?

Kanzler said OLCC funding has been cut, and there is no longer an enforcement unit. The Milwaukie police department will respond to incidents unless a complaint is filed directly with OLCC. Milwaukie police does not have the resources to go to retail outlets and check for violations as part of the officers' regular duties. It is a complaint driven process from a parent, guardian, or school. The department tries to find out where the alcohol was purchased, but it creates a level of commitment from the police department it does not normally have to provide. Since the work load is going up and resources are going down, he is trying in his recommendation to mitigate potential future problems.

Councilor Stone commented on the number of stores in Milwaukie that sell liquor, and certainly minors can go to any of these. Police do not routinely go into those stores, and minors are probably buying alcohol there. She is concerned the Min's would be put out of business if the license were not granted.

Councilor Lancaster understands the Min's are the applicants. He referred to a letter dated April 21 to Mr. and Mrs. Bong.

Kanzler explained Bong is Mrs. Min's first name.

Councilor Lancaster said there seems to be 2 violation events, and he was curious if they occurred at the same time. One was serving a visibly intoxicated person, and the other was selling liquor to a minor.

Kanzler said these were separate issues and both resulted in a stipulated convictions.

Applicant Presentation

Bong Ki Min, 16648 SW Henderson Court, Beaverton, 97007. She applied for the license and will operate the store. She used money from her husband's and her account, so OLCC wanted history on both of them.

Councilor Barnes asked Min why she chose to open a business in Milwaukie when she lives in Beaverton.

Min replied she has run grocery stores for 23 years, and she wants to stay in that business. She is able to handle this one, and it did not matter if it was in Milwaukie or Beaverton. She would buy one anywhere. She has had stores in Estacada, Albany, and other locations.

Councilor Lancaster asked Min why her husband did not come to the hearing.

Min said he would not be running the store, so she did not think he had to be at the hearing. He is not interested.

Councilor Stone understands the husband will not be running the store, and he will not be there on a day-to-day basis. Where will he be if this is a family-run business?

Min said he has his own business, AC Janitorial Service.

Councilor Stone understands only Min will be running the business and asked if there would be other employees.

Min replied her nephew and his wife would help her. She has not had an OLCC violation in 23 years.

Councilor Stone asked how much monthly revenue is generated by alcohol sales.

Min said many stores sell beer and wine. If her store does not have beer and wine, she will lose other sales in snack foods. The percentage of sales is not that great but will result in fewer sales of other items. She has alcohol in all of her other stores.

Councilor Lancaster asked if she and her husband were running the business together when the other violations occurred.

Min replied they were. The time OLCC sent the minors to the store, he became very nervous. She saw him check the identification, so she thought it was all right. The OLCC people confused him, and he read it wrong. The other time, about 15 – 17 years ago, the temporary employee was not trained well. He was an owner of another grocery store, so she thought he knew everything. He was a temporary for summer vacation.

Councilor Barnes understands the store is open.

Min explained she has a temporary license.

Councilor Barnes asked the ages of people coming into the store now.

Min said all ages come in, but not many young people try to buy beer any more. There used to be more. She owned Eric's market about 12 years ago and a lot of young people tried to buy alcohol but not so much now.

Councilor Stone asked Min is she would have the equipment that verifies identification?

Min said she does not intend to have that equipment. If young people try to buy alcohol with other identification, the machine does not help. The photo identification is more important. If OLCC requires her to have it, she will.

Correspondence – None.

Testimony in Support – None.

Testimony in Opposition – None.

Neutral Testimony – None.

Staff Rebuttal

Kanzler said as a point of clarification OLCC laws indicate a person must be 26, and if the seller thinks the person might be under that age, he must ask for verification of identification. That is 3 pieces of identification. If there is a question about the identification, the person is supposed to be refused service. The obligation is on the seller, not the buyer. Kids will go to a place they know they can get away with buying liquor. This applicant has a history of liquor sales to minors. It is his obligation to bring this to the City Council's attention in making the decision.

Applicant Rebuttal – None.

Close Public Hearing – **Mayor Bernard** closed the public hearing at 6:40 p.m.

Council Discussion

Councilor Lancaster made a point of clarification that the municipal code section cited at the beginning of the hearing should have been 5.40.060.

Councilor Loomis has been in the Min's store on several occasions, and they have done a nice job. He thought it was an asset because the building had been run down. He referred to Stone's question on the income from alcohol, and from his experience in working part time in a convenience store, he knows cigarette and alcohol sales are the mainstay. In his opinion, Min will not be in business without those sales. His concern is the police department's opinion that minors will be illegally served. He is wavering between putting stipulations on the application because they have already invested a lot of time and money. He knows how tricky kids can be, and he has never seen anyone ask for 3 pieces of identification. Maybe that needs to be enforced more. It is difficult for him to hold Min accountable for the temporary employee, although she should have trained him better even though he had been in the business. He is open to ideas from the rest of Council.

Mayor Bernard is leaning toward denial because a professional recommends it. He feels it is the responsibility for a person purchasing property to find out if it is feasible to open the business by checking the codes. The person, not the seller or the City, is responsible. There are violations in the past, and he finds it difficult to believe a husband that has a janitorial service would not hang around the store during the day.

Councilor Lancaster will oppose the application. If the chief says "no" that it is good enough for him. In looking at the facts, the things that stand out to him are. The violations occurred in 2001. The campaign and importance of liquor and minors has been well known for decades, so in those terms, this is a very recent violation. It should be a no-compromise policy for any business. There are 2 distinct violations that demonstrate a complete disregard not only for the intent but the letter of the law. Min indicates she has been doing this business for 23 years, and after that time a person should know how to do it right. You know when and how, if you chose, to cut corners in the interest of more revenue versus upholding the law. He does not find it credible that a husband and wife would not involve each other in each other's business even if legally separate. He is troubled the he chose not to be at this meeting. That says something to him about the whole character of the way this business is conducted.

Councilor Barnes thought the chief made an excellent case. Her only concern with what Councilor Lancaster said was that she and her husband have separate business entities. Although they discuss things, she never gets involved in his business. She believes that a wife and husband can run a business separately. Councilor Barnes's concern is that, as Min herself stated, could come to the business. With her background as a teacher, if she has any opportunity at all to saying "no" to serving alcohol to teenagers in this community, she will deny it. Because of her concern with the young people she cannot open the door.

Mayor Bernard commented that OLCC is the final decision maker, and it may still allow the license. As a City official, he feels it is his responsibility to protect the citizens. If OLCC would like to take on that responsibility it is welcome to do so.

Councilor Stone agreed with a lot of what has been said but was still concerned about putting someone out of business if the Council's recommendation is to deny. Mr. Min's conduct has caused this problem, and why should this woman be subjected to that when she did not break the law. The neighborhood was notified of this application, and there has been no public opposition. This makes her feel better about approving this; however, she would recommend the application with stipulations. She might even go so far as to say the husband could not be in the store. She further suggested requiring that the identification verification equipment be installed and used. No one wants to see Min go out of business, and liquor sales are important in keeping the business thriving. In light of the poor economy, she is leaning toward approving the application with conditions.

Firestone advised the City Council if the motion is to deny the application, it must adopt findings of fact to support the denial. If the City Council is going to deny, it should have discussion of the findings of fact or be part of the motion. These would be the facts upon which the decision is made. For example, the Council might say there have been past liquor license violations in businesses the applicant has manager; or the applicant's husband provided money to purchase the business and he has a history of liquor

license violations. These findings must be facts that were the basis of the decision. A simple motion may be made if the City Council wishes to recommend approval. If the motion were to recommend approval with conditions, then The City Council would need to state those conditions.

It was moved by Mayor Bernard and seconded by Councilor Lancaster to recommend OLCC deny the application because of the applicant's record of violations of state alcohol liquor laws.

Councilor Barnes understands the applicant, Mrs. Min, did not violate the laws.

Kanzler said, since Mr. Min is what might be called a hidden partner, OLCC also investigates him as well as Mrs. Min. She did not violate the laws. He is a contributor to the license application process, and he was found to have 2 separate stipulated convictions. In effect, they are co-applicants.

Firestone if the City Council wants to make the motion along the lines of the one made, the findings would need to be something to the effect that, there have been past liquor license violations in businesses the applicant has managed. One could also state based on the applicant's husband that applicant's husband provided the money to purchase the business, and he has a history of liquor license violations.

Councilor Barnes understands Mrs. Min managed the facility and is the person named on the application. Since she is applying to run this facility and sell liquor from her stores, Barnes would focus on the fact the Mrs. Min managed the facility.

Councilor Lancaster moved to make friendly amendment replacing the findings that: (1) there have been past liquor license violations in businesses the applicant has managed; and (2) that the applicant's husband provided the money to purchase the business, and he has a history of liquor license violations. Mayor Bernard, who made the motion agreed, and Councilor Lancaster re-seconded.

Councilor Barnes would support the denial if based on Mrs. Min's history only. She does not see his name on any of the paperwork.

Councilor Lancaster pointed out the chief say there is a piece of paper missing, and the Min's, in fact, are legally co-applicants.

Min said OLCC looked at Mr. Min's history, but she is the one who will be responsible.

Councilor Lancaster said because he financed it, the Min's are co-applicants.

Firestone said according to OLCC procedure information must be provided on other persons who are not direct applicants. He believes the City Council would have to take the application at face value as to who the applicant is, but that is not to say others somehow involved in the business should not be considered. The City Council may

consider the situation of someone who would have at least some involvement in the business. The OLCC required the personal information on that person, and that may be taken into account. To be conservative, he did not believe Mr. Min should be referred to as the applicant. Firestone understood the motion was to recommend denial to OLCC based on the following findings of fact: (1) there have been past liquor license violations in businesses applicant has managed; and (2) applicant's husband provided money the money to purchase the business, and he has a history of liquor license violations.

Councilor Loomis was in favor of Stone's suggestion of approving the application with stipulations that the identification verification equipment be installed, the husband is not allowed to operate the register or sell alcohol, and any future violations would result in the license being revoked.

Councilor Stone felt strongly this is a case of a husband committing the violations and the wife is being penalized by perhaps not being allowed to operate a viable business. She would recommend not allowing the husband on the on premises.

Councilor Lancaster thought that would be unenforceable. He is not unsympathetic to promoting business in Milwaukie, but the machine is useless if a person with valid identification but is visibly intoxicated also gets served. He sees across the board disregard. As the chief says, past behavior is the best predictor of future performance.

The group discussed documentation of Mr. Min's history.

Swanson said Kanzler provided testimony to the effect that Mr. Min sold alcohol to a visibly intoxicated person.

Councilor Stone understands Mrs. Min did not sell alcohol to an intoxicated person.

Min responded she never had.

Firestone added there is no evidence that she has ever done so.

The motion failed with the following vote: Mayor Bernard and Councilor Lancaster aye, and Councilor Barnes, Councilor Loomis, and Councilor Stone nay.

It was moved by Councilor Barnes and seconded by Mayor Bernard to deny the application based on the fact she was the manager that had OLCC violations on 2 separate occasions.

Councilor Loomis said a lot of licenses would be pulled if that were the reason for denial. This happens in a lot of establishments, and to hold Min to that standard did not seem fair. He felt there should be stipulations, and if there are violations, the license would be revoked. He is concerned since Mrs. Min is the applicant, and she is being punished for his crime.

Mayor Bernard understands OLCC, not the City, would have to pull the license. This could go on and on if OLCC adds stipulations, and he believes that if an employee sells alcohol the owner is responsible.

Firestone explained the licensee is responsible for the violation. If there are enough violations, the OLCC can decide to pull the liquor license. OLCC has a variety of enforcement options that depends on egregiousness of the offense and how often it happens. There is a procedure for warnings, fines, suspensions, and terminations.

Kanzler said on the first violation, Min negotiated the fine with OLCC and installed the age verification equipment. Less than a year later, while that equipment was in place and operating, alcohol was sold to a minor, and there was another OLCC action. Kanzler added this is the first time he brought an application before Council recommending denial.

Councilor Stone asked if employees were typically investigated with background checks.

Kanzler said if a licensee is cited, it goes on their record with the OLCC and criminal court system as a stipulated conviction because it is a violation of state statutes. If a person reapplies for a license after receiving a citation it is on the record. The owner and licensee is also responsible for employees' conduct, and that appears on a persons record.

Firestone said as part of the license application, the applicant could be an individual or any other form of business entity. Regardless of the type of applicant, there is a list of people who are investigated. Personal information on people like Mr. Min is typical.

Councilor Stone understands the OLCC license was not revoked because of the violations in Newberg.

Kanzler responded the business had been sold. Min sold the business and then worked as an employee. The second license violation occurred after Min sold the business, so it was not his license to lose.

Councilor Stone asked if Min's license would have been revoked if he had stayed the owner.

Kanzler said that would have been OLCC's decision.

The motion to recommend denial of the application for an OLCC license for Kimmy's Market and Teriyaki based on the finding that the applicant was the manager of facility at which there were 2 OLCC violations. Motion passed 3 – 2 with the following vote: Mayor Bernard, Councilor Barnes, and Councilor Lancaster aye; Councilor Stone and Councilor Loomis nay.

OTHER BUSINESS**Repeal Municipal Code Chapter 1.20 – Compensation for Reduction in Property Value – Ordinance**

Swanson said at the November 2000 general election Oregon voters appeared to approve Measure 7 – the constitutional amendment that provided for compensation to private property owners for the cost of restrictive regulations that reduce the value of real property. The City Council immediately in preparation for implementation of Measure 7 adopted Ordinance No. 1882, which was incorporated into the municipal code as Chapter 1.20. It provided procedures to implement Measure 7. Two years later Measure 7 was voided in its entirety, so this chapter of the code is moot. If the proposed ordinance were adopted, it would repeal Ordinance No. 1882 and Municipal Code Chapter 1.20.

It was moved by Mayor Bernard and seconded by Councilor Barnes for the first and second reading by title only and for adoption of an ordinance repealing Ordinance 1882 and Municipal. Code Chapter 1.20.

Councilor Lancaster thought it was likely a similar measure would come before the voters in the future. The City should be prepared to address the issue again.

Motion passed unanimously. The city manager read the ordinance twice by title only.

The city recorder polled the Council: Mayor Bernard, Councilor Barnes, Councilor Lancaster, Councilor Loomis, and Councilor Stone aye; no nays.

ORDINANCE NO. 1921:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REPEALING ORDINANCE NO. 1882 AND MILWAUKIE MUNICIPAL CODE CHAPTER 1.20.

Electric People's Utility District (PUD) in Multnomah County

Mayor Bernard brought forward a resolution being considered by area counties and cities stating opposition to the formation of an Electric People's Utility District (PUD) in Multnomah County. He has been asked to testify, and he felt it was appropriate to ask the Milwaukie City Council if it supported the draft resolution. He would like to see PGE stay as a business if possible. He would be in favor of a regional organization if that were needed. Several cities including Hillsboro and Gresham have voted against the formation of the PUD. PGE has asked him to testify. He asked the Clackamas County Commissioners if they were interested in his participation and is waiting for their response. He is open to comments from the rest of the Council.

Councilor Lancaster thinks the proposed resolution accomplishes the intent at this stage, and he is willing to move forward with it.

Councilor Stone would like to have a brief discussion of the pros and cons of PUDs.

The group agreed to discuss this at a later meeting.

Resolution Setting Fees for City Services for Fiscal Year 2004

Project Manager Jeff King presented the staff report. Periodically, staff considers fees based around cost recovery and reviewing fees in neighboring community. This year there are several updates including building, planning, billable rates, and library past due charges.

It was moved by Mayor Bernard and seconded by Councilor Barnes to adopt the resolution setting fees for fiscal year 2004 in its amended form.

Councilor Loomis asked if these fees were in line with other municipalities.

King said these fees are comparable to other cities. He discussed the desire to make the building department self-sufficient from the general fund transfer. He noted the billable rates have gone down and better reflect actual costs of services.

Motion passed unanimously.

RESOLUTION 19-2003

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

Councilor Loomis invited people to join long time Milwaukie residents on a tour of the downtown on May 18 to get a perspective of what Milwaukie was like in the 1930's and 1940's. Representative Tomei and other honored citizens will be in the Council Chambers to talk about the City and answer questions. That is also opening day for the Sunday Farmer's Market.

Adjournment

It was moved by Councilor Lancaster and seconded by Mayor Bernard to adjourn the meeting. Motion passed unanimously.

Mayor Bernard adjourned the meeting at 7:25 p.m.

Pat DuVal

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
MAY 6, 2003**

MILWAUKIE CITY HALL
10722 SE Main Street

1909TH MEETING

REGULAR SESSION - 6:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance

- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
 - A. **Workplace Safety Awareness Day – Proclamation**
 - B. **NAMI Walks for the Mind of America -- Proclamation**
 - C. **Centennial Commemoratives Presentation (Kanzler)**

- 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 March 10 and April 15, 2003**
 - B. **Resolution Setting Fees for City Services for Fiscal Year 2004**
 - C. **Resolution Authorizing Grant Application for Lewelling Community Park Development**
 - D. **Resolution Transferring 911 State Telephone Tax Money Collected on Behalf of the City Of Milwaukie to the City Of Lake Oswego**
 - E. **Renewal of Intergovernmental Agreement with the City of Portland for Police Records Data Entry, Access, and Analysis**

- 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.)*

Liquor License Application for Kimmy's Market and Teriyaki at 3141 SE Harrison Street

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.)*

Repeal Municipal Code Chapter 1.20 – Compensation for Reduction in Property Value – Ordinance (Firestone)

VII. INFORMATION

Library Board Minutes of March 24, 2003

VIII. ADJOURNMENT

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

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

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

PROCLAMATION

WHEREAS, the City of Milwaukie, Oregon OSHA and other organizations in Oregon recognize that ensuring safe workplaces in our state is a responsibility we all share; and

WHEREAS, Oregon's safety community has made significant progress in reducing worker deaths and injuries in the thirty years since the passage of the Oregon Safe Employment Act in 1973; and

WHEREAS, safe workplaces in Oregon result from business, labor and government collaborating to reduce the human and economic toll of workplace injuries and deaths.

NOW THEREFORE, I, James Bernard, Mayor of the City of Milwaukie, hereby proclaim Wednesday, May 14, 2003, as *Workplace Safety Awareness Day* in Milwaukie and urge all citizens to recognize employers and workers for their important work and continued dedication to safety.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

PROCLAMATION

WHEREAS, NAMI-Oregon, with 24 affiliates and over 2,000 members, is the State's leading advocacy organization for persons with mental illnesses and their families; and

WHEREAS, NAMI-Clackamas County provides advocacy and services for people with mental illnesses in a number of ways, including through the "Fisher Ridge" and "Chez Ami" housing projects, a remarkable and exemplary partnership between county, state and federal agencies designed to provide permanent housing for homeless people with mental illnesses; and

WHEREAS, NAMI-Oregon has been a leading advocacy force for more research and better treatment and services for children and adults with mental illnesses for many years; and

WHEREAS, NAMIWALKS FOR THE MIND OF AMERICA is an important, breakthrough opportunity to raise awareness, provide education and generate support for people with mental illnesses throughout Oregon and in Clackamas County; and

WHEREAS, funds raised through NAMIWALKS FOR THE MIND OF AMERICA will be used to support research into the causes and treatments of brain disorders such as schizophrenia, bipolar disorder, and major depression; and

WHEREAS, funds raised through NAMIWALKS FOR THE MIND OF AMERICA will be used to advocate for more housing, services, rehabilitation and employment for people with mental illnesses.

NOW THEREFORE, I, James Bernard, Mayor of Milwaukie, Oregon, do hereby proclaim Sunday, May 18, 2003 as NAMIWALKS FOR THE MIND OF AMERICA Day and I further call upon residents of the city of Milwaukie to join me in enthusiastically supporting this important event.

James Bernard, Mayor
May 18, 2003

CITY OF MILWAUKIE
CITY COUNCIL MEETING
MARCH 10, 2003

CALL TO ORDER

The 1905th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Deborah Barnes
Larry Lancaster

Susan Stone

Staff present:

Mike Swanson,
City Manager

Jeff King,
Project Manager

Alice Rouyer,
Community Development/
Public Works Director

Kelly Somers,
Facilities & Fleet Manager

John Gessner,
Planning Director

Willie Miller,
Facilities Maintenance Specialist

Mary Rowe,
Human Resources Director

Jack Perry,
Operations Supervisor

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Centennial Flag

Wilda Parks, Centennial Committee Chair, presented a flag that flew over the State Capital on January 20, 2003 in celebration of the Milwaukie's 100th year. The flag was a gift from U.S. Senator Ron Wyden.

Councilor Lancaster suggested posting flag etiquette information on the website.

Employer Support of Guard and Reserve

The City of Milwaukie received an employers' award for supporting the National Guard and Reserves.

Councilor Lancaster attended the award ceremony with Jack Perry and Alice Rouyer. He was extremely impressed by the people there; it was the who's who of military brass. This is the single most prestigious award from the Defense Department to employers who participate in programs assisting the Armed Services. He was very honored to be there to receive the award and thanked Rowe for having a policy that makes this type of support possible.

III. A. 2

Swanson thanked Perry for believing in the City as an employer and taking the time to submit the application.

Visitor Recognition

Mayor Bernard presented a Key to the City to Australian guests Tom and Debbie Burt. He is proud of his community and encourages other citizens, at their own expense, to recognize special guests in this manner.

Milwaukie's History

At Mayor Bernard's request, Milwaukie Museum Curator Madalaine Bohl prepared history notes about the second ordinance adopted by the Milwaukie City Council in 1903. It established licensing fees for people doing business in Milwaukie.

CONSENT AGENDA

The consent agenda included:

1. **City Council Minutes of February 3, 18, & 23, 2003;**
2. **Resolution 7-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Amending Resolution No. 6-2003 Pertaining to a Condition of Sale of the Property Located at 12125 SE 21st Avenue;**
3. **Energy Loan Program for Energy Saving Projects; and**
4. **OLCC Application for The Brew Bar & Grill, 10933 SE Main Street.**

Councilor Barnes requested the City Council minutes of February 18, 2003 be removed from the consent agenda for discussion. **Councilor Stone** requested the City Council minutes of February 23, 2003 and the Energy Loan Program be removed from the consent agenda for discussion. **Councilor Lancaster** seconded. Motion passed unanimously among the members present.

It was moved by **Councilor Lancaster** and seconded by **Councilor Barnes** to approve the Resolution of the City Council of the City of Milwaukie, Oregon, Amending Resolution No. 6-2003 Pertaining to a Condition of Sale of the Property Located at 12125 SE 21st Avenue and the OLCC Application for The Brew Bar & Grill, 10933 SE Main Street. Motion passed unanimously among the members present.

Mayor Bernard announced that the city attorney was excused from this meeting pursuant to Milwaukie Municipal Code Section 2.04.120.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS**Economic Development Policy**

King provided the staff report on operationlizing parts of an economic development policy for the City. He provided an outline of issues related to economic development and identified key points: (1) changes in the economy and ways to respond; (2) perspectives; and (3) immediate steps that can take place on a limited budget which would lay the groundwork for a future large-scale policy.

With the current recession, people are scrutinizing how to better respond to economic development. Just as businesses need to respond quickly to economic changes, so must cities be prepared to respond to economic development. Several trends have emerged over the past 10 years: businesses must compete nationally and globally, knowledge has replaced oil and other natural resources as the key asset or resource for many businesses, work force must be educated and have specialized skills beyond a high school diploma, and economic growth and competition are based more in metropolitan regions than states or nations.

The regional economy is built around clusters for competitive advantages, which in the Portland metro region is composed of high technology, metals, machinery, transportation equipment, apparel, sporting goods, agricultural and food products, nursery products, and wood and paper products. Essentially, this is an infrastructure of specialized skills and facilities, venture capital, and a trained quality work force that acts as a knowledge base. Further, to be competitive in a world market, it becomes effective to build on these clusters. Secondary growth could end up in Milwaukie even though a company might be located in Beaverton. The increased use of the technology, Internet, and digital infrastructures enhance productivity.

Quality of life is an increasing factor in supporting and attracting economic success. Ongoing innovation and creativity is necessary as a source of continuing economic competitiveness. Because of its location, Milwaukie is impacted on 3 levels: regionally by things like a technology center, an advanced school of engineering, and transportation; citywide there may be tools or policies such as marketing that can help the economy in general; and finally site or project specific development, for example the Safeway site, can help Milwaukie expand.

More and more success comes through public/private partnerships that provide a team approach that is more efficient for all. He discussed Milwaukie's neighborhood structure that provides outreach, coordination, and support. The foundation of a strong economic development policy is building and sustaining capacity and creating a strategic plan with a vision and goals. Policy implementation should include land use and infrastructure, business retention and expansion, business recruitment and marketing, small business and entrepreneurial development, business climate and regulatory processes,

III. A. 4

downtown and waterfront commercial development, a skilled work force, business resources, incentives and network, and regional participation.

Immediate steps to consider are creating a task force to look at some kind of long term capacity such as an economic development commission or a public/private partnership forum. Other immediate steps are to continue with the North Industrial Land Use project, to participate in regional committees, to develop an economic profile and site inventory, to establish an outreach plan with existing business and property owners, to seek grants, to network with other organizations, to proceed with downtown development, and to fund transportation improvements in Milwaukie that will effect future competitiveness.

Councilor Lancaster said it appears this is a good general plan that covers everything but is not so specific it cannot evolve. He agreed with King's suggestion that the economic development committee be heavily weighted with private sector membership. He asked King if he had given any additional thought as to the types of people and geographical location of the membership. In the past, the City has tried to keep as many residents on advisory boards as possible, which may not be appropriate with this group.

King has considered the committee's composition and feels it is important that it be private sector driven with public sector involvement. However, there are distinct categories because of the importance of a skilled work force and different types of businesses.

Councilor Lancaster was thinking of tapping resources in the entire metropolitan area versus restricting the membership to talent within Milwaukie proper.

King felt there should be some members either working or living in Milwaukie. A component to consider is a membership with an expanded expertise to strengthen links. He suggested an ex officio or ad hoc member from the Oregon Economic Development District and Chamber. There are certainly important links with the School District. He has not gotten to the point of thinking of a finished product, but it is important for the community and elected leaders to consider how to shape things. He can filter suggestions as the Council wishes.

Councilor Lancaster said his main concern is getting the right mix of people that can really get something done.

King agreed and said it is important to have someone who is a champion or leader with real energy and vision.

Councilor Barnes appreciated King's effort and is very pleased. She wants to begin moving on this immediately and would be more than happy to forward and do what needs to be done. She wants to begin moving on this immediately.

King said the immediate steps can be implemented at minimal or no costs, and there may be a grant opportunities. He discussed putting together a task force and doing some of the work already started under the rubric of economic development including the North Industrial Land Use Study and the downtown plan.

Councilor Barnes was very supportive of the ambassadors committee that welcomes new businesses to the City. She would be happy to represent city officials on that group.

King has observed a lot of talent in the local businesses and public sector people and partnerships are already beginning. There has been a good message coming from the City, so he feels the pieces are there.

Councilor Stone asked when grant funding might begin.

King believes applications will be accepted in March and April, and he does not think the state will make any further cuts to the Regional Strategies Fund this fiscal year.

Councilor Stone asked King for his vision of the size of a committee.

King thought a 15-member committee would work with a smaller executive committee to provide a mix of perspectives. These are his initial suggestions and are certainly flexible.

Councilor Stone thinks it would be great to get people from all these sectors, but her concern is getting that many people together for meetings.

Councilor Lancaster asked how any perceived or actual conflicts of interest would be handled.

King did not have any thoughts on that issue at this point.

North Industrial Land Use Study Update

Gessner provided the staff report on the North Industrial Land Use Study (NILUS) and noted it was for information only. There has been good feedback from area business and property owners. The NILUS open house was well attended with excellent representation, and staff feels it is really beginning to understand business issues related to this project. Some of the most important concerns are coming from the major land uses in the area, which are warehousing and distribution concerns. The north industrial area is home to about 3.7 million square feet of floor area, and a good deal of that is in warehousing and distribution. One of the things learned recently is the importance of the rail spurs to both the historical development of the area and the future. Representatives from Oregon Transfer, Holman, and Rudie Wilhelm indicated their companies receive inbound freight on rail cars and then distribute throughout the

III. A. 6

greater northwest region by truck. One of the company presidents said it is their lifeblood.

When this project started there was a possibility that some of the larger buildings would transition to another type of land use. What was learned is that because of the scarcity of comparable sites and the importance of rail access, these companies plan to be where they are for the next 20 years. As a result, staff changed its perspective on what parts of the north industrial area might redevelop. Some of the sites that will likely be subject to redevelopment pressures are on the southern end, particularly the Harvester Drive site. A big question about redevelopment hinges on when light rail will happen and the resulting market interest. The work that has been done to date shows there will be a market demand for office type uses and a move from warehousing, distribution, and manufacturing.

On the west side of McLoughlin Boulevard there are several sites that have been vacant for some time that formerly housed manufacturing companies. To provide encouragement, a recently completed industrial land use study shows good prospects and high demand for industrial land well into the next 20 years. If these projections are correct, people will be looking for sites in the greater metropolitan area. Not all industrial locations are the same. Milwaukie's location serves many interests because of its proximity to Portland. The current manufacturing zone regulations are very restrictive, and staff is considering broadening the types of uses in the north industrial area to allow greater flexibility. The first thing heard was that existing businesses must be protected, and staff believes it can make the zoning more permissive without adversely affecting the existing businesses.

The Council had no questions on Gessner's report. He added a few comments about SamTrack which provides an important service to Milwaukie's industry.

Metro Affordable Housing Reporting Requirements

Gessner provided the staff report on the Metro Functional Plan Title 7 requirement related to increased opportunities for affordable housing. Metro established certain reporting requirements, and the City missed 1 reporting deadline by about a year. At this point in time, there are no requirements other than to consider various options including the current conditions and secondly to consider strategies. Staff is seeking direction on whether it should conduct this work and do the reporting and submit it to Metro after City Council approval.

He estimated it would take about 50-60 staff hours over a 5-month period. There is another deadline in December, which is to adopt a Comprehensive Plan policy encouraging and supporting a diverse range of housing; however, Gessner doubts it will be met. Milwaukie did fairly well by comparison with its stock of affordable housing. He discussed voluntary affordable housing goals which Metro set at 102 housing units with incomes at less than 30% of the regional median household income. For instance, that would be \$429 per month for housing costs and is probably subsidized housing of some

kind. One procedural issue he will investigate if Council directs is how Metro arrived at that number. Gresham reported and raised a number of questions about whether or not Title 8 was considered in the voluntary housing goal. If that was not considered as it appears, it may turn out that Milwaukie has already met its voluntary target if public sector supported housing is counted.

Mayor Bernard said everyone realizes there is already a lot of affordable housing in Milwaukie, probably more than its share, and he is confident the report will show that.

Councilor Lancaster said, in addition, the emphasis should be on the appropriate mix of housing opportunities which means more other types of housing than affordable. Another element that should be in the mix is the percentage of public entities within a jurisdiction. He believes Milwaukie has a high percentage per capita of non-taxpaying entities.

Councilor Stone asked Gessner to clarify the methodology Metro uses in coming up with their figures and what the median income is for Milwaukie.

Gessner said Metro looked at the entire region and made assumptions about what affordable housing is or is not. Affordable housing is housing for which residents spend no more than 30% of their median income. He thinks Metro probably collected data from mortgage companies. Metro looked at the data and came up with a shortfall of 90,000 units region wide over the next planning period and decided the region should come up with 10% of that shortfall over the next 5 years.

Councilor Stone believes Gresham made a good point about considering Section 8 housing. Milwaukie certainly has absorbed a huge share of Clackamas County's low income housing. She would like to know those numbers and pursue the issue with Metro.

Councilor Lancaster thought some of these assumptions were arbitrary. He is not convinced that a high percentage of people who have low overall income may live in a particular area, which drives that percentage much higher. People living in Lake Oswego, for example, probably pay a disproportionately large amount of their income for housing. The numbers can be easily skewed by demographics, which may weigh in Milwaukie's favor.

Councilor Stone asked Gessner to explain the density bonus.

Gessner said a density bonus is typically done through a land use approval where the developer provides a certain percentage of affordable units and would be given an overall density bonus. This is an incentive to provide affordable housing. It can be done in a number of different ways, either by cost or by unit.

Councilor Stone referred to staff report page 7 having to do with fast track affordable housing and asked for a definition of that term. It seems fast track development does

III. A. 8

not necessarily enhance the neighborhood and may in fact lower values. She wants to raise the standard of living and not lower it. The City needs to strive to raise the bar.

Gessner said this refers to the amount of time, particularly in Portland, it takes to get a project completed. This is not the case in Milwaukie, however. If the developer is able to cut 6 months out of the approval process, then he saves money.

Gessner affirmed staff was directed to proceed with the reporting, and City Council confirmed that.

City Council Minutes of February 18, 2003

Phillip Reich, 5650 SE King Road, Milwaukie. There were few corrections to the minutes. Most of his discussion had to do with the result of the minutes, and what was given to him by the City did not necessarily reflect Council's decision.

His changes to the minutes were on page 13, paragraph 2. He had said, "The owner as well as her daughter did appear..." The minutes says "daughters"; she only has one. The daughter's daughter did appear as well. Later it says, "He felt they had been a misrepresented." This does not make English sense. He stated, "He felt there had been a misrepresentation that they were owners in the minutes of the Planning Commission." The daughter is not an owner.

Mayor Bernard said the daughter would technically be an owner. He received a call after this meeting, and she was very upset. This property is being held in trust in her name.

Reich said that is not what her mother told him when he talked to her previously.

Swanson said what was said at the hearing cannot be changed regardless of a misstated fact that evening. The minutes should reflect what was stated that evening.

Reich was talking about what he stated in the last meeting. He received a notice of decision based on the City Council's decision. There are some inaccuracies, and he also received it late. He did not receive it in the mail; he had to call the planning department and ask Kenneth Kent to fax it to him. This was 9 days after the Council meeting. The notice states the Council voted unanimously. That is not true. Then it goes on, "according to the denial the appeal shall be voided on occurrence of the following..." According to the minutes the motion as restated by Firestone was to "deny the appeal but allow the applicant 21 days to submit a revised application to the Planning Commission; if nothing is submitted within those 21 days, denial would be final and permanent." That was Council's decision. However, the notice of decision goes well beyond the decision of the Council, and Reich believes it is inaccurate. It states, "accordingly, the denial of the appeal shall be voided on occurrence of the following: submission of new and complete application no later than March 13, 2003, with one-half

of the applicable fees paid at time of submission." The one-half payment was not in the motion, but Reich agreed to it.

It goes on to state in item number 2 of the notice, "submission of the revised partition plan showing dedication of a public street with construction of street improvements in accordance with City design standards including provisions for vehicle turnaround and fire access described in the staff report presented to the Planning Commission October 22, 2002." There is no language anywhere in the minutes which reflect this statement; however, he is in agreement the intent was that the plans he produces include provisions following City guidelines and standards. He has no problem with that; however, this goes much further by saying you are adopting the staff's report as stated in the Planning Commission meeting. This was not specifically voted on or accepted by the City Council at its February 18 meeting. On page 2 of the notice of decision, it says, "Findings in support of denial were adopted by the Planning Commission on October 22, 2002, are adopted as part of these findings." Again the City Council did not make any motions to adopt findings. The clear decision was to "deny the appeal, but allow the applicant 21 days to submit a revised application to the Planning Commission; if nothing is submitted within 21 days, denial would be final and permanent." That was the motion. His point is, this goes well beyond what the Council decided, and he is concerned with it and would like to see something that reflects the Council decision rather than what was generated by staff.

Swanson asked if the minutes were correct with the exception of the plural of daughters and grammatical correction.

Reich said that is correct. The problem is the notice of decision which should reflect the minutes.

Swanson said the action before Council has to do with the minutes.

Reich contacted Councilor Barnes and mentioned both of these things and asked her the proper method for dealing with them. She agreed to pull the minutes for discussion. The minutes would be correct with those 2 changes.

It was moved by Mayor Bernard and seconded by Councilor Barnes to adopt the City Council minutes of February 18, 2003 with the 2 changes. Motion passed unanimously among the members present.

Swanson will discuss the notice of decision with the city attorney.

Reich is concerned because the deadline is coming up this week. As he mentioned to Councilor Barnes, he attempted to have a discussion with City staff during its regular Thursday meeting and was told it was cancelled because of Gessner's interpretation that unless he submitted exactly what the city engineer recommended, they would not discuss it. He did not even have a chance to discuss it. He is not trying to fight putting in a street. He is trying to come up with some reasonableness in what that means. He

III. A. 10

had talked with Ken Kent about various options for doing that. The meeting was cancelled on Gessner's authority. He did not have a chance to talk with staff, and it is all based on this. Time is of the essence. If he waits for another Council meeting, it will be beyond the March 13 deadline. He suggested either the deadline be extended by 1 week to allow the City to deal with this issue or that this be dealt with tonight.

Swanson thought the minutes and decision that night was a final decision. The issue of whether or not it is correctly stated in the notice of decision could be raised in front of the next body on appeal. The final order of decision was entered that evening by the Council and is reflected in the minutes. He will speak with the city attorney, but he does believe the final order was entered that night.

Reich's concern is that anything he supplies will be rejected outright if it does not exactly meet what was stated in the notice of decision.

Mayor Bernard added at which time there is an appeal.

Reich was concerned this would be an additional process.

City Council Minutes of February 23, 2003

Councilor Stone clarified the intent and rephrased 3 of her comments in the draft minutes. The first was on page 35 in reference to the analogy of deployable police officers and nurses: "All RN's can respond to a crisis or disaster but perhaps not perform at the same level of service and be as effective as those trained to do so." Her point was that each has specialties and certain levels of basic training. The second change was on page 37 regarding the adding the neighborhood grant roll over to the motion: "Councilor Stone thought the 'rollover' addition to the motion was inappropriate. The motion was about a 1995 policy decision regarding community policing." The third was on page 38 regarding her comments on teambuilding: "Councilor Stone agrees teambuilding is important. When she sat down at this meeting, it was apparent a 'fast one' was being pulled by 3 members of the Council."

It was moved by Councilor Stone and seconded Councilor Lancaster accept the February 23, 2003, Council work session minutes as amended. Motion passed unanimously among the members present.

Energy Loan Program

Miller and **Somers** were present to provide information on the program.

Councilor Stone noticed that recouping the cost of the program would take 2 to 6 years depending on the department, and the term of the loan was 15 years. She asked if the repayment period could be shorter at a lesser percentage rate and if there was a penalty for early repayment.

Somers said 15 years is the maximum term, and there is no minimum, and there is no prepayment penalty. This project is included in next year's Capital Improvement Plan (CIP) and shows the loan coming in and payments in the facilities department spreadsheet for affected departments. The maximum interest rate is 5.1% and can go as low as 2%.

Adjournment

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

Mayor Bernard adjourned the meeting at 7:15 p.m.

Pat DuVal, Recorder

CITY OF MILWAUKIE
CITY COUNCIL MEETING
APRIL 15, 2003

CALL TO ORDER

The 1908th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Deborah Barnes
Larry Lancaster

Joe Loomis
Susan Stone

Staff present:

Mike Swanson,
City Manager

Paul Shirey,
Engineering Director

Tim Ramis,
City Attorney

JoAnn Herrigel,
Program Administrator

Alice Rouyer,
Community Development/
Public Works Director

Jay Ostlund,
Associate Engineer

Mary Rowe,
Human Resources Director

Jeff King,
Project Manager

PLEDGE OF ALLEGIANCE

Mayor Bernard read historic moments provided by Milwaukie Museum Curator Madalaine Bohl in honor of the City's Centennial.

Mayor Bernard suggested sending a letter to Mayor Vera Katz to find out if Portland would be interested in donating Elk Rock Island as a Centennial gift. Milwaukie already provides police patrols. Councilor Lancaster was concerned about liability issues.

Mayor Bernard, with the consent of Council appointed Carlotta Collette, Design and Landmarks Commission; Lisa Batey, Citizens Utility Advisory Board; and Kate McCready, Park and Recreation Board. Reappointments were made for Rosemary Crites, Planning Commission; Ed Miller, Citizens Utility Advisory Board; Pat Healy and Mark Docken, Library Board; Kathy Buss, Park and Recreation Board; and Paul Verbout and Gary Klein to the Riverfront Board. All those who were reappointed but not interviewed will be contacted by staff to meet with Council and discuss their views of their respective boards and commissions.

CONSENT AGENDA

It was moved by Councilor Lancaster and seconded by Councilor Stone to adopt the consent agenda that included:

- A. City Council Minutes of April 1, 2003 as amended; and
- B. Resolution 13-2003: A Resolution of the City Council of the City of Milwaukie, Clackamas County, Oregon Setting Fees for Services,

Classifying the Fees Imposed by This Resolution As Not Subject to Article XI, Section 11B of the Oregon Constitution.

The motion to adopt the Consent Agenda passed unanimously.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

Limited Sewer Rate Adjustment for a Small Area of Milwaukie -- Resolution

Mayor Bernard called the public hearing on amending sewer service charges for certain customers to order at 6:10 p.m.

The purpose of the hearing was to consider a resolution that changes sewer rates for some City customers who are connected to the City of Portland system. Mayor Bernard reviewed the order of business.

There were no actual or potential conflicts of interest declared.

Staff Report

Associate Engineer Jay Ostlund said this resolution would impact 9 commercial and 6 residential customers. Affected parties were given notice of this hearing as well as an estimate of the new charges. Because of the difference in rates, Milwaukie customers are actually subsidizing those customers receiving service from Portland. The City of Portland has a lower base rate for commercial customers, but they pay more for each one hundred cubic feet (ccf) of water. The fixed residential rate for Portland customers is significantly less, but, again, the ccf rate is much higher.

Ostlund summarized the largest impacts excluding Precision Castparts. For commercial customers, the largest increase would be \$415 per year and for residential \$286 per year. Precision Castparts would see an increase of about \$50,000 annually. Precision Castparts who would pay, estimated on only 1 billing cycle, about \$50,000 more annually. The major reason for this is a significant increase in Precision Castpart's water intake from Milwaukie. The current budget practice is to develop a line item based on costs incurred the previous year. When consumption increases during a fiscal year, costs exceed the budgeted amount.

Mayor Bernard asked if Milwaukie has been supplementing Precision Castpart's utility bill.

Ostlund said not really. Precision Castparts has the option of using Portland or Milwaukie water, which is cheaper. Precision Castparts recently increased its

III. A. 19

consumption of Milwaukie water, so the estimate, which is based on 1 billing cycle, gives a limited representation.

Engineering Director Paul Shirey said there has been a subsidy in the past, and the proposed increase only passes along the costs. The Citizens Utility Advisory Board unanimously recommends that the City Council adopt the proposed rates with a condition that staff explore the technical and jurisdictional feasibility of extending Milwaukie treatment service to the properties in question and explore the willingness of Precision Castparts to participate in such a service extension. The Board feels given the significant rate increase Precision Castparts might be interested in helping Milwaukie provide the company with an alternative to the higher cost of Portland treatment services. He anticipates reporting to City Council in 2 – 3 months on that issue.

Councilor Stone asked how many residential customers are affected.

Ostlund said about 6. They were notified of this hearing given an estimate of the impact on future utility bills.

Correspondence – None.

Testimony in Support – None.

Testimony in Opposition – None.

Neutral Testimony – None.

Close Public Hearing -- **Mayor Bernard** closed the public hearing at 6:20 p.m.

Council Discussion

Councilor Barnes asked how long this issue has gone on and how Precision Castparts has access to both Portland and Milwaukie services.

Shirey said Precision Castparts has 2 facilities on Johnson Creek Boulevard. The western most building, the Steel Plant, is in Portland and the eastern facility, the Titanium Plant, is in Milwaukie. The company has connections to both water systems but has only 1 sewer option at this time. Precision Castparts is buying more water from Milwaukie because the rates are cheaper. He does not know how long this situation has gone on. The residential customers all live on Johnson Creek Boulevard.

Councilor Stone asked, thus far, how much has Milwaukie paid out to offset the difference in these rates.

Shirey replied Utility Billing Clerk Carla Atwood has developed the information, but he did not bring it to the meeting.

Council Decision

It was moved by Mayor Bernard and seconded by Councilor Lancaster to adopt the resolution amending sewer service charges.

Councilor Stone asked if the Citizens Utility Advisory Board's recommendation needed to be included in the motion, and Shirey indicated it did not.

Motion to adopt the resolution passed unanimously.

RESOLUTION NO. 14-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING RESOLUTION 29-2001 AND AMENDING SEWER SERVICE CHARGES FOR PROPERTIES RECEIVING SERVICE FROM THE CITY OF PORTLAND; AND CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION.

OTHER BUSINESSExtend Electric Lightwave Franchise – Ordinance

Program Administrator JoAnn Herrigel provided the staff report in which the City Council was requested to authorize the city manager to sign an agreement between the City and Electric Lightwave, Inc. (ELI) extending the current franchise agreement. During negotiations, it became apparent Council would not have time to consider the contract before the April 20, 2003 expiration date. This is simply a request to extend the contract for 6 months so negotiations can be completed.

Councilor Barnes noted an article in *The Oregonian* regarding Portland's problems with ELI and wanted to ensure Milwaukie would avoid these problems. She also wants a 5% franchise fee.

Herrigel discussed Portland's problems with the city attorney, and negotiations are caught on this similar issue. Staff will monitor this closely to ensure Milwaukie is not getting less than other communities.

It was moved by Councilor Stone and seconded by Councilor Barnes for the first and second reading by title only and for adoption of an ordinance authorizing the city manager to sign an agreement between the City and Electric Lightwave, Inc. extending the current franchise agreement. Motion passed unanimously. The city manager read the ordinance twice by title only.

The city recorder polled the Council: Mayor Bernard, Councilor Barnes, Councilor Lancaster, Councilor Loomis, and Councilor Stone aye; no nays; no abstentions.

III. A. 16

ORDINANCE NO. 1919:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF MILWAUKIE AND ELECTRIC LIGHTWAVE, INC. TO EXTEND THE CURRENT NON-EXCLUSIVE FRANCHISE AGREEMENT.

Amend Municipal Code Chapter 13 Relating to Water System Cross Connections and Backflow Devices – Ordinance

Shirey provided the staff report in which the City Council was requested to adopt an ordinance amending the municipal code section relating to cross-connections and backflow devices. Installation of these devices is required to protect the City's drinking water. Backflow devices prevent contamination when there is a cross connection, or link, between systems that provide potable water and water for things like fire suppression and boilers. The proposed ordinance represents the City's interest in being compliant with the most current cross connection regulations. The City will be working with businesses on required annual inspections. Property owners are responsible for having inspections done, and the City's role is to have an enforcement program in place to ensure they are done.

It was moved by Councilor Stone and seconded by Mayor Bernard for the first and second reading by title only and for adoption of an ordinance amending Municipal Code Chapter 13.08.010 to update and expand the City's regulations relating to cross connection and backflow devices. Motion passed unanimously. The city manager read the ordinance twice by title only.

The city recorder polled the Council: Mayor Bernard, Councilor Barnes, Councilor Lancaster, Councilor Loomis, and Councilor Stone aye; no nays; no abstentions.

ORDINANCE NO. 1920

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE SECTION 13.08.010 TO MAINTAIN THE HIGH QUALITY OF THE CITY'S DRINKING WATER SUPPLY THROUGH UPDATED CROSS CONNECTION CONTROL.

Set Economic Improvement District Base Rate -- Resolution

Swanson provided the staff report in which the City Council was requested to consider a resolution setting the base rate for the Economic Improvement District (EID) assessment. The intent of the assessment is to create a program for promoting the downtown through the Milwaukie Downtown Development Association (MDDA). Each year the city manager or designee prepares an assessment roll and a base rate is recommended that results in a total assessment that does not exceed \$24,000.

The proposed resolution sets that rate in order to raise \$24,000. He understands, however, there is interest on the part of a majority of the MDDA membership in not continuing to exert that particular role. The city attorney suggested adopting a base rate of \$0 that would result in a collection of \$0.

Ramis said the code actually specifies the rate will be suggested by the city manager and that the Council will adopt that rate or an alternative rate. The code does call upon the Council to take some action, and the alternative rate could be zero.

Mayor Bernard removed himself from consideration of this resolution as a property owner within the EID.

Council President Lancaster took over as presiding officer.

It was moved by **Councilor Stone** and seconded by **Councilor Loomis** to adopt a resolution establishing the economic improvement district base rate as \$0.

Council President Lancaster said the Council has been considering phasing out this process for several years in favor of creating a Milwaukie Development Commission. Councilor Barnes has expressed a great deal of interest in breathing life into that new entity. Milwaukie's economic situation is impeding activity, but the City is still moving toward that.

Motion passed 4 – 0.

RESOLUTION NO. 15-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON RECOMMENDING THE DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT ASSESSMENT BASE RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2002 AND CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION.

Compensation for Those Called to Active Military Duty

Rowe presented the staff report in which the City Council was requested to adopt an administrative rule that provides for continued compensation for those called to active military duty. She noted Milwaukie received an award from the National Committee on Employer support of the Guard and Reserves which was based largely on the fact that Milwaukie ensures those called to active duty for an extended period of time receive pay equivalent to what they normally earn while working for the City. The policy was for a term of 1 year, so it is now expired. She requested the City Council essentially re-adopt the administrative policy that would grant this differential pay for those called to active military duty as a result of a war or state or national emergency. The cost impact is

difficult to establish. At this point in time, 2 Milwaukie employees are active in the reserves, and military pay depends on the assignment.

Councilor Loomis asked if this has come up in the past and what the cost was.

Rowe said it did occur once after September 11, and the cost was nominal. She believes it was less than \$400.

Councilor Stone understands the military does provide some wage, and Milwaukie is simply making up the difference. In essence, the City is paying less for the employee to be in active duty than if the employee were actively working for the City.

Councilor Loomis asked if someone is hired to take the person's place.

Rowe said that has not been done in the past. If it were for an extended period of time, the City would probably hire someone on a temporary basis, but by law the City could not displace the person on military duty with another regular status employee. As a rule, other employees have absorbed the workload.

Councilor Loomis how many people are employed by the City.

Rowe believes next year's budget calls for 119 or 120 employees.

Swanson added that when the original policy was written, staff believed it should only be in effect for a 1-year period. He recognized the balance between doing what it takes to support the nation and carrying out the services citizens expect. This policy is for a limited time, and he recommended continuing that practice.

Mayor Bernard asked if this type of policy is common.

Rowe knows of several cities and counties that enacted this type of policy after September 11.

Councilor Barnes commented North Clackamas School District has a similar policy.

Councilor Loomis asked if the City would keep up the PERS payment.

Rowe said PERS is paid on a percentage of salary, so the amount of the payment would be less.

It was moved by Councilor Barnes and seconded by Councilor Lancaster to adopt the administrative procedure relating to compensation for those called to active military duty.

Councilor Loomis is supportive of the troops but is struggling with the policy. Being new to Council and the Budget Committee, he sees the cuts made necessary by a very

Staff proposes that Milwaukie submit 2 grant applications. The first is a request for \$35,000 for an economic development implementation program that would be a series of strategies to address land use issues and capacity building. The other \$35,000 request to help fund the 21st Avenue access road extension as part of the North Main Street Project. The match would be in-kind staff assistance, some cash the City has set aside for economic development, and a transportation study.

Mayor Bernard said he received a call from a party in the Omark Industrial Park that wanted to move in an inappropriate business. This is Milwaukie's job base and industrial area. He felt it was the City's responsibility to help bring in the right people, and this is an effort in that direction. Property owners may need some help from an economic development committee to keep buildings vacant until the appropriate business comes along.

King said the private sector would be engaged through surveys, technical assistance, and helping craft ideas and policies.

Councilor Lancaster asked how long these grants have been available.

King said for about 8 years. The City did receive a grant for a market study for the Safeway project. Staff is concerned, however, about availability of funds in the next biennium. He feels both applications are strong because they focus on economic development.

Councilor Barnes asked how Milwaukie is being marketed. Is there something in writing now or are we looking at ways to come up with new wording and ideas.

King said there is really nothing right now. He wants to create a professional piece as well as establish an Internet presence.

Councilor Barnes would like the Council to consider putting together some kind of economic development expertise commission from lay people in the community who have experience in areas such as printing, web design, and communications. She would like this done in advance, so the City can move quickly if funds are granted.

Councilor Lancaster said the only thing he would add is his preference for those who have a broad scope in terms of bringing in people who are willing to invest in those interested in development in Milwaukie vs. the mechanics of the promotion.

It was moved by Councilor Loomis and seconded by Councilor Stone/Councilor Barnes to authorize the Mayor to sign a letter of support for 2 Regional Investment Fund applications to the Mt. Hood Economic Alliance. Motion passed unanimously.

III. A. 20

Letters of Support for MTIP Projects

King presented the staff report in which the Council was asked to authorize the mayor to sign a letter supporting Metropolitan Transportation Improvement Projects (MTIP). The City of Milwaukie submitted the Lake Road Multi-Modal Plan, and it has made the 150% cut list. Metro is accepting public comment through May 16 via phone, fax, e-mail, writing, and testimony at various open houses. In addition to the Lake Road project, King outlined other projects that have made the cut list, which staff feels complement or are beneficial to Milwaukie's transportation efforts.

Mayor Bernard understands some projects were added, and the cut list is about 180%.

Councilor Lancaster asked King if he thought that the number of people writing or calling would make a difference.

King said absolutely yes. Metro goes through a qualitative process with technical scoring in the first round. At this cut off point, all are good projects, but funding is limited. Milwaukie is up against Portland projects that can generate, at least in volume, a lot more support.

Mayor Bernard and **Councilor Stone** encouraged staff to put the contact information on the City's website.

King is working with the City's Webmaster on this, and information will be included in *The Pilot*. He verbally provided the contact phone and fax numbers and addresses. He encouraged people to attend the Metro open house in Oregon City on April 21.

Mayor Bernard said the Lake Road Multi-Modal Plan was adopted in 1997, and some residents have never seen it or have forgotten it. He suggested King make a presentation at a Council work session.

Councilor Stone participated in the development of the Lake Road Multi-Modal Plan and agreed it has been some time. She suggested using cable access to post the MTIP contact information in addition to the website.

King said the deadline for comment is May 16 at 5 p.m. He attended last week's Lake Road Neighborhood District Association meeting and provided sample letters, post cards, and contact numbers. He explained this project does not add lanes and is mostly concerned with safety, connection to downtown, and opening up multi-modal opportunities on Lake Road. All of these are important factors and talking points that can be highlighted in the public comments.

Rouyer added King has contacted the School District, Clackamas ESD, Chamber of Commerce, and Historic Milwaukie and Lake Road neighborhood associations. The technical ranking is done, so now it is a political process. Only \$41 million are available

for these projects, and it is important for Milwaukie to stand out. The City's request is for \$1.6 million for preliminary engineering and right-of-way acquisition. She encouraged as many Council members to attend as possible because it would show a lot of support on the part of Milwaukie's elected officials.

Councilor Stone asked the scope of the project and where it is exactly on Lake Road.

King said the length of the project is Lake Road from Hwy 224 to 21st Avenue.

It was moved by **Councilor Stone** and seconded by **Councilor Lancaster** to authorize the Mayor to sign letters of support for Metro Transportation Improvement Projects. Motion passed unanimously.

Other Items

King announced the Safeway Building Demolition Ceremony on May 2 and added both phases will be done at once because the bid was lower than anticipated.

Mayor Bernard discussed the increase of identify theft and suggested someone from the Police Department talk to the City Council about how to protect themselves.

Councilor Loomis has heard that Ed Zumwalt if doing better and encouraged people to drop off cards at the library while checking out lots of books.

Adjournment

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

Mayor Bernard adjourned the meeting at 7:22 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

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

From: Jeffrey King, Project Manager

Subject: Fiscal Year 2004 Fee Resolution

Date: May 6, 2003, City Council Meeting

Action Requested

Adopt the attached Resolution increasing City fees including:

A. Community Development Fees

- Building
- Planning
- Billable Rate

B. Ledding Library

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.

A. Community Development

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 \$51,000 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

III. B. 2

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.

The City has recently terminated its contract with an outside contract Building Official and hired a full-time Building Official. Building Department staff also includes a full-time Permit Specialist and a part-time Plumbing Inspector. A registered third-party firm is employed to perform inspections during vacations, training days, etc.

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 \$10,000 for FY 02/03. 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.
- The Department does not have fees for phased permits and deferred submittals, as required in OAR 918-Division 50, Tri-County Administration.

RECOMMENDATIONS:

It is staff's recommendation that, effective July 1, 2003, the following fee increases and new fees be adopted:

- a) Building permit fees to be increased across the board by 20%, with a minimum fee of \$60.00. An additional 3% adjustment for inflation to be instituted effective July 1, 2004.
- b) All items identified in the current Fee Schedule under Section III-H, Miscellaneous Building Valuation, to be increased by 3%, with an additional 3% adjustment for inflation effective July 1, 2004.

Miscellaneous Building Valuations

	<u>Current</u> FY02-03	<u>Proposed</u> FY03-04
1. Retaining Walls		
To 8 ft. high, including footing	\$240.00	<u>\$247.00</u> /lin. ft.
Over 8 ft. high	\$260.00	<u>\$268.00</u> /lin. ft.
2. Fences		
Over 6 ft. to 8 ft. high	\$14.00	<u>\$14.50</u> /lin. ft.
3. Concrete Slabs on Grade Foundations —For house moves, modular buildings, pole buildings, etc.		
Plain concrete:		
4-in. slab	\$2.75	<u>\$2.85</u> /sq. ft.
5-in. slab	\$2.85	<u>\$2.94</u> /sq. ft.
6-in. slab	\$3.00	<u>\$3.10</u> /sq. ft.
Reinforced concrete	Add \$4.00	<u>\$1.05</u> /sq. ft.
4. Crawl Space Foundations		
For house moves, modular, etc.	\$7.15	<u>\$7.35</u> /sq. ft.
5. Accessory Buildings		
With floor slab	\$52.00	<u>\$53.50</u> /sq. ft.
Without floor slab	\$26.00	<u>\$26.80</u> /sq. ft.
6. Pole Buildings		
Up to and including 14-ft. eave height	\$30.00	<u>\$31.00</u> /sq. ft.
Over 14-ft. eave height	\$40.00	<u>\$42.00</u> /sq. ft.
For insulation:		
Roof—add	\$.30	<u>\$.32</u> /sq. ft.
Slab—add	\$.30	<u>\$.32</u> /sq. ft.
Wall—add	\$.30	<u>\$.32</u> /sq. ft.
For slabs on grade		see Section III.H.3 for fees

III. B. 4

7. Swimming Pools (pool only/deck extra)

Concrete or gunite

~~\$65.00~~ \$67.00/sq. ft.

Plastic below ground

~~\$40.00~~ \$41.00/sq. ft.

- c) A new "phased permit" fee for commercial projects to be adopted, in the amount of \$250.00 plus 10% of the total project building permit fee, not to exceed \$1,500, for each phase, with a minimum fee of \$300.00 (OAR 918-050-0160). A "phased permit" is used when a building is not fully approved or designed but allows an applicant to construct the foundation only.
- d) A new "deferred submittal" fee for commercial projects to be adopted, in the amount of \$250.00 plus 10% of the permit fee for each deferred submittal, with a minimum fee of \$300.00. This fee is in addition to the project plan review fee (OAR 918-050-0170). A deferred submittal permit is given when small elements of a building are not fully designed but the main structure has been designed. This enables an applicant to begin construction of a building while smaller elements like fire sprinklers and fire alarms design is completed. Often used in design-build contracts.
- e) Plumbing and mechanical fees to be maintained at the current levels, with a 3% increase for inflation effective July 1, 2004

2. Planning Department Fees & Charges

A. New Fees

New fees are needed to cover the cost of land use applications created as part of recent zoning code improvements. In addition, staff is proposing a new application reserve fee to help ensure cost recovery of certain types of applications that are reviewed by staff but which may be referred to the Planning Commission. The reserve fee will be used to cover expenses of case preparation and conducting the public hearing. The unused portion of the fee will be returned to the applicant at the close of the application process. Unused portions of the reserve fee less than \$25.00 will not be returned due to City's cost of issuing the refund. New fees include the following:

i.) Technical Report Review.

In September 2001, the City Council adopted the "at-cost" fee for third party review of required traffic studies. The fees is used to compensate consultants hired by the city to assist project review. This fee is a model for review of all technical reports including wetlands evaluations and stormwater drainage studies that are typically needed for review of land use applications. Staff proposes

that this fee be expanded to cover the review of all technical reports.

ii) Partition and Subdivision Replat.

Partition Replat Base Fee.	\$500.
Partition Replat Reserve Deposit	\$500
Subdivision Replat Base Fee	\$500
Subdivision Replat Reserve Deposit	\$1,000

A "replat" means proposed changes to an approved partition or subdivision. The application process, whether by staff or Planning Commission is based upon the nature of the request. Staff may approve minor changes. The Planning Commission reviews proposed modifications that have possible neighborhood or technical issues.

iii.) Lot Consolidation

Lot Consolidation Base Fee	\$250
Lot Consolidation Reserve Deposit	\$250

Lot consolidation involves combining lots by vacating common lot property boundaries. This is an infrequently used application and is typically decided by staff.

iv.) Water Quality Resource Review

Water Quality Resource Review Base Fee	\$750
Water Quality Resource, Reserve Deposit	\$750

The Water Quality Resource Review application replaced the former Natural Resource application, which had a \$1,430 fee. The base fee has been reduced in response to increased administrative review under the new regulations.

v.) Standard Pre-application Conference Fee \$75

An important service provided by the City's Development Review Team is the pre-application conference. Persons seeking assistance with development questions may schedule a one-hour meeting with staff of the Planning, Building, Engineering, and Fire departments. The meeting is an effective way for the City to provide development assistance, which benefits the applicant by identifying information about the development review process and technical requirements. These conferences are currently offered to customers free of charge. With the City's increasing need to recover costs for General Fund services, this nominal fee is now being proposed by staff.

III. B. 6

The maximum annual return from the fee is approximately \$7,800 based on three pre-application conferences per week. Estimated return is \$2,500 to \$3,000 per year based on recent pre-application conference activity.

Staff recommends that the fee be non-refundable due to the cost of returning refunds.

- vi.) Transportation Plan Review Pre-application Conference \$150

The city's transportation regulations require that a pre-application conference be conducted for all development projects that require a traffic impact study. These conferences typically involve the Planning and Engineer Directors and staff in Planning and Engineering, and may include traffic consultants invited on behalf of the City. The fee covers staff time for preparation, meeting attendance, and follow-up to the conference.

- vii.) Transportation Plan Review (TPR) Adjustment or Exception

The City's new transportation regulations allow adjustments and exceptions to street width, sidewalks, and planter strips among other design features in accordance with approval criteria. The review process follows the Type II administrative review, which is decided by staff with an option for a public hearing. An application fee is needed to cover the administration of requests for adjustment and exception. The following fees are proposed.

TPR Adjustment/ Exception Base Fee (Nonrefundable)	\$750
TPR Reserve Deposit	\$750

- viii.) Zoning Ordinance Amendment Measure 56 Notice

State law requires that the City provided notice to all affected property owners when there is a zoning change that affects the use of their property. Milwaukie has conducted a number of these notices, one of which was mailed to all property owners citywide. The cost of the notice was several thousand dollars.

Staff recommends that the City Council adopt a fee that requires applicants of zoning amendments, (either text or zoning map) to cover the actual cost of the required Measure 56 notice.

The cost of time and material will be charged against the reserve deposit.

Measure 56 Notice Fee	Actual Cost
Measure 56 Reserve Deposit	\$1.00 per affected property
	\$35 minimum

B. Fee Increases

The following increases are proposed in an attempt to improve cost recovery.

i). Minor Quasi-Judicial Application Review

Existing \$1,430
Proposed \$1,500

Typically, applications that require review by the Planning Commission follow the minor quasi-judicial process. These applications involve considerable technical and administrative costs including multi-departmental review, neighborhood notice, and legal review. Based on a recent estimate of city costs, staff believes average cost to be slightly higher than the existing fee. The affected applications are shown below.

<i>Community Service Overlay</i>	<i>Minor Alteration Review</i>
<i>Community Shopping Commercial</i>	<i>Mixed Use Overlay</i>
<i>Conditional Use</i>	<i>Nonconforming</i>
<i>Use/Structure</i>	
<i>Use Exception</i>	<i>Transition Area Review</i>
<i>Historic Resource Alteration</i>	<i>Sign Variance</i>
<i>Willamette Greenway Review</i>	

ii) Variance, Administrative Review

Existing \$800
Proposed Base Fee, \$800; Reserve Deposit, \$500

Administrative review applicants have an option to go to public hearings. The present fee does not cover the cost of case preparation, legal assistance, and conducting the public hearing. Variance applications have a high likelihood of requiring a public hearing due to neighbor concerns. Staff believes the fee increase is warranted to improve cost recovery.

iii) Building Permit Review, Short

Existing \$15
Proposed \$25

Staff is increasingly spending more time on minor permit applications with increased efforts to ensure accurate and complete permit applications. This includes checking permits before they are submitted to ensure that only permits that can be approved are accepted by the Building Department. In addition, to ensure improved departmental coordination, Planners now track dates, applicant communications and status of permits. The proposed fee

III. B. 8

increase helps cover the cost of improved administration and interdepartmental coordination.

iv.) Materials

The following increases are proposed to better recover costs for publications.

<u>Publication</u>	<u>Existing</u>	<u>Proposed</u>
Comprehensive Plan & Zoning Ordinance	\$7.00	\$15.00
Ardenwald Park Master Plan	40 cents	\$2.00
Elk Rock Island Natural Area Management Plan	\$2.05	\$7.50
Furnberg Park Master Plan	\$1.40	\$5.00
Johnson Creek Resources Management Plan	\$11.00	\$15.00
Lake Road Multimodal Plan	\$2.70	\$7.50
North Clackamas Public Facilities Plan	\$16.30	\$35.00
Regional Center Master Plan	\$10.00	\$15.00
Scott Park Master Plan	55 cents	\$2.00
Springwater Corridor Master Plan	\$4.20	\$7.50
Transportation System Plan, unbound	\$13.00	\$15.00
Water Tower Park Master Plan	55 cents	\$2.00
Wichita Park Master Plan	40 cents	\$2.00
Sign Ordinance	\$1.50	\$5.00
Land Division Ordinance	\$1.90	\$5.00
Downtown and Riverfront Public Area Requirements	\$8.00	\$15.00
Transportation Design Manual	\$2.50	\$5.00

C. Deletions

The following fees have been deleted; explanations are provided.

- i). Natural Resource Overlay. Replaced by the new Water Quality Resource application fee.
- ii). Major Partition Plat. This application-type was deleted from the Land Division Ordinance.
- iii). Transportation Impact Study Review. Replaced by the proposed "Technical Report Review" fee.
- iv). Sign Permit Review, Major. Based on sign permit review history staff believes this fee is not warranted. The "minor" review fee is adequate to cover all permit reviews.

3. Billable Rates

These rates define the amount billed to a customer for services requested of Community Development Staff positions. The rates reflects cost recovery (the actual cost) for providing the service. They are thus revenue neutral. The billable rate is arrived at by calculated the position classification salary rate for next year plus 55% for benefits and overhead. They are then rounded to the nearest 50 cents. Using this methodology, one will notice that all proposed billable rates are lower than current billable rates. These proposed rates are more equitable and better reflect true costs. The rates are provided as a written list so that customers know in advance what the cost of labor will be. It also creates a written standard for the year which will ensure consistency. It also eliminates the need to ask the City Finance department to calculate a rate each time a request is made or a new employee is hired. The proposed billable rates for each position are as follows:

Position	Current	Proposed
Community Development and Public Works Administration:		
Community Development/Public Works Director	\$95	\$60
Project Manager	\$65	\$40
Office Supervisor	\$45	\$45
Office Assistant	\$45	\$30
Engineering:		
Engineering Director.....	\$90	\$55
Civil Engineer	\$70	\$45
Associate Engineer.....	\$60	\$40
(Delete)Civil Engineer Inspector.....	\$65	
Planning:		
Planning Director.....	\$90	\$55
Associate Planner.....	\$65	\$40
Assistant Planner.....	\$55	\$55
(Delete)Senior Planner.....	\$70	
Building:		
Building Official.....	\$75	\$50
Building Inspector.....	\$65	\$40
Permit Specialist.....	\$50	\$30
Fleet and Facilities:		
Fleet/Facilities Manager	\$75	\$45
Mechanic.....	\$60	\$35
Facility Maintenance Worker	\$45	\$35
Public Works Operations:		
Operations Supervisor.....	\$70	\$45
Utility Specialist	\$55	\$35

III. B. 10.

Utility Worker II	\$55	\$35
Utility Worker I	\$45	\$30
Code Compliance:		
Code Compliance Coordinator	\$50	\$35
(New) Code Compliance Assistant		\$30

B. Ledding Library

- **Overdue Fines on Library Materials**

This is a fine that is levied against library patrons for not returning circulating materials on or before the due dates. Fines have not been increased since 1991. Most members of the library network (LINCC) have expressed the need to increase this fee in order to keep pace with costs. In addition, the Milwaukie Budget Committee has requested that overdue fines be considered for future increases. The majority of library fines collected are less than the maximum amount. Increasing the daily fee by 150% should at least double the amount collected and help improve self-sufficiency. This fee structure has been recommended by the Clackamas County Public Library Directors Committee.

Existing Fee: 10 cents/day with a maximum of \$1 for children's books; 10 cents/day with a maximum of \$3 for all other materials.

Proposed Fee: 25 cents/day with a maximum of \$3 for all materials.

Concurrence

Staff consulted with the Planning, Building, Human Resources and Library Departments in setting the proposed fees.

Fiscal Impacts

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

Attachments

- Attachments: A. Fees & Charges –Current & Proposed (Strikeout version)
B. Resolution with "Fees & Charges" proposed FY04

ATTACHMENT A
Proposed Fee Changes
Existing FY03, Proposed FY04



CITY HALL
10722 SE Main
MILWAUKIE, OREGON 97222

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

Fees & Charges -DRAFT-

Adopted _____—Resolution # _____ (except as noted)
Effective July 1, 2003

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	\$1,430 \$1,500
Community Service Overlay—Wireless Communication Facility (Type II) (adopted 11/19/02/Effective 12/19/02—Res. #27-2002)	\$750
Community Shopping Commercial	\$1,430 \$1,500
Comprehensive Plan/Map Amendment	\$3,210
Conditional Use	\$1,430 \$1,500
Exception, Use	\$1,430 \$1,500
Expedited Land Division	\$4,125
Extension of Planning Commission Approval	\$40
Historic Resource Alteration (Minor Quasi-Judicial)	\$1,430 \$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
Major Land Partition	\$2,090
Minor Alteration Review	\$1,430 \$1,500
Minor Land Partition:	\$1,430
• Base fee (nonrefundable)	\$750
• Reserve deposit	\$1,000
Mixed Use Overlay Review	\$1,430 \$1,500
Natural Resource Review	\$1,430
Nonconforming Use/Structure (Minor Quasi-Judicial)	\$1,430 \$1,500
Nonconforming Use/Structure (Type II)	\$800
Partition (Final Plat)	\$75 \$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 (adopted 11/19/02/Effective 12/19/02—Res. #27-2002)	\$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	\$1,000
Temporary Structure (Type I)	\$50
Temporary Structure (Minor Quasi-Judicial)	\$1,010
Transition Area Plan Review	\$1,430 \$1,500
Transportation Impact Study Review:	
• Fee	Actual Cost of Review
• Deposit	\$1,000
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
Variance (Minor Quasi-Judicial)	\$1,430 \$1,500
Variance (Type II):.....	\$800
• Base fee (nonrefundable)	\$800
• Reserve deposit	\$700
Variance (Sign).....	\$1,430 \$1,500
Variance (Subdivision).....	\$2,080

Water Quality Resource:

• Base fee (nonrefundable)	\$750
• Reserve deposit	\$750
Willamette Greenway Review	\$1,430 \$1,500
Wireless Communication Facility Review (adopted 11/19/02/Effective 12/19/02—Res. #27-2002):	
• 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)	\$15 \$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 (Major).....	\$205
Sign Permit Review (Minor)	\$95

Materials:

Comprehensive Plan or Zoning Ordinance:	\$15
• Unbound	\$7
• Bound	\$15
Comprehensive Plan or Zoning Ordinance Map:	
• 11x17 Xerox handout:	
• Black and white.....	No charge
• Color	\$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 (8 impressions @ \$.05)	\$4.00 \$2
• Downtown and Riverfront Land Use Framework Plan	\$15
• Elk Rock Island Natural Area Management Plan (41 impressions @ \$.05)	\$2.05 \$7.50
• Furnberg Park Master Plan (28 impressions @ \$.05)	\$1.40 \$5
• Johnson Creek Resources Management Plan (printed by consultants)	\$11 \$15
(Executive Summary from City of Portland also available)	
• Lake Road Multimodal Plan (54 impressions @ \$.05).....	\$2.70 \$7.50
• North Clackamas PFP (326 impressions @ \$.05).....	\$16.30 \$25
• Regional Center Master Plan (printed at LazerQuick)	\$10 \$15
• Scott Park Master Plan (11 impressions @ \$.05).....	\$5.55 \$2
• Springwater Corridor Master Plan (84 impressions @ \$.05).....	\$4.20 \$7.50
• Transportation System Plan:.....	\$15
• Unbound	\$13
• Bound	\$15

III. B. 14 & Charges _____/Effective July 1, 2003—Resolution # _____ (except as noted)

• Water Tower Park Master Plan (11 impressions @ \$.05)	\$.55	\$2
• Wichita Park Master Plan (8 impressions @ \$.05)	\$.40	\$2
• Vision Statement (one page)		No charge
Sign Ordinance (30 impressions @ \$.05)	\$1.50	\$5
Subdivision Land Division Ordinance (38 impressions @ \$.05)	\$1.90	\$5
Downtown and Riverfront Public Area Requirements	\$8	\$15
Transportation Design Manual (at cost)	\$2.50	\$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	\$12.00 \$14.40
\$501-\$2,000	\$12.00 \$14.40 plus \$1.85 \$2.22 per \$C to \$2K
\$2,001-\$25,000	\$39.75 \$47.70 plus \$7.40 \$8.88 per \$K over \$2K to \$25K
\$25,001-\$50,000	\$210.00 \$251.94 plus \$5.50 \$6.60 per \$K over \$25K to \$50K
\$50,001-\$100,000	\$347.50 \$416.94 plus \$3.70 \$4.44 per \$K over \$50K to \$100K
\$100,001 and up.....	\$532.50 \$638.94 plus \$3.10 \$3.75 per \$K over \$100K
Minimum permit fee.....	\$50.00 \$60.00

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

3. Plan Review Fees Required/Requested by Changes, Additions, Revisions ~~\$60.00~~ **\$65.00**/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

1. HVAC

For the installation of:

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

2. Environmental Exhaust and Ventilation

For the installation of:

a. Appliance vent	\$13.75
b. Dryer exhaust.....	\$11.00
c. Each hood that is served by a mechanical exhaust or air conditioning.....	\$9.00
d. Exhaust system with single duct (bath fan) each.....	\$7.50
e. Exhaust system apart from heating or air conditioning.....	\$11.00

3. Fuel Piping and Distribution

a. LPG-NG-Oil fuel piping:	
Up to 4 outlets (includes gas tag).....	\$20.00
Each additional outlet over 4	\$1.50

III. B. 16 & Charges _____/Effective July 1, 2003—Resolution # _____ (except as noted)

4. Other Listed Application or Equipment

- a. Decorative fireplace or insert \$33.00
- b. Woodstove/pellet stove..... \$45.00
- 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

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
- 2,001 sq. ft. to 3,600 sq. ft. \$130.00
- 3,601 sq. ft. to 7,200 sq. ft. \$164.00
- \$7,201 sq. ft. and greater \$304.00

C. Plumbing Permits—Fees per current Plumbing Permit application

1. Total Bathrooms Per Dwelling

- 1 bath dwelling (includes 1 kitchen)..... \$325.00
 - 2 bath dwelling (includes 1 kitchen)..... \$360.00
 - 3 bath dwelling (includes 1 kitchen)..... \$430.00
 - Additional bathroom/kitchen \$170.00
- 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/fixture

3. Building Sewer Connection \$55.00

4. Multipurpose or Continuous Loop Fire Suppression Systems

- 0 sq. ft. to 2,000 sq. ft. \$87.50
- 2,001 sq. ft. to 3,600 sq. ft. \$130.00
- 3,601 sq. ft. to 7,200 sq. ft. \$164.00
- \$7,201 sq. ft. and greater \$200.00

5. Minimum permit fee..... \$50.00

D. Other Inspections and Fees

1. Inspections outside of normal business hours..... ~~\$90.00~~ **\$95.00/hr. (min. charge 2 hrs.)
(Must be preapproved by applicant)**

2. Inspections for which no fee is specifically indicated..... ~~\$60.00~~ **\$65.00/hr.
(Must be preapproved by applicant)**

3. Reinspection fee..... ~~\$50.00~~ **\$55.00/hr.**

4. Replacement sheets ~~\$20.00~~ **\$22.00/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**\$378.20 **\$430.00**
- 2. **Earthquake-resistant bracing**\$110.00 **\$130.00**
- 3. **Reinspection**.....\$110.00 **\$130.00**
- 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\$12.00 **\$14.40**
 - \$501-\$2,000\$12.00 **\$14.40** plus \$1.85 **\$2.22** per \$C to \$2K
 - \$2,001-\$25,000\$39.75 **\$47.70** plus \$7.40 **\$8.88** per \$K over \$2K to \$25K
 - \$25,001-\$50,000\$240.00 **\$251.94** plus \$5.50 **\$6.60** per \$K over \$25K to \$50K
 - \$50,001-\$100,000\$347.50 **\$416.94** plus \$3.70 **\$4.44** per \$K over \$50K to \$100K
 - \$100,001 and up.....\$532.50 **\$638.94** plus \$3.40 **\$3.75** per \$K over \$100K
 - Minimum permit fee.....\$50.00 **\$60.00**
- 2. **Initial Plan Review Fees** 65% of the permit fee
- 3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions** \$60.00 **\$65.00**/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
 - \$5,001 to \$10,000..... \$50.00 plus \$1.66 per \$C over \$5K
 - \$10,001 to \$100,000.....\$133.00 plus \$10.20 per \$K over \$10K
 - \$100,001 and up.....\$1,051.00 plus \$7.00 per \$K over \$100K
 - Minimum permit fee..... \$50.00
- 2. **Plan review fee** 25% of mechanical permit fee
- 3. **Plan Review Fees Required/Requested by Changes, Additions, Revisions** \$60.00 **\$65.00**/hr. (min. charge 1 hr.)

III. B. 18 charges _____/Effective July 1, 2003—Resolution # _____ (except as noted)

C. Plumbing Permits

- 1. Each fixture..... \$16.25
- 2. Utilities per 100 feet..... \$60.00
 - a. Catch basin \$26.00
 - b. Drywells each \$26.00
 - c. Footing drain (per 100 lin. ft.)..... \$52.00
 - d. Rain drain connector..... \$26.00
 - e. Manholes each..... \$52.00
- 3. Piping (per 100 lin. ft.)..... \$60.00
- 4. Building Sewers (per 100 lin. ft.) \$60.00
- 5. Initial Plan Review Fees 30% of the Plumbing permit fees
- 6. Plan Review Fees Required/requested by Changes, Additions, or Revisions ~~\$60.00~~ **\$65.00**/hr. for commercial
- 7. Minimum permit fee..... \$50.00
- 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	\$50.00
\$5,001-\$10,000	\$50.00 plus \$1.66 per \$C over \$5K	
\$10,001-\$100,000	\$133.00 plus \$10.20 per \$K over \$10K	
\$100,001 and up.....	\$1,051.00 plus \$7.00 per \$K over \$100K	
Minimum permit fee.....		\$50.00

D. Other Inspections and Fees

- 1. Inspections outside of normal business hours..... ~~\$90.00~~ **\$95.00**/hr. (min. charge 2 hrs.)
(Must be preapproved by applicant)
- 2. Inspections for which no fee is specifically indicated..... ~~\$60.00~~ **\$65.00**/hr.
(Must be preapproved by applicant)
- 3. Reinspection fee..... ~~\$50.00~~ **\$55.00**/hr.
- 4. Replacement sheets..... ~~\$20.00~~ **\$22.00**/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 23-2002, adopted by the City Council on September 17, 2002 (effective October 1, 2002) 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	\$60.00	\$75.00
Each additional 1,000 sq. ft.	\$30.00	\$35.00
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 ParksPer current State of Oregon permit fee (OAR.Division 650.Table 1) plus 30%

G. Recreational Parks and Organizational CampsPer 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.....	\$240.00	\$247.00 /lin. ft.
Over 8 ft. high.....	\$260.00	\$268.00 /lin. ft.

2. Fences

Over 6 ft. to 8 ft. high.....	\$14.00	\$14.50 /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.....	\$2.75	\$2.85 /sq. ft.
5-in. slab.....	\$2.85	\$2.94 /sq. ft.
6-in. slab.....	\$3.00	\$3.10 /sq. ft.
Reinforced concrete	Add \$1.00	\$1.05 /sq. ft.

4. Crawl Space Foundations

For house moves, modular, etc.	\$7.15	\$7.35 /sq. ft.
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5. Accessory Buildings

With floor slab	\$52.00	\$53.50 /sq. ft.
Without floor slab	\$26.00	\$26.80 /sq. ft.

6. Pole Buildings

Up to and including 14-ft. eave height	\$30.00	\$31.00 /sq. ft.
Over 14-ft. eave height.....	\$40.00	\$42.00 /sq. ft.
For insulation:		
Roof—add.....	\$.30	\$.32 /sq. ft.
Slab—add	\$.30	\$.32 /sq. ft.
Wall—add	\$.30	\$.32 /sq. ft.
For slabs on grade.....	see Section III.H.3 for fees	

7. Swimming Pools (pool only/deck extra)

Concrete or gunite	\$65.00	\$67.00 /sq. ft.
Plastic below ground	\$40.00	\$41.00 /sq. ft.

III. B. 20 Charges _____/Effective July 1, 2003—Resolution # _____ (except as noted)

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	\$25.00 \$30.00
101 to 1,000 cubic yards	\$35.00 \$40.00
1,001 to 10,000 cubic yards	\$55.00 \$60.00
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	\$25.00 \$30.00
101 to 1,000 cubic yards	\$35.00 \$40.00
1,001 to 10,000 cubic yards	\$55.00 \$60.00
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 ~~\$65.00~~ **\$70.00/hr.** (min. charge 2 hrs.)
2. Reinspection fee..... ~~\$65.00~~ **\$70.00/hr.**
3. Inspections for which no fee is specifically indicated..... ~~\$65.00~~ **\$70.00/hr.**

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 (Comml./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
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Rate if certified in erosion control***	\$225
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Clearing/Construction for Multifamily Residential	\$490
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Rate if certified in erosion control***	\$335
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(additional \$40 per 1/2 acre over 1 acre)

Clearing/Construction for Subdivision/Commercial/Industrial	\$623
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Rate if certified in erosion control***	\$467
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(additional \$40 per 1/2 acre over 1 acre)

Additional Site Visit (due to code enforcement).....	\$65
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**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

III. B. 24 charges _____/Effective July 1, 2003—Resolution # _____ (except as noted)

LIBRARY FEES & CHARGES

Charges:

Microfilm Copies.....\$0.10

Fines:

Overdue Fine <u>(all materials)</u>	\$0.10 \$0.25/day (\$3 max.)
Overdue Fine—Children's materials	\$0.10/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

LABOR BILLABLE RATES

Community Development and Public Works Administration:

Community Development/Public Works Director	\$95	<u>\$60</u>
Program Services Coordinator Project Manager	\$65	<u>\$40</u>
Staff Assistant Office Supervisor		\$45
Office Assistant	\$45	<u>\$30</u>

Engineering:

City Engineer Engineering Director	\$90	<u>\$55</u>
Civil Engineer	\$70	<u>\$45</u>
Associate Engineer	\$60	<u>\$40</u>
Civil Engineer Inspector		\$65

Planning:

Planning Director	\$90	<u>\$55</u>
Associate Planner	\$65	<u>\$40</u>
Assistant Planner		\$55
Senior Planner		\$70

Building:

Building Official	\$75	<u>\$50</u>
Building Inspector	\$65	<u>\$40</u>
Permit Technician Specialist	\$50	<u>\$30</u>

Fleet and Facilities:

Fleet/Facilities Manager	\$75	<u>\$45</u>
Mechanic	\$60	<u>\$35</u>
Facility Maintenance Worker	\$45	<u>\$35</u>

Public Works Operations:

Operations Supervisor	\$70	<u>\$45</u>
Utility Specialist	\$55	<u>\$35</u>
Utility Worker II	\$55	<u>\$35</u>
Utility Worker I	\$45	<u>\$30</u>

Code Compliance:

Code Compliance Coordinator	\$50	<u>\$35</u>
Code Compliance Assistant		<u>\$30</u>

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 (adopted Sept. 17, 2002/Effective Oct. 17, 2002—Res. #24-2002).....	\$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.

ATTACHMENT B

III. B. 29

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, 2003, 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 May 6, 2003.

This resolution is effective on July 1, 2003.

James Bernard, Mayor

III. B. 30

ATTEST:

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

Pat DuVal, City Recorder

City Attorney

Document3 (Last revised)



CITY HALL
10722 SE Main
MILWAUKIE, OREGON 97222

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

Fees & Charges

III. B. 31

Adopted _____—Resolution

Effective July 1, 2003

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.....	\$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

III. B. 32 Charges /Effective July 1, 2003—Resolution # _____ (except as noted)

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 Map:	
• 11x17 Xerox handout:	
• Black and white.....	No charge
• Color.....	\$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
• 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
• 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 and Riverfront Public Area Requirements.....	\$15
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
\$501-\$2,000	\$14.40 plus \$2.22 per \$C to \$2K
\$2,001-\$25,000	\$47.70 plus \$8.88 per \$K over \$2K to \$25K
\$25,001-\$50,000	\$251.94 plus \$6.60 per \$K over \$25K to \$50K
\$50,001-\$100,000	\$416.94 plus \$4.44 per \$K over \$50K to \$100K
\$100,001 and up.....	\$638.94 plus \$3.75 per \$K over \$100K
Minimum permit fee.....	\$60.00

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

3. Plan Review Fees Required/Requested by Changes, Additions, Revisions \$65.00/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

1. HVAC

For the installation of:

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

2. Environmental Exhaust and Ventilation

For the installation of:

a. Appliance vent	\$13.75
b. Dryer exhaust.....	\$11.00
c. Each hood that is served by a mechanical exhaust or air conditioning.....	\$9.00
d. Exhaust system with single duct (bath fan) each.....	\$7.50
e. Exhaust system apart from heating or air conditioning	\$11.00

3. Fuel Piping and Distribution

a. LPG-NG-Oil fuel piping:	
Up to 4 outlets (includes gas tag).....	\$20.00
Each additional outlet over 4.....	\$1.50

III. B. 34 Charges /Effective July 1, 2003—Resolution # _____ (except as noted)

- 4. Other Listed Application or Equipment**
 - a. Decorative fireplace or insert \$33.00
 - b. Woodstove/pellet stove..... \$45.00
 - 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

- 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
 - 2,001 sq. ft. to 3,600 sq. ft. \$130.00
 - 3,601 sq. ft. to 7,200 sq. ft. \$164.00
 - \$7,201 sq. ft. and greater \$304.00

C. Plumbing Permits—Fees per current Plumbing Permit application

- 1. Total Bathrooms Per Dwelling**
 - 1 bath dwelling (includes 1 kitchen)..... \$325.00
 - 2 bath dwelling (includes 1 kitchen)..... \$360.00
 - 3 bath dwelling (includes 1 kitchen)..... \$430.00
 - Additional bathroom/kitchen \$170.00
 - 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/fixture**

- 3. Building Sewer Connection \$55.00**

- 4. Multipurpose or Continuous Loop Fire Suppression Systems**
 - 0 sq. ft. to 2,000 sq. ft. \$87.50
 - 2,001 sq. ft. to 3,600 sq. ft. \$130.00
 - 3,601 sq. ft. to 7,200 sq. ft. \$164.00
 - \$7,201 sq. ft. and greater \$200.00

- 5. Minimum permit fee..... \$50.00**

D. Other Inspections and Fees

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

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

- 3. Reinspection fee..... \$55.00/hr.**

- 4. Replacement sheets \$22.00/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
- 2. Earthquake-resistant bracing \$130.00
- 3. Reinspection \$130.00
- 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
 - \$501-\$2,000 \$14.40 plus \$2.22 per \$C to \$2K
 - \$2,001-\$25,000 \$47.70 plus \$8.88 per \$K over \$2K to \$25K
 - \$25,001-\$50,000 \$251.94 plus \$6.60 per \$K over \$25K to \$50K
 - \$50,001-\$100,000 \$416.94 plus \$4.44 per \$K over \$50K to \$100K
 - \$100,001 and up \$638.94 plus \$3.75 per \$K over \$100K
 - Minimum permit fee \$60.00
- 2. Initial Plan Review Fees 65% of the permit fee
- 3. Plan Review Fees Required/Requested by Changes, Additions, Revisions \$65.00/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
 - \$5,001 to \$10,000 \$50.00 plus \$1.66 per \$C over \$5K
 - \$10,001 to \$100,000 \$133.00 plus \$10.20 per \$K over \$10K
 - \$100,001 and up \$1,051.00 plus \$7.00 per \$K over \$100K
 - Minimum permit fee \$50.00
- 2. Plan review fee 25% of mechanical permit fee
- 3. Plan Review Fees Required/Requested by Changes, Additions, Revisions \$65.00/hr. (min. charge 1 hr.)

III. B. 36 Charges Effective July 1, 2003—Resolution # _____ (except as noted)

C. Plumbing Permits

- 1. Each fixture..... \$16.25
- 2. Utilities per 100 feet..... \$60.00
 - a. Catch basin..... \$26.00
 - b. Drywells each \$26.00
 - c. Footing drain (per 100 lin. ft.)..... \$52.00
 - d. Rain drain connector..... \$26.00
 - e. Manholes each..... \$52.00
- 3. Piping (per 100 lin. ft.)..... \$60.00
- 4. Building Sewers (per 100 lin. ft.) \$60.00
- 5. Initial Plan Review Fees 30% of the Plumbing permit fees
- 6. Plan Review Fees Required/requested by Changes, Additions, or Revisions \$65.00/hr. for commercial
- 7. Minimum permit fee..... \$50.00
- 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
- \$5,001-\$10,000 \$50.00 plus \$1.66 per \$C over \$5K
- \$10,001-\$100,000 \$133.00 plus \$10.20 per \$K over \$10K
- \$100,001 and up..... \$1,051.00 plus \$7.00 per \$K over \$100K
- Minimum permit fee..... \$50.00

D. Other Inspections and Fees

- 1. Inspections outside of normal business hours..... \$95.00/hr. (min. charge 2 hrs.)
(Must be preapproved by applicant)
- 2. Inspections for which no fee is specifically indicated..... \$65.00/hr.
(Must be preapproved by applicant)
- 3. Reinspection fee..... \$55.00/hr.
- 4. Replacement sheets..... \$22.00/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 23-2002, adopted by the City Council on September 17, 2002 (effective October 1, 2002) 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 |
| Each additional 1,000 sq. ft. | \$35.00 |
| 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 ParksPer current State of Oregon permit fee
(OAR.Division 650.Table 1) plus 30%
- G. Recreational Parks and Organizational CampsPer 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/lin. ft.
Over 8 ft. high.....	\$268.00/lin. ft.

 2. Fences

Over 6 ft. to 8 ft. high.....	\$14.50/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/sq. ft.
5-in. slab.....	\$2.94/sq. ft.
6-in. slab.....	\$3.10/sq. ft.
Reinforced concrete	Add \$1.05/sq. ft.

 4. Crawl Space Foundations

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

With floor slab	\$53.50/sq. ft.
Without floor slab	\$26.80/sq. ft.

 6. Pole Buildings

Up to and including 14-ft. eave height	\$31.00/sq. ft.
Over 14-ft. eave height	\$42.00/sq. ft.
For insulation:	
Roof—add.....	\$.32/sq. ft.
Slab—add	\$.32/sq. ft.
Wall—add	\$.32/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/sq. ft.
Plastic below ground	\$41.00/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
101 to 1,000 cubic yards	\$40.00
1,001 to 10,000 cubic yards	\$60.00
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	\$30.00
101 to 1,000 cubic yards	\$40.00
1,001 to 10,000 cubic yards	\$60.00
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 \$70.00/hr. (min. charge 2 hrs.)
2. Reinspection fee..... \$70.00/hr.
3. Inspections for which no fee is specifically indicated..... \$70.00/hr.

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
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Rate if certified in erosion control***	\$225
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Clearing/Construction for Multifamily Residential	\$490
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Rate if certified in erosion control***	\$335
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(additional \$40 per 1/2 acre over 1 acre)

Clearing/Construction for Subdivision/Commercial/Industrial	\$623
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Rate if certified in erosion control***	\$467
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(additional \$40 per 1/2 acre over 1 acre)

Additional Site Visit (due to code enforcement).....	\$65
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**Erosion control certification discount does not apply

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

III. B. 40 Charges
/Effective July 1, 2003—Resolution # _____ (except as noted)

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	\$55

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

III. B. 46 Charges /Effective July 1, 2003—Resolution # _____ (except as noted)

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

From: JoAnn Herrigel

Subject: Resolution to Pursue a Grant for Lewelling Park

Date: April 17, 2003

Action Requested

Approve a resolution authorizing the City of Milwaukie to apply for a local Government grant from the Oregon Parks and Recreation Department for the development of Phase I of Lewelling Community Park and authorizing the City Manager to sign the application.

Background

The Oregon Parks and Recreation Department offers funding assistance from their Local Government Grant Program every biennium. The program uses lottery dollars to fund land acquisitions, development and rehabilitation projects for park and recreation areas and facilities. This program provides up to 50 percent funding assistance for eligible projects. Eligible projects can receive between \$25,000 and \$250,000. Site purchase costs are eligible as the City's match under this grant program.

Applications for this grant program are due May 16. A resolution authorizing the application for funds is a requirement of the application process.

In 2001 the final land use actions for Lewelling Community Park were approved by the Planning Commission and City Council. The project is now fully designed and ready to develop as soon as funding is identified. Applications for this particular grant program are viewed most positively when they are "ready to go" as soon as funds are released.

III. C. 2

Staff is proposing to divide the Lewelling project into three Phases. Phase I will be the site preparation and landscaping. Phase II will be installation of half street improvements required for the site. And the final phase will be the installation of a gazebo and a play structure. The application being submitted in May of 2003 would be for Phase I only.

Concurrence

The Program Administrator has reviewed this proposal with Lewelling NDA leadership and the planning department. As details of the application are fleshed out, engineering and permitting staff will be asked to review the application as well.

Fiscal Impact

The amount that the City spent on land purchase for this site in March of 1999 will be the 50% match for this project. No negative fiscal impact is expected.

Work Load Impacts

The Program Administrator will develop the application and coordinate the development of Phase I if the City's application is approved. Lewelling NDA leaders and Park Committee members will continue to play a major role in coordinating the development of this park through volunteer labor and technical assistance. Some time may also be required of public works staff to review plans for site prep and landscape installation.

Alternatives

Do not approve the resolution, prohibiting staff from submitting a grant for this project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE OREGON AUTHORIZING THE CITY OF MILWAUKIE TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE DEVELOPMENT OF PHASE I OF LEWELLING COMMUNITY PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE APPLICATION.

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and

WHEREAS, the City of Milwaukie desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation improvements and enhancements; and

WHEREAS, the City council of the City of Milwaukie has identified neighborhood park improvements at the Lewelling Community Park, 9781 SE Stanley Avenue, as a high priority need in the City of Milwaukie; and

WHEREAS, development of a neighborhood park at Lewelling Community Park site, 9781 SE Stanley Avenue will include ADA accessible walkways and sitting areas along with development of landscaping, play areas, roadways, wetland features and other elements of the of the park design plan; and

WHEREAS, the applicant hereby certifies that the matching share of this application is readily available at this time; and

NOW THEREFORE, BE IT RESOLVED that the City of Milwaukie is authorized to apply for a local government grant from the Oregon Parks and Recreation Department for the development of Phase I of Lewelling Community Park and the City Manager is authorized to sign the application.



III. D. /

TO: Mayor and City Council

THROUGH: Mike Swanson, City Manager

FROM: Larry Kanzler, Chief of Police

DATE: April 9, 2003

SUBJECT: Resolution Transferring 911 State Telephone Tax Money Collected on Behalf of the City Of Milwaukie to the City Of Lake Oswego

Action Requested

Adopt a resolution authorizing the Oregon State Police Emergency Management Division to directly send the City of Milwaukie's share of the State 9-1-1 quarterly telephone tax distributions to the City of Lake Oswego Communications Department (LOCOM).

Background

As part of the consolidation plan that merged the Milwaukie Police Department Dispatch Center with the City of Lake Oswego's Dispatch Center (LOCOM) the 9-1-1 tax money collected by the State of Oregon, as a percentage of telephones located in the City of Milwaukie, would be transferred to the City of Lake Oswego. The transfer of this tax money will offset the contract dispatch service costs assessed by the City of Lake Oswego to the City of Milwaukie for this service.

The Milwaukie City Council approved this funding plan when the Council adopted the resolution authorizing the dispatch merger plan.

Concurrence

City Attorney
Staff
City Council

III. D. 2

Fiscal Impact

None

Workload Impacts

None

Alternatives

Pay the tax as a “pass-through” budget from the City of Milwaukie to the City of Lake Oswego. Passing the money through the City of Milwaukie’s Finance Department will unnecessarily task finance personnel to manage and distribute funds, thus costing department personnel time and resources. Direct transfer of funds from the Oregon State Police Emergency Management Division will relieve Milwaukie’s Finance Department of the responsibility for completing this task.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE OREGON STATE POLICE EMERGENCY MANAGEMENT DIVISION TO DIRECTLY SEND THE CITY OF MILWAUKIE'S SHARE OF THE 9-1-1 QUARTERLY TELEPHONE TAX DISTRIBUTIONS TO THE CITY OF LAKE OSWEGO COMMUNICATIONS DEPARTMENT (LOCOM).

WHEREAS, the State of Oregon collects excise tax monies for 911 services and distributes it to cities and counties in accordance with law; and

WHEREAS, the Oregon Executive Department, Oregon Emergency Management Division, has proposed an alternative method for distributing 911 excise tax monies on a quarterly basis which would allow the monies to be sent directly to public safety answering points in the name of the city or county; and

WHEREAS, the City currently collects the funds and distributes them to LOCOM, in care of the City of Lake Oswego, a municipality that acts as the local public safety answering point;

NOW, THEREFORE, BE IT RESOLVED

1. That all 911 excise tax distributions accruing to the City of Milwaukie be sent directly by the State of Oregon to LOCOM as the City of Milwaukie's local public safety answering point; and
2. That copies of this resolution be provided to Kathi Alford, LOCOM Director, 380 A. Avenue, Lake Oswego, Oregon; and to Ken Keim, 911 Field Coordinator, Oregon Emergency Management, 595 Cottage Street N.E., Salem, Oregon; and
3. That this resolution is effective immediately upon adoption.

Introduced and adopted by the City Council on May 6, 2003.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder

City Attorney



III. E. /

TO: Mayor and City Council

THROUGH: Mike Swanson, City Manager

FROM: Larry Kanzler, Chief of Police

DATE: April 8, 2003

SUBJECT: Renewal of Intergovernmental Agreement with the City of Portland for Police Records Data Entry, Access, and Analysis

Action Requested

Adopt a resolution authorizing the City Manager to sign an intergovernmental agreement (IGA) renewing the current agreement between the City of Milwaukie and the City of Portland for police records data entry, access, and crime analysis.

Background

In 2001 the Milwaukie Police Department was notified that access to the Portland Police Data System could no longer be supported because of its outdated technology and would be terminated in December. The technology that Milwaukie was using to access the PPDS system was the only system in the region still being maintained by Portland and that it was impossible to continue to maintain the equipment. Our option was to upgrade our system to current standards, or discontinue using the system.

Concurrently, our access to the countywide records management system, CLASS, was in critical need of system-wide upgrades. While we were able to input data, we were unable to retrieve any crime analysis information or information management data.

We met with representatives from the county representing CLASS and representatives from Portland representing the PPDS system to try and negotiate a collaborative approach to solving the data management problem. The county was unable to fund the necessary system upgrades that would allow us to

III. E. 2

continue to use their system. The staff agreed that accurate and timely records management and information retrieval was critical to the mission of the Police Department and the decision was made to upgrade to the PPDS system.

In January 2002 the data entry system transitioned to the Portland Police Data System (PPDS) and implemented a complete change of data entry documents. Personnel were trained and a very user friendly records management system was implemented, a records management system that provided highly reliable data retrieval including an integrated crime analysis component. In February 2003 the PPDS system was up to date and fully functional. In March 2003 the Police Department produced the first citywide crime maps that were broken down to the individual neighborhoods.

We anticipate that by May 2003 the Milwaukie Police Department will have fully functioning Mobile Data Terminals (MDTs) in ten of our patrol units and that all future police car purchases will include Mobile Data Terminals as part of the patrol car "system" just like the mobile radio, siren, emergency lights, and weapons racks are part of the current patrol car system.

Implementation of the MDT system allows officers to conduct complete criminal investigations, write criminal reports, and conduct follow-up investigations right from the patrol car. The MDTs provide officers with electronic access to the PPDS system, warrant checks, DMV license and registration checks, and report writing forms without having to return to the police station. In August 2003 PPDS will expects to implement color photo access to more than 100,000 criminal photos through the MDT in-car computers.

Concurrence

City Attorney
Staff

Fiscal Impact

Data storage, access, and crime analysis are charged based on the number of records entered and maintained by PPDS. Retrieval of local, regional, and national data through the Police Department system is not charged. MDTs access to the PPDS system is charged a per unit cost per month.

Current crime increases have increased the estimate of reports entered above the 2002 estimated 4500 entries to approximately twice that amount and MDT access fees will grow as the patrol fleet becomes fully integrated. However, based on current forecasts we estimate PPDS access to be \$2500 per month.

During the planning phase of consolidating our dispatch center at the City of Lake Oswego I anticipated this expense as part of the ongoing operational costs of dispatch service delivery and subtracted from the anticipated saving caused by the consolidation.

Currently, there are more than 100 police agencies, including police agencies in Washington, connected to the PPDS system. There has been significant interest in PPDS being the regional data system with an average of four new users being added annually. As new users are added to the system individual agency costs go down. The economy of scale and the large capacity of the PPDS system generate individual economic value with additional users.

Workload Impacts

None

Alternatives

None



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Larry R. Kanzler, Chief of Police

Subject: Do Not Recommend Liquor License for Wan Ki Min and Bong Ki Min
Dba: "Kimmy's Market and Teriyaki"
3141 SE Harrison, Milwaukie, Oregon

Date: May 6, 2003

Action Requested:

Bong Ki Min and Wan Ki Min have made application for a "change of ownership" liquor license to sell package alcohol at 3141 SE Harrison, Milwaukie, Oregon. The Police Department is recommending that the Council recommend against this application to the Oregon Liquor Control Commission.

Background

The license applicants, Bong Ki Min and Wan Ki Min, previously operated Newberg Food Mart. On June 30, 2000 an employee of Newberg Food Mart was cited for selling alcohol to a minor. The employee of Newberg Food Mart was under the direct supervision of Wan Ki Min, the liquor licensee of Newberg Food Mart. As a condition of this violation and stipulated conviction, Wan Ki Min was required to install and operate age verification equipment, which he agreed to do.

On April 12, 2001, at Newberg Food Mart, Wan Ki Min was cited as for selling alcohol to a minor. The investigation of this incident shows that the age verification equipment that was installed and operating after the June 30, 2000

V. 1-2

“sale to a minor” stipulated conviction was not used to verify the minor’s age.

I talked to Bong Ki Min at the Milwaukie Police Department’s Public Safety Building on March 26, 2003. I advised her that I was very concerned about the past liquor violations involving her husband, Wan Ki Min. Mrs. Min told me that both she and her husband intend to operate Kimmy’s Market together and that he would be in “big trouble” if he sold alcohol to a minor again.

Mr. Wan Ki Min has a demonstrated history of liquor violations. It has been the Police Department’s experience that businesses who sell alcohol to minors are not caught on the first offense and that the investigation of such sales occur only after complaints have been received by the OLCC enforcement unit, or local police. It is the Police Department’s opinion that if Wan Ki Min and Bong Ki Min are granted a liquor license that minors and children in our city will illegally be served alcohol.

Therefore, based on the facts that both Wan Ki Min and Bong Ki Min will operate Kimmy’s Market together and are co-license applicants, and the fact that Mr. Min has recently, on two separate occasions, been identified with sales of alcohol to minors, the Police Department recommends that this liquor license application be **denied** and this recommendation be forwarded to the Oregon Liquor Control Commission on behalf of the City of Milwaukie and the Milwaukie City Council.

Concurrence

Police Department
City Attorney

Fiscal Impact

N/A

Work Load Impacts

Alcohol sales monitoring will not be required if liquor license is denied.

V. 1-3

Alternatives

- Approve the “change of ownership” application.
- Approve the “change of ownership” application with a stipulation that any liquor license violation shall result in the suspension of their off-remises alcohol (package) sales license.

If the “change of ownership” license application is granted by Council action it will be the responsibility of the Police Department and the Oregon Liquor Control Commission to supervise compliance. Current staffing levels of both agencies preclude any ongoing compliance assurance or inspection program.

If the “change of ownership” license is granted with a stipulation of license suspension or revocation if liquor license violations occur, this still requires either the OLCC or the Milwaukie Police Department to supervise the conduct of the licensee, a tasking that neither agency is staffed to complete.

OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

Full On-Premises Sales (\$402.60/yr)

Commercial Establishment

Caterer

Passenger Carrier

Other Public Location

Private Club

Limited On-Premises Sales (\$202.60/yr)

Off-Premises Sales (\$100/yr)

with Fuel Pumps

Brewery Public House (\$252.60)

Winery (\$250/yr)

Other: _____

ACTIONS

Change Ownership

New Outlet

Greater Privilege

Additional Privilege

Other CTN

Applying as:

Individuals Limited Partnership Corporation Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted Denied

By: _____

(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: PD

Date: 2/19/03

90-day authority: Yes No

- Applicant(s): [See SECTION 1 of the Guide]
- ① Bong Ki Min ③ _____
- ② _____ ④ _____
- Trade Name (dba): Kimmy's Market & Teriyaki
- Business Location: 3141 S.E. Harrison Milwaukee (Clackamas) OR 97222
(number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: 3141 S.E. Harrison Milwaukee OR 97222
(PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: (503) 319-8355
(phone) (fax)
- Is the business at this location currently licensed by OLCC? Yes No
- If yes to whom: Abbas Mirghani + Aziza Hamidnour Type of License: 0
- Former Business Name: Kimmy's Market Kwik "E" Market
- Will you have a manager? Yes No Name: _____
(manager must fill out an individual history form)
- What is the local governing body where your business is located? Clackamas
(name of city or county)
- Contact person for this application: Bong Ki Min (503) 319-8355
(name) (phone number(s))
16648 S.W. Henderson 9 Beverton, OR 97007
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Bong Ki Min Date 2-14-03 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

V. 2



April 21, 2003

Kimmy's Market and Teriyaki
3141 S.E. Harrison Street
Milwaukie, Oregon 97222

SUBJECT: Notice of Hearing – Liquor License Application

Hearing Date: May 6, 2003

Hearing Time: 6:15 p.m.

Hearing Location: Milwaukie City Hall
10722 S.E. Main Street

Dear Mr. & Mrs. Bong:

Your application for a liquor license is scheduled for a hearing on Tuesday, May 6, 2003 at 6:15 p.m. in the City Council Chambers. The hearing is designed to provide you with an opportunity to present testimony to support your application for a liquor license. Be advised that I am opposed to the City granting you a liquor license and this opposition is based on your previous liquor license violations.

Please contact me should you have any questions.

Yours truly,



Larry R. Kanzler
Chief of Police

Cc: Pat Duval, City Recorder

Chapter 5.40

**LIQUOR LICENSE
APPLICATIONS—REVIEW
PROCEDURE**

Sections:

- 5.40.010 Purpose.**
- 5.40.020 OLCC license application required.**
- 5.40.030 Temporary OLCC license—Authority of police chief to approve.**
- 5.40.031 OLCC license renewal and name changes.**
- 5.40.032 New OLCC license.**
- 5.40.040 Application requirements.**
- 5.40.060 Criteria for recommendation by manager.**
- 5.40.070 Unfavorable or conditionally favorable recommendation.**
- 5.40.080 Public hearing—Notice.**
- 5.40.090 Public hearing—Advertisement.**
- 5.40.100 Public hearing—Procedure.**
- 5.40.110 Favorable recommendation with letter of warning.**
- 5.40.120 Unfavorable recommendation—Resubmittal of application.**

5.40.010 Purpose.

The purpose of this chapter is to establish criteria for council consideration in recommending to the Oregon Liquor Control Commission (OLCC) that it grant, deny,

modify or renew liquor licenses for premises within the city. The process established to review license applicants in order to make recommendations will be fair, effective and efficient. These sections are necessary to ensure that premises licensed to sell or dispense liquor meet community expectations, and that such businesses are conducted in a lawful manner that does not unreasonably disturb the peace and tranquility of the city and its neighborhoods. (Ord. 1615 § 1, 1987)

5.40.020 OLCC license application required.

Applicants for OLCC licenses shall provide the city with the appropriate OLCC license application and identification forms. The city manager may require additional information as appropriate for conducting the investigations required for such city recommendations. (Ord. 1781 § 1, 1995; Ord. 1615 § 2, 1987)

5.40.030 Temporary OLCC license—Authority of police chief to approve.

The police chief is authorized to approve applications for temporary OLCC licenses such as special events, special beer and special wine licenses. Such applications may be processed administratively after the fee established by the council has been paid. The police chief may make an unfavorable recommendation to the OLCC if the police chief finds that the applicant does not meet any of the criteria established by Section 5.40.060. Either the applicant or the police chief may refer an application to the council for a public hearing. (Ord. 1615 § 3, 1987)

5.40.031

5.40.031 OLCC license renewal and name changes.

The city manager or designee shall coordinate an investigation of each application for a renewal or name change to determine the appropriate city recommendation to OLCC. Renewals for regular OLCC licenses or changes in the name of the business or name of an owner may be approved by the city manager or designee without consideration by the council and the application shall be endorsed as if it received council approval. (Ord. 1785 § 1, 1995)

5.40.032 New OLCC license.

The city manager or designee shall coordinate an investigation of each application for a new license to determine the appropriate city recommendation to OLCC. The city manager or designee shall provide a copy of each application to the affected city departments for investigation and report. Staff recommendations shall be submitted to the council for review and final consideration. Reports from departments shall be included in each staff recommendation to the council. (Ord. 1785 § 2, 1995)

5.40.040 Application requirements.

The city shall accept applications for regular OLCC liquor licenses only when the following conditions are met:

- A. All required forms are properly completed and in order;
 - B. The applicant has obtained a valid city business license; and
 - C. The appropriate processing fee established by council resolution has been paid.
- (Ord. 1615 § 4, 1987)

5.40.060 Criteria for recommendation by manager.

The city manager or designee may make an unfavorable or conditionally favorable recommendation to the council on any application if:

- A. The applicant has a record of violations of state alcoholic liquor laws;
- B. The applicant has a record of use of controlled substances or excessive use of alcoholic beverages;
- C. The applicant has a record of violations of criminal law or ordinances connected in time, place and manner with a liquor establishment or which demonstrate a disregard for law;
- D. The applicant has maintained, or allowed to exist, an establishment which creates or is a public nuisance, or other violation of the city code, or federal or state law which causes, permits or suffers disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other locational problems, in the proximity of such establishment;
- E. The applicant has not maintained the premises in accordance with the building code, fire and life safety code and health regulations of the city and the state;
- F. The applicant seeks licensing of premises which would not be consistent with city land use ordinances or regulations;
- G. The applicant has demonstrated an unwillingness or inability to cooperate with the city or neighbors to resolve driving-under-the-influence-of-liquor concerns or community disputes related to a licensed establishment;
- H. The applicant is not the legitimate owner of the business to be licensed or has failed to disclose other ownership;

I. The application contains false or misleading statements; or

J. There is any other specific reason consistent with the purposes of these provisions which the manager concludes warrants an adverse recommendation to the council based upon public health, safety, welfare, convenience or necessity. (Ord. 1781 § 3, 1995; Ord. 1615 § 6, 1987)

5.40.070 Unfavorable or conditionally favorable recommendation.

All regular OLCC liquor license original applications shall be included on a council agenda. If the city manager or designee makes an unfavorable or conditionally favorable recommendation on an original, renewal or name change application, or if a councilor requests, a public hearing shall be held to allow all interested parties a reasonable opportunity to be heard by the council. (Ord. 1781 § 4, 1995; Ord. 1615 § 7, 1987)

5.40.080 Public hearing—Notice.

Before the council recommends denial of an application, notice of a public hearing must be given to the applicant either personally or by certified mail postmarked not later than ten days prior to the hearing. The notice shall contain:

- A. The date, time and place of the hearing;
- B. A copy of the recommendation of the manager together with all supporting reports and documents; and
- C. A statement that information about procedures and rights of parties may be obtained from the office of the manager. (Ord. 1615 § 8, 1987)

5.40.090 Public hearing—Advertisement.

If a public hearing is scheduled, the city shall publish in a newspaper of general circulation in the city a notice specifying a time, date and location of the hearing and business name and address of applicant. The notice shall inform the public that testimony may be given for or against the application. (Ord. 1615 § 9, 1987)

5.40.100 Public hearing—Procedure.

When a public hearing before the council is held:

- A. The applicant and the city manager or designee shall have the right to present written and oral evidence and shall have the right to rebut opposing evidence;
- B. The hearing shall be limited to production of evidence relevant to the recommendation of the manager, unless the council decides to hear additional evidence;
- C. After consideration of all relevant evidence, the council shall make its recommendation. The recommendation shall be based on substantial evidence relative to criteria set forth in Section 5.40.060 and shall be final. In the case of an adverse recommendation, the council shall make findings of fact which shall be forwarded to the OLCC along with the council recommendation against the application. (Ord. 1781 § 5, 1995; Ord. 1615 § 10, 1987)

5.40.110 Favorable recommendation with letter of warning.

If the council finds that an applicant does not meet the criteria established by Section 5.40.060, it may make a favorable recommendation with a letter of warning. The city manager or designee shall deliver to the applicant in person or by certified mail a summary of the reports relating to the application, and a notice to correct the problems cited. A copy of this notice and summary shall be sent to OLCC. During the following license period, the city manager or designee shall monitor the progress of the applicant in correcting such problems and report to the council. At the time of the next license renewal, the applicant shall

5.40.110

have the burden of proof to establish that the license should receive a favorable recommendation for renewal. If the council finds that the applicant has not made sufficient progress in correcting the conditions which resulted in the letter of warning, then the council may make an unfavorable recommendation to OLCC without further public hearing. (Ord. 1781 § 6, 1995; Ord. 1615 § 11, 1987)

**5.40.120 Unfavorable
recommendation—
Resubmittal of
application.**

If the council makes an unfavorable recommendation on any license application, the council shall not consider a new application from the same applicant while an administrative or court appeal relating to such license is pending. The manager may resubmit an application to the council in less than six months from the date of a council unfavorable recommendation only if the conditions which caused such recommendation have been remedied. (Ord. 1615 § 12, 1987)



V. 1

To: Mayor Bernard and Milwaukie City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police
Date: March 10, 2003
Subject: **O.L.C.C. Application – Kimmy’s Market & Teriyaki – 3141 S.E. Harrison Street**

Action Requested:

Staff requests the Council deny the O.L.C.C. Application To Obtain A Liquor License for Kimmy’s Market and Teriyaki – 3141 S.E. Harrison Street.

Background:

Staff reviewed the Min’s application for a liquor license and recommends the City Council deny the application on the basis of Mr. Min’s previous violations of service procedures. Mr. Min was arrested in May of 2001 for serving a visibly intoxicated person and giving liquor to a minor. Based on this previous arrest I do not recommend the City Council approve the application for a liquor license.

However, as an option, I would support a performance agreement between Mr. & Mrs. Min, the City of Milwaukie, and the Oregon Liquor Commission that specifies any violations for liquor service related issues would result in the permanent suspension of their liquor license and service privileges. The agreement would be worded in such a way as to serve notice on Mr. And Mrs. Min that should the licensee violate any Oregon Liquor Control Commission rules, City of Milwaukie ordinances, or Oregon state statutes that involve the business of Kimmy’s Market and Teriyaki that as a result of those violations their liquor service privileges and liquor license will be revoked.

By taking this action the Council will demonstrate to Mr. and Mrs. Min that they will be risking their liquor service privileges should they elect not to do “due diligence” to following proper procedures and the law. Additionally, the Council will be demonstrating their concern for the welfare of our youth who might want to try and pursue the illegal purchase of alcohol at Mr. and Mrs. Min’s market.

V. 2



April 21, 2003

Kimmy's Market and Teriyaki
3141 S.E. Harrison Street
Milwaukie, Oregon 97222

SUBJECT: Notice of Hearing – Liquor License Application

Hearing Date: May 6, 2003

Hearing Time: 6:15 p.m.

Hearing Location: Milwaukie City Hall
10722 S.E. Main Street

Dear Mr. & Mrs. Bong:

Your application for a liquor license is scheduled for a hearing on Tuesday, May 6, 2003 at 6:15 p.m. in the City Council Chambers. The hearing is designed to provide you with an opportunity to present testimony to support your application for a liquor license. Be advised that I am opposed to the City granting you a liquor license and this opposition is based on your previous liquor license violations.

Please contact me should you have any questions.

Yours truly,



Larry R. Kanzler
Chief of Police

Cc: Pat Duval, City Recorder



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: April 24, 2003
**RE: An Ordinance of the City of Milwaukie, Oregon Repealing
Ordinance No. 1882 and Milwaukie Municipal Code Chapter
1.02**

ACTION REQUESTED

Council is requested to adopt the proposed ordinance repealing Ordinance No. 1882 and Milwaukie Municipal Code Chapter 1.20.

BACKGROUND

On November 7, 2000 Oregon voters appear to have approved Measure 7, which, generally speaking, would have added to Article I, section 18 of the Oregon Constitution text requiring governments to compensate private real property owners for the cost of "restrict[ive]" regulations that reduce the value of their real property.

Within the month a suit was filed challenging the Measure's validity. The action sought a preliminary injunction preventing further action to validate the Measure. Shortly thereafter, an additional action was filed challenging the Measure raising similar questions and seeking injunctive relief.

The trial court consolidated the actions and issued a preliminary injunction. Ultimately the matter found its way to the Oregon Supreme Court, where, on October 4, 2000, the Court voided the Measure "in its entirety" in League of Oregon Cities v. Oregon.

Meanwhile, in December 2000 the City Council adopted Ordinance No. 1882 which added a new Chapter 1.20 to the Milwaukie Municipal Code. The purpose of the ordinance was to prepare for implementation of Measure 7 should it survive the court challenges.

Milwaukie Municipal Code Section 1.20.010 states the purpose of the new Chapter as providing "procedures and standards for claims for compensation

VI. 2

made *pursuant to subsections (a) through (f) of Article I, Section 18 of the Oregon Constitution, effective December 7, 2000.* (Emphasis added.) Subsections (a) through (f) are the Measure 7 text struck down by the Oregon Supreme Court in League of Oregon Cities v. Oregon.

Thus, the addition of Chapter 1.20 to the Milwaukie Municipal Code was rendered unnecessary by the action of the Supreme Court, and it has no force and effect. Its removal was anticipated at the time of its enactment should the Measure not survive the court challenges.

FINANCIAL IMPACT

Chapter 1.20 was enacted in order to be in compliance with Measure 7 should it survive court challenges. By its terms, it implements Measure 7. With Measure 7's invalidity, there is no financial implication.

CONCURRENCE

The City Attorney and City Manager concur with this proposed action.

Measure7

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON REPEALING ORDINANCE NO. 1882 AND MILWAUKIE MUNICIPAL CODE CHAPTER 1.20.

WHEREAS, in 2000 the City of Milwaukie adopted Ordinance No. 1882, which added a new Chapter 1.20 to the Municipal Code to allow the City to waive or suspend regulations in order to avoid problems from claims under statewide Ballot Measure 7; and

WHEREAS, the Oregon Supreme Court has now found Ballot Measure 7 to be invalid;

NOW, THEREFORE, THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 1882 and Chapter 1.20 of the Milwaukie Municipal Code are repealed.

Read the first time on _____, 2003, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the Council on _____, 2003.

Signed by the Mayor on _____, 2003.

Mayor

ATTEST:

Pat DuVal, City Recorder

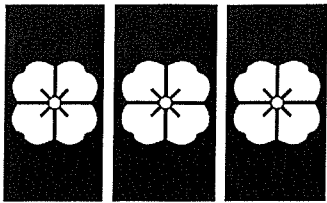
APPROVED AS TO FORM:
RAMIS CREW CORRIGAN &
BACHRACH, LLP

City Attorney

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Ordinance No. _____

CITY OF



MILWAUKIE

Ledding Library Board March minutes

Monday, March 24, 2003; 6:30 PM
Ledding Library

Meeting called by:

Pat Healy

Attendees:

Attendees Pat Healy, Tom Hogan, Sue Trotter, Michael Welling, and Ed Zumwalt.

Absent: Mark Docken

Staff: Cynthia Sturgis

Agenda topics

Approval of minutes

Approved as written.

Librarian's report

Cynthia reported that proposed changes to overdue fees will be discussed at the April PLC meeting, and she will report back on what neighboring libraries are planning to do. The Board agreed to make a recommendation at the next meeting. The May meeting date coincides with Memorial Day. Board members rescheduled for Monday, May 19th.

Budget update

In preparation for the library budget presentation on Monday, March 31, members discussed what should be included in the Board statement. Chair. Pat Healy will present the statement to the Budget Committee. Cynthia reported that she will present present goal accomplishments, next year's goals, and will also address the necessity to reduce hours because fo staff reductions.

21st Avenue extension

Pat Healy, Joe Sandfort and Cynthia met with Alice Rouyer and Jeff King to review the 21st Avenue extension and to request a written proposal from the city on the process as it effects the library and plans for public and staff parking during construction.