

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
AUGUST 3, 1993

The one thousand six hundred and seventy-sixth meeting of the Milwaukie City Council was called to order by Council President Kappa at 7:00 p.m. in the Milwaukie Center with the following Councilmembers present:

Rob Kappa,  
Council President  
Rick Farley

Jean Schreiber  
Bob Knudson  
Craig Lomnicki, absent

Also present:

Dan Bartlett,  
City Manager  
Charlene Richards,  
Assistant to the  
City Manager  
Tim Ramis,  
City Attorney  
Angus Anderson,  
Finance Director  
Dan Olsen,  
Fire Chief

Chuck Mansfield,  
Police Chief  
Tim Corbett,  
Public Works Director  
Steve Moist,  
Police Officer  
Darrell Lyons,  
Program Specialist  
Kelly Somers,  
Public Works Superintendent  
Pat DuVal,  
Recorder/Secretary

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**National Night Out**

Council President Kappa announced *National Night Out* in the City of Milwaukie.

**"COP CAMP" Project**

Charles Mansfield, Police Chief, presented information on the "Cop Camp" Project scheduled to begin on August 10, 1993. He explained that this was a pilot project for 10 - 15 year old youths who have been determined by the school staff or juvenile authorities to be "at risk" of involvement in delinquent behavior. The camp is designed to offer role modelling and team building skills. He described the activities that were being planned for the participants. Mansfield stated that a third camp had been added for female participants.

Officer Steve Moist was introduced. Moist was responsible for implementing the project and seeking donations from local organizations and businesses. He will also attend the camp. Moist explained that the camp was a joint effort by the City of Milwaukie Police Department, Clackamas County Sheriff's Office, North Clackamas School District, and Clackamas County Juvenile Court.

Council President Kappa asked what activities would be available. Mansfield said the camp site would already be set up when the participants arrive, and activities would include fishing and hiking.

Moist discussed the group camp facility at Indian Henry Campground and the donations received from various local businesses.

Council President Kappa asked how the campers were selected. Mansfield said those invited to attend were not seriously involved with the criminal justice system. The participants' behavior indicated that role modelling would be effective. Participation is voluntary, not mandatory.

#### City Hall Elevator Project

Kelly Somers, Public Works Superintendent, presented information on the City Hall elevator project and the remodel of the restrooms in City Hall and the Ledding Library to comply with Americans with Disabilities Act (ADA) requirements. The project includes the elevator that will serve all three levels, restroom improvements, and miscellaneous improvements such as door handles, lighting, drinking fountains, and resurfacing the main lobby.

Somers discussed the amount of the grant funds and the matching City funds. City and County representatives had worked with OTAK on the project design. The low bidder for the construction project was Michael J. Watts, in the amount of \$192,000.00. The Clackamas County Board of Commissioners is scheduled to award the contract on August 12, 1993.

Councilmember Schreiber said the City's match was \$142,500, with a balance of \$22,500. She asked how this money would be spent. Bartlett said the remaining balance would be treated as contingency and used if other needs at City Hall arose.

Councilmember Knudson asked if there was any remodelling proposed for the Council Chambers. Bartlett said the only plans for the Council Chambers at this time was a ramp.

Councilmember Farley asked if bad weather might delay the project. Somers said all the work would be done inside.

Council President Kappa asked if there would be a problem with asbestos. Somers said if some pipes needed to be recovered, asbestos abatement might be required.

Councilmember Schreiber asked what would happen if rock was struck when the elevator shaft was dug, such as happened at the library. Somers said there is a rock removal clause with the contractor.

#### PUBLIC HEARING

#### Regulation of Alcoholic Liquor

Council President Kappa called the public hearing to order at 7:27 p.m., to discuss the adoption of an ordinance regarding alcohol regulations.

Council President Kappa said the purpose of the hearing was to consider adopting an ordinance regulating the use of alcoholic liquor in public places. He reviewed the conduct of the hearing.

Staff Report: Charles Mansfield, Police Chief, presented the staff report in which the City Council was requested to consider an ordinance regarding alcohol regulations. This issue had been discussed during a work session in May. The ordinance under consideration would add a chapter to the City Code by making it illegal to consume an alcoholic beverage in public.

The proposed ordinance would address problems of alcohol consumption on a public street or sidewalk or public places such as parks, the Jefferson St. boat ramp, and the transit center.

Councilmember Farley asked if he believed there was anything lacking in this particular ordinance. Mansfield said the ordinance addressed most instances in which consumption of alcohol has been a problem.

Councilmember Farley asked if the ordinance would apply to Elk Rock Island and the Kellogg Treatment Plant. Mansfield said the sewage treatment facility was owned by Clackamas Service District #1. The County Board of Commissioners recently enacted an ordinance that would allow the City to enforce regulations.

Councilmember Schreiber asked if there was a way that the ordinance could go into effect sooner. Ramis said Council could direct staff to add an emergency clause prior to the next reading of the ordinance.

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Council President Kappa said there was some concern that this type of ordinance might cause problems between neighbors. Mansfield said the ordinance applies only to public property and does not usually involve personal payback situations.

Correspondence: None.

Testimony: None.

Staff Comments: None.

Questions of Clarification: Councilmember Schreiber asked if the emergency clause suggestion would create a hardship on anyone. Bartlett said an emergency clause is common, and the City Attorney could redraft the ordinance.

Ramis said he believed in this case, there would be a reasonable cause for adding an emergency clause.

Close Hearing: Council President Kappa closed the public testimony portion of the hearing on the adoption of the alcohol regulations ordinance at 7:40 p.m.

Discussion among Councilmembers: It was moved by Councilmember Schreiber and seconded by Councilmember Farley to read the ordinance amending the Milwaukie Municipal Code by adding Chapter 9.06, Alcohol Regulations, to Title 9, by title only with the addition of an emergency clause. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent. The ordinance was read for the first time.

The second reading of the ordinance was scheduled for August 17, 1993.

**Rate Review and Administrative Rules for Solid Waste and Recycling**

Council President Kappa called the public hearing to order at 7:42 p.m., to discuss the rate review and administrative rules for solid waste and recycling.

Council President Kappa said the purpose of the hearing was to consider the request for both a 5% rate increase in residential and commercial drop box services, and for adopting changes to the administrative rules for solid waste debris. He reviewed the conduct of the hearing.

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Staff Report: Darrell Lyons, Project Specialist/Recycling, presented the staff report in which the City Council was requested to consider a rate increase of 5% in residential and commercial drop box services and changes to the administrative rules for solid waste debris. There was a proposal that the drop box service charge be capped at \$63.00 in any one month.

Lyons reviewed the rate review evaluation criteria which included: (1) prevailing rates in the region; (2) operating costs; (3) rate of return; and (4) investments of an extraordinary nature required to fulfill local or federal requirements.

Councilmember Farley asked how many entities were being compared on prevailing rates. Lyons said fourteen entities were being compared.

Councilmember Farley asked how the rate of return compared to previous years. Lyons said Milwaukie's rate of return has always been relatively low, but 13.1% indicates an increase.

Councilmember Knudson asked what created the 8% increase in total expenses. Lyons said an increase in total expenses is usually due to increased labor expenses and equipment costs.

Lyons discussed the financial projections through June, 1994. These projections included assumptions of increased annual inflation and insurance costs. The projected operational cost increase would average 4%. The net effect would be an operating margin of 2% with a disposal increase of 7.4%.

Councilmember Farley asked who owned the dump site. Lyons said Arlington is owned by Waste Management, and Metro controls the disposal fee.

Lyons said the projected rate increase in 1994 could be 9.4%.

Council President Kappa asked what the cost of a 90-gallon roller can would be with a 9.4% increase. Lyons said the increase would be about \$2.

Councilmember Farley asked how the 10% insurance increase was determined. Lyons said this estimate is based on industry standards.

Councilmember Schreiber said the projected figures are from the haulers, not City staff. Lyons said these are the same figures used by the haulers for internal operations.

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Lyons reviewed the options for Council consideration which included: (1) approval of a 5% increase which would lessen the impact of the projected 9.4% next year; (2) approval of a rate increase of less than 5%; or (3) not approve a rate increase and review financial data for 1994 rate review. Staff recommended that Council grant no increase at this time.

Lyons discussed the second request regarding administrative rules on solid waste, recycling and yard debris. These referred to franchisee and customer responsibilities including: Section 3.0 "Solid Waste Collection Requirements" and Section 4.0 "Recycling Collection Requirements."

Councilmember Schreiber asked if the cost of providing these services would drop if Council adopted these changes. Lyons said the administrative rule changes offer definition, not a cost reduction.

Council President Kappa referred to Section 5.2.3 regarding inspection of franchisee's books and records. Bartlett said inspection of individual hauler's books might typically be done by the Finance Director or franchise staff.

Councilmember Schreiber said the review should be done by someone who could interpret and understand the books. Lyons said it could be done by staff or by an outside accounting firm.

Lyons discussed the yard debris recycling program which started on April 1, 1992. Milwaukie has one of the highest program participations in the area. Staff recommends maintaining the yard debris recycling program and schedule another review in 1994.

Councilmember Knudson asked what is done with the money collected during Down-to-Earth Day. Lyons said the money is used to pay disposal fees on the refuse collected on clean up day.

Correspondence: None.

Audience Testimony: Estele Harlan, Consultant, reviewed the criteria. She discussed a letter dated June 20, 1993, regarding exceptional customer service from Wichita Sanitary. She reviewed the rate summaries which indicated that if a rate increase was not granted, Milwaukie would have the lowest rates in the region.

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Harlan discussed several questions asked during the staff report. She said the insurance cost estimates were from a premium quotations and labor costs were from current contracts. All figures included in the evaluation criteria were conservative or actual.

Harlan said that Metro sets the rates and controls the gate at Arlington. She discussed the vehicle and labor costs absorbed by the haulers on Down-to-Earth Day.

Councilmember Farley asked why there was a proposed increase in the 32-gallon can residential rate, but not the identical commercial can. Harlan said it had been agreed to look only at residential and drop box services.

Council President Kappa asked what the haulers had done to work more closely with their customers. Harlan said haulers provide a quarterly recycling report which is relatively expensive.

Councilmember Farley said he was still concerned that the residential costs were increased, but not the commercial. Harlan said initial commercial costs were higher.

Staff Comments: Lyons reviewed the staff recommendations.

Questions of Clarification: None.

Close Public Testimony: Council President Kappa closed the public testimony portion of the hearing on the rate review and administrative rules for solid waste and recycling at 8:25 p.m.

It was moved by Councilmember Farley and seconded by Councilmember Knudson to not approve a rate increase for 1993, and review financial data for the 1994 rate review. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt all changes to the Administrative Rules for solid waste, recycling and yard debris and direct staff to prepare an ordinance. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

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It was moved by Councilmember Knudson and seconded by Councilmember Farley to continue yard debris program and review in 1994. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

## AUDIENCE PARTICIPATION

None.

## OTHER BUSINESS

Consider Liquor License Fees - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution increasing fees charged for liquor licenses. Staff surveyed several cities in the region, and it was recommended that Milwaukie raise its liquor license fees to be in line with other jurisdictions.

Councilmember Schreiber asked the length of a temporary license. Bartlett said a temporary license might be good for one day or cover a longer event such as Festival Daze.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt the resolution adopting fees for processing liquor license applications. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

## RESOLUTION NO. 24-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE OREGON, ADOPTING FEES FOR PROCESSING OF LIQUOR LICENSE APPLICATIONS; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION; AND REPEALING RESOLUTION NUMBER 2-1987.

Consider Amending Resolution Adopting Budget, Making Appropriations, Levying Taxes - Resolution

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to consider a resolution amending Resolution 19-1993, which adopted the budget, made appropriations, and levied taxes. This was a

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result of a transposition of figures in FY 1992-93 Notice of Property Tax Levy filed with the tax assessor. The total reduction was \$15.27.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the resolution amending Resolution 19-1993 which declared an ad valorem tax levy for fiscal year 1993-1994. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

## RESOLUTION NO. 25-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING A RESOLUTION TO AMEND RESOLUTION 19-1993 WHICH DECLARED AN AD VALOREM TAX LEVY FOR FISCAL YEAR 1993-1994.

Consider Street Maintenance Funding Options

Tim Corbett, Public Works Director, said this had been intended to be only a work session item.

Consider Contract Award for Storm Water Implementation Study

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to authorize the City Manager to sign a contract with Shaun Piggot Associates in the amount of \$23,650 to provide consulting services to assist the City in implementing a Storm Water Utility fee.

Corbett discussed the impact of the 1987 Clean Water Act and the National Pollutant Discharge Elimination System (NPDES). Implementation of a storm water utility fee is necessary to comply with federal requirements and to enable the City to comply with NPDES permit requirements. A public involvement strategy is very important to implementation of the program.

Councilmember Farley asked what the result would be if the City did not go along with stormwater discharge control. Corbett said the DEQ could possibly fine cities \$25,000 per day for non-compliance.

Council President Kappa asked if there might be an overlapping wellhead protection program. Corbett said because the two programs overlap significantly, there could be a savings on the future wellhead protection program.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to authorize the City Manager to sign a

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contract with Shaun Piggot Associates in the maximum amount of \$23,650, to provide consulting services to assist the City in implementing a Storm Water Utility fee. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

Consider Resolution Setting Monthly Parking Permit Fees

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to consider a resolution setting new monthly parking permit fees. This would be a monthly fee of \$25.00 based upon response to concerns by local businesses. If approved by Council, the new program would begin October 1, 1993.

Councilmember Schreiber said she was concerned that a monthly billing would cause a 30-day program start up delay. Bartlett discussed privatizing parking management.

Corbett added that staff needed the additional time to assure that the correct information and proper forms were distributed.

Councilmember Schreiber asked if it was necessary for a billing to be sent out each month. She suggested that those wishing a permit could come into City Hall each month. Bartlett said an initial permit would be issued on a limited number of parking spaces.

Council President Kappa said it seems that the monthly billing method added more costs. Bartlett said the monthly bill was a result of being responsive to the customer. Many downtown businesses wanted to be able to apply once for a permit and get a new mirror hanger each month. Staff is also looking at the possibility of a parking management group.

Council President Kappa said he was concerned both with being responsive to the customer and keeping expenses down. Bartlett said one component of the fee was administrative charges. There would be funds available to hire a parking management company.

Councilmember Schreiber described the parking permit process in Oregon City.

Bartlett said City staff wants to reinstitute the parking permit program and do it efficiently. The City is not set up at this time to administer a parking program. The City has taken care of most of the parking lot maintenance concerns. He said he believed that permit parking had to be

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instituted if the parking needs of downtown shoppers are to be met.

Councilmember Farley said he believed the program should encourage carpooling.

Corbett said there was a concern that many employees would find it a hardship to pay \$150 at one time for a six-month permit.

Councilmember Schreiber said it seemed that when the Southgate Park and Ride accommodated more cars, there were more spaces available in downtown Milwaukie. Bartlett said there were usually only about six vacant spaces left in the Chevron lot, and the Main Street and railroad parking lots are generally full.

It was moved by Council President Kappa and seconded by Councilmember Knudson to adopt the resolution setting new monthly parking permit fees. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

## RESOLUTION NO. 27-1993:

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON,  
SETTING FEES FOR CITY PARKING LOTS AND REPEALING  
SECTION 4 OF RESOLUTION 17-1993.

Consider Authorizing Council President to Sign Letter  
Concerning Ambulance Service Area Request for Proposal

Dan Olsen, Fire Chief, presented the staff report in which the City Council was requested to consider a resolution supporting the efforts of Clackamas Fire District No. 1 and Oak Lodge Fire District to amend certain sections of the Clackamas County Request for Proposal for the provision of Ambulance and Advanced Life Support Services.

Olsen said staff recommends three actions. First, that the Clackamas Fire District #1 staff analysis be adopted as the City of Milwaukie's position paper. Second, that there be modifications to the Clackamas County Request for Proposal. Third, that Milwaukie participate collectively with Clackamas County Fire District #1 (CCFD #1) and Oak Lodge Fire District in expressing their concerns before the Clackamas County Board of Commissioners.

Council President Kappa said he, Councilmember Knudson, Chief Olsen, and City Manager Bartlett had attended meetings on the issue of ambulance service. He asked if the Fire

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Department arrived at a 9-1-1 incident first, they would transport the patient to the hospital. Olsen said the franchise deals only with transport to the hospital.

Councilmember Farley asked if there was an overlap of services. Olsen said the state requires each county to establish a plan for continuity. Residents of North Clackamas County receive good services, but language in the draft RFP raises some concerns with Milwaukie and the Fire Districts.

Councilmember Schreiber asked if this would change the way people are employed by the City. Bartlett said the point being made is that language precludes public agencies from being able to bid on the franchise. If public agencies decide to bid there is language stating that existing ambulance staff must be hired from other providers such as Buck. He said the RFP was delivered on July 15, and there had not been enough time to meet to address these issues. CCFD #1 funded the studies and legal opinions. Milwaukie and Oak Lodge do not have the time or expertise, so they believe it would be advantageous to work with CCFD #1.

Council President Kappa said he believes it could provide a higher quality of service to the citizens.

Bartlett said it seems in the RFP that it would subsidize any private provider that might get the franchise. Public agencies should have the opportunity to respond. Some built-in bureaucratic delays would not be in the best interest of the patient.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the resolution supporting the efforts of Clackamas Fire District No. 1 and Oak Lodge Fire District to amend certain sections of the Clackamas County Request for Proposal for the provision of Ambulance and Advanced Life Support Services. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

## RESOLUTION NO. 26-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ON AMBULANCE AND ADVANCED LIFE SUPPORT SERVICES.

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Other Items of Information

Councilmember Farley announced that Jr. High School Exchange students from Iwaki, Japan, had visited Milwaukie on August 3, 1993. The Sister City Association had also met that day.

Council President Kappa discussed *National Night Out*. He suggested that Council consider a more active participation next year by attending neighborhood functions.

Councilmember Schreiber discussed the Neighborhood Park Tour scheduled for August 10.

Councilmember Schreiber announced that she had not received a new draft 190 Agreement from FOCUS.

## CONSENT AGENDA

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt the Consent Agenda which consisted of the City Council Minutes of July 20, 1993 and liquor license application for Gary Chan, dba Chan's Steakery. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

## INFORMATION

Bartlett pointed out that the packet contained a response to the Carol Riggs' questions.

Council President Kappa announced an executive session potential litigation and labor negotiations.

## ADJOURNMENT

Council President Kappa adjourned the meeting at 9:50 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary

**CITY OF MILWAUKIE  
CITY COUNCIL AGENDA  
AUGUST 3, 1993**

**MILWAUKIE CENTER**

**1676TH MEETING**

**WORK SESSION**

5:00 - 6:15 p.m. - Storm Water Utility Implementation (Tim Corbett)  
6:15 - 6:30 p.m. - Milwaukie High School Construction Update (Tim Corbett)  
6:30 - 6:45 p.m. - Council Information Sharing

**REGULAR SESSION**

7:00 p.m.

Items underlined added on July 30, 1993

- I. **CALL TO ORDER**  
Pledge of Allegiance
  
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
  - A. **COP Camp Project (Chuck Mansfield)**
  - B. **City Hall Elevator Project (Kelly Somers)**
  
- III. **PUBLIC HEARING** *(Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
  - A. **Regulation of Alcoholic Liquor - Ordinance (Chuck Mansfield)**
  - B. **Rate Review and Administrative Rules for Solid Waste and Recycling (Darrell Lyons)**
  
- 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 card provided on the table at the back of the meeting area. The Council may limit the time allowed for presentation.)*

**V. OTHER BUSINESS** *(The following items will be individually presented by City staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

- A. Consider Liquor License Fees - Resolution (Dan Bartlett)
- B. Consider Amending Resolution Adopting Budget, Making Appropriations, Levying Taxes - Resolution (Angus Anderson)
- C. Consider Street Funding Maintenance Funding Options (Tim Corbett)
- D. Consider Contract Award for Storm Water Implementation Study (Tim Corbett)
- E. Consider Resolution Setting Monthly Parking Permit Fees (Tim Corbett)
- F. Consider Authorizing Council President to Sign Letter Concerning Ambulance Service Area Request for Proposal (Dan Olsen)

**VI. CONSENT AGENDA** *(Items appearing below are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. Rather, the items may be passed upon 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 July 20, 1993
- B. Liquor License Application, Gary Chan, dba Chan's Steakery, 10475 SE Main (new outlet)

**VII. INFORMATION**

- A. Clackamas Basin Water Authority Committee Minutes of May 26, 1993
- B. Oregon Health Plan Information
- C. South/North Corridor Information
- D. Departmental Quarterly Reports
- E. Willamette River Corridor Master Plan
- F. "Last Week at the Capitol" July 16, 1003
- G. City Parking Permit Correspondence
- H. Response to Carole Riggs

**VIII. ADJOURNMENT**

**EXECUTIVE SESSION**

*At the end of the regular meeting, the Council may hold an Executive Session under the authority of ORS 192.660.*

**CITY OF MILWAUKIE  
CITY COUNCIL AGENDA  
AUGUST 3, 1993**

**MILWAUKIE CENTER**

**1676TH MEETING**

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**REGULAR SESSION**

7:00 p.m.

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*For assistance/services per the Americans with Disabilities Act (ADA), dial TDD 659-5171*

Item III A.  
City Ordinance: Alcohol Regulations  
August 3, 1993

1. Opening

"The public hearing to discuss the adoption of an ordinance regarding alcohol regulations is called to order."

2. Purpose

"The purpose of this hearing is to consider adopting an ordinance regulating the use of alcoholic liquor in public places. The Council will then discuss the matter and vote."

3. Conduct of Hearing

"Does anyone in the audience wish to speak on this matter?"  
[If Yes]

"I will recognize those persons wishing to speak and any questions should be addressed through me. When you come to the podium, please state your name and address for the record, since this hearing will be tape recorded.

I would encourage those wishing to speak to confine their remarks to the adoption of the alcohol regulations ordinance. Let's move on to Chief Mansfield's report."

4. Staff Report

Charles A. Mansfield, Chief of Police

5. Correspondence

"Have we received any correspondence on this matter other than those items included in the agenda materials?"

6. Audience Testimony

"Does anyone wish to speak in support of the proposed alcohol regulations ordinance?"

"Does anyone wish to speak in opposition to the proposed alcohol regulations ordinance?"

"Is there any further testimony or any further questions from the audience?"

7. Staff Comments

"Does the staff have anything to add which specifically addresses a question raised during the testimony?"

8. Questions of Clarification

"Does any member of the Council have any questions regarding clarification of the testimony to this point? If there are no further questions, I will close the public testimony portion of this hearing."

9. Close Public Testimony

"The public testimony portion of the hearing on the adoption of the alcohol regulations ordinance is now closed." [Gavel]

10. Discussion Among Council Members

"Is there discussion by Council?"

(No further testimony unless absolutely necessary. You may want the attorney to outline alternatives.)

"Is the Council ready to vote?"

Note: If you wish to continue this matter for any reason, the hearing should be continued to a date certain to avoid the need to publish new notice.

Item III B.  
Rate review for solid waste and recycling  
August 3, 1993

1. Opening

"The public hearing to discuss the rate review and administrative rules for solid waste and recycling is called to order."

2. Purpose

"The purpose of this hearing is to consider the request for both a 5% rate increase in residential and commercial drop box services, and for adopting changes to the administrative rules for solid waste debris. We will hear a report from Darrell Lyons followed by public comment, if any. Then the Council will discuss the matter and vote."

3. Conduct of Hearing

"Does anyone in the audience wish to speak on this matter?"

[If Yes]

"I will recognize those persons wishing to speak and any questions should be addressed through me. When you come to the podium, please state your name and address for the record, since this hearing will be tape recorded.

I would encourage those wishing to speak to confine their remarks to the rate review for solid waste and recycling. Let's move on to Mr. Lyons' report."

4. Staff Report

Darrell Lyons, Project Specialist - Recycling

5. Correspondence

"Have we received any correspondence on this matter other than those items included in the agenda materials?"

6. Audience Testimony

"Does anyone wish to speak in support of the proposed rate increase or the proposed administrative rule changes?"

"Does anyone wish to speak in opposition to the proposed rate increase or the proposed administrative rule changes?"

"Is there any further testimony or any further questions from the audience?"

7. Staff Comments

"Does the staff have anything to add which specifically addresses a question raised during the testimony?"

8. Questions of Clarification

"Does any member of the Council have any questions regarding clarification of the testimony to this point? If there are no further questions, I will close the public testimony portion of this hearing."

9. Close Public Testimony

"The public testimony portion of the hearing on the rate review and administrative rules for solid waste and recycling is now closed." [Gavel]

10. Discussion Among Council Members

"Is there discussion by Council?"

(No further testimony unless absolutely necessary. You may want the attorney to outline alternatives.)

"Is the Council ready to vote?"

Note: If you wish to continue this matter for any reason, the hearing should be continued to a date certain to avoid the need to publish new notice.

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

5101 S.E. JOHNSON CREEK BLVD  
MILWAUKIE, OR 97206

TELEPHONE: 652-4410  
FAX: 774-8236

## MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager

FROM: Tim Corbett, Public Works Director *TC*

SUBJECT: Storm Water Utility Implementation

DATE: July 22, 1993

### Action Requested

Authorize the City Manager to sign a contract with Shaun Piggot Associates in the amount of \$23,650 to provide consulting services to assist the City in implementing a Storm Water Utility Fee.

### Background

In 1987, Congress passed the Clean Water Act which set the stage for the National Pollutant Discharge Elimination System (NPDES) which controls discharge of stormwater through a permit process. The City Council approved the submittal of the City's NPDES permit application to the Department of Environmental Quality (DEQ) in May of 1993 (see attached staff report). In the permit application, the City addressed the requirement for stable funding by stating that it would implement a storm water utility fee if the Oregon Supreme Court found such fees to be outside the limits of Measure 5.

The Storm Water Program Budget proposed by the City in their NPDES permit application was based on utility revenues being received which are outlined in the attached Utility Feasibility Briefing Paper prepared by Piggot and Associates (with a rate of \$4.00 per month per equivalent service unit). The Supreme court has made the ruling that these utility fees do not fall under the Measure 5 limitations. The City must implement the utility fees outlined in the NPDES permit or negotiate a change in funding levels or mechanisms when DEQ reviews our permit application in the coming year.

### Discussion

At this point, all surrounding entities with the exception of Gladstone have implemented their storm water utility. The City needs to implement a utility fee system so that funding is available to meet the program which is outlined in the City's NPDES application. The City will meet with DEQ during their review of the City's NPDES permit application to discuss an implementation schedule for each of the City's individual storm water components. If the City is well into the process of implementing its fees when staff meets with DEQ to discuss and negotiate the implementation schedule, it is anticipated that the final permit negotiations will be more favorable for the City.

Components of the consultants scope of work include:

1. Provide a system to implement stormwater service charges using existing software.
2. Obtain and prepare maps of the City as needed to calculate billing amounts.
3. Develop customer account files.
4. Calculate individual charges for non single family residential properties.
5. Provide data entry sheets for each non-single family residential unit to allow implementation of billing.

A public information strategy will also be a key component to ensure that the program is understood within the community. Components of the consultant's scope of work related to public involvement include:

1. Working with the Citizens Utility Advisory Commission (CUAC) to review the program.
2. Assist staff in developing written public education information and newsletters.
3. Identifying large rate payers, sending out individual notification of rates and attending meetings with these large rate payers to discuss the program and individual rates.
4. Conduct two neighborhood meetings and construct a summary of the meetings for the CUAC and Council.

Shaun Piggot will be available for the August 3 work session to discuss and answer questions regarding the implementation of the storm water fees.

page 2

Storm Water Utility

July 22, 1993

Recommendation

Staff recommends that Council authorize the City Manager to sign a contract with Shaun Piggot Associates in the amount of \$23,650 to provide consulting services to assist the City in implementing a Storm Water Utility Fee. Implementation of these fees are necessary to comply with federal requirements and to enable the City to comply with NPDES permit requirements.

attachments

RTC/rtc

CITY OF MILWAUKIE

STORMWATER UTILITY FEASIBILITY

- BRIEFING PAPER -

JULY 1993

SHAUN PIGOTT ASSOCIATES

# City of Milwaukie Stormwater Utility Feasibility

## - Briefing Paper -

July 1993

**PREFACE:** In an October 1992 Council Work Session, issues pertaining to design and implementation of a stormwater utility in Milwaukie were presented. The key directions resulting from the Work Session were:

- o Milwaukie is required to participate as a co-applicant in the National Pollutant Discharge Elimination System (NPDES);
- o NPDES and Clean Water Act compliance mandate local funding and Milwaukie's permit language commits the City to a specific funding structure;
- o Milwaukie has significant stormwater facility needs which were identified well before NPDES;
- o Maintenance of the City's existing stormwater system cannot be adequately funded within current revenues;
- o Virtually all jurisdictions in Clackamas and Washington Counties have formed or are in the process of forming stormwater utilities; and
- o The review of the Roseburg Stormwater Utility by the Oregon Supreme Court is pending and will establish whether fee for service funding for stormwater programs are permissible within the Measure 5 interpretation.

In May of 1993, the Oregon Supreme Court rendered its decision and in a unanimous vote overturned the Oregon Tax Court decision and ruled that stormwater utility fees are "incurred charges" under the Measure 5 interpretation and not a "tax". With this ruling in hand, City staff believes it appropriate to begin the process of stormwater utility implementation.

### I. REGULATORY MANDATES & PROPOSED SERVICE LEVELS

- o National Pollutant Discharge Elimination System (NPDES)

Under the Clean Water Act, as implemented through the State's Department of Environmental Quality (DEQ), the City of Milwaukie is required to prepare and implement a plan for characterization and reduction of "nonpoint source" pollution (pollution carried by stormwater

runoff). The most cost effective way of meeting this requirement is through the City acting as a "co-applicant" with other municipalities in Clackamas County. Under this program the County's Department of Utilities functions as the lead agency in developing the actual permit application. Under the Part 1 application, the total permit cost was borne by the County. However, under Part 2 the City will be required to pay \$22,456 which is Milwaukie's pro rata share calculated as a function of the City's area and population. Additional and significant new costs are anticipated in terms of water quality monitoring, staff time and field screening analysis. This program affects all stormwater discharges to "waters of the United States", i.e., the Willamette system.

o DEQ Total Maximum Daily Loads (TMDL)

This stormwater quality mandate was established through a court order requiring waste load limits for indicator nonpoint source pollutants identified as phosphorous and ammonia nitrogen. This Court action is currently limited to the Tualatin Basin. However, the TMDL process is expected to expand into other river systems including the Willamette. Among the commitments required by DEQ is development of a facilities plan and dedicated revenue source to support implementation of the Plan.

o Overall Stormwater Needs in Milwaukie

The City has determined that its initial stormwater program will focus on facility improvements and an enhanced level of service for system maintenance. The expenditure categories are summarized as follows:

Operations and Maintenance service levels are based on the need to dedicate a crew to the system in order to continue current maintenance, undertake remedial maintenance projects and increase maintenance frequencies as a result of NPDES planning and water quality "best management practices". Previous studies have shown that increased frequencies of maintenance, particularly in the areas of catch basin cleaning and sediment control, produce significant reductions in nonpoint source pollution. It is expected that stormwater utility field activities will be expanded to include maintenance of open system, piped system, catch basins/inlets, drywells, roadside ditches, erosion control installations, detention/retention facilities and culvert. Exhibit A contains a maintenance worksheet developed with

field staff detailing the specific maintenance activities, frequencies, crewing, equipment and costs.

Water Quality Management Part 2 NPDES permitting and actual implementation of a nonpoint source pollution control program in Milwaukie will require additional expenditures for monitoring, enforcement and problem mitigation. Therefore, while NPDES permitting costs will be reduced, compliance with the Permit provisions will be an on-going and expanding cost to the City.

It should be emphasized that activities related to compliance with DEQ/EPA stormwater regulations are contained in virtually all the budget categories. The costs contained in Water Quality Management are specific to preparation of the Part 2 permit application which was submitted in May 1993.

Engineering Services relates to engineering, design management and technical support functions. Specifically, this will include project management, maintaining technically current design criteria and standards. While plan review and construction inspection will also be performed, these activities are funded through plan review/inspection fees which are paid to the City's General Fund. Therefore, these costs are not reflected in the stormwater budget.

Public Works Administration & Support represents the administrative and technical staff time committed to management and development of the stormwater program in terms of intergovernmental coordination, regulatory compliance and code development.

Capital Improvement Program (CIP) will be directed at structural improvements, major repairs/replacement of stormwater system and basin modeling/facility plan updates. Projects have already been identified by the City and will be prioritized to accommodate either a "pay as you go" or debt service financing philosophy. It is also expected that these funds will be used in joint City/County projects identified through the NPDES process.

Public Information includes expenditures for public awareness brochures/flyers regarding stormwater program needs, costs and rates. Billing stuffers and newsletters will also be developed as part of the short term utility implementation information effort and longer term program of public involvement regarding site quantity/quality controls.

Finance/Billing/Accounting/Payroll are the utility support functions related to stormwater data processing, invoicing,

remittance handling and accounting. The stormwater program's pro rata share of revenue generated in relation to the City's other utility programs is estimated based on projected staffing impacts and allocations based on the total number of additional accounts generated as a result of the program.

Indirect Cost for the upcoming year includes the costs which are allocated to Milwaukie's stormwater utility for city manager, city attorney and human resources time. This category also includes the utilities allocation for general government support. The current indirect cost pool is not expected to increase as a result of the stormwater utility.

o Implications of a "Do Nothing" Option

Noncompliance with the provisions of NPDES does carry with it the provision for fines of up to \$25,000 per day. At this point, no jurisdiction has received such a fine. A more likely scenario is third party litigation directed at the City for not meeting these requirements. Such a third party action is what prompted the establishment of stormwater TMDL's within the Tualatin River Basin.

II. RATE METHODOLOGY

The Oregon Supreme Court entered its decision on the Roseburg Stormwater utility case May 21, 1993. In a unanimous decision, the Court overturned the Tax Court's ruling that stormwater utility fees based on impervious surface were actually a tax under the Oregon Constitution Article XI, section 11b. Two key elements in the Supreme Court's ruling should affect how Milwaukie addresses structuring its stormwater rates. The first element pertains to the Court's determination that "Thus, the fee is not necessarily imposed on the owner, who may not be the occupier of the property and responsible for its water usage." The Court feels that the linkage of stormwater with water billing establishes the fact that stormwater charges are not simply a direct result of property ownership. A statement along these lines should be included in Milwaukie's stormwater utility ordinance.

The second element of the decision pertains to the issue of payment enforcement and the use of liens. The Court apparently felt that the fact that "no provision is made for the charge to become a lien against the property" offered further proof that this was not a tax against property. Accordingly, Milwaukie's ordinance will not contain any language pertaining to liens.

It is believed that the rate structure policies requested by the City can be effectively combined with the legal requirements established by the Supreme Court. These rate structure policies and approaches follow:

o Contribution Base

Stormwater service charges must be based on factors which relate customer payment with use of the stormwater system and program. In most cases, stormwater programs quantify this relationship in terms of a property's developed condition and the corresponding increase of impervious area. Engineering analysis and legal precedent (Teter vs. Clark County Storm Water Utility - State of Washington; Long Run Baptist Association vs. Metropolitan Sewer District - State of Kentucky) have established the correlation between impervious factors and impact on the stormwater system. Accordingly, rate making for stormwater programs attempts to quantify a property's contribution of runoff to the stormwater system in an equitable and cost effective manner.

The base unit of the service charge is referred to as an "Equivalent Service Unit" (ESU). An ESU in the Milwaukie area will be defined through statistical

analysis, however, the typical "average" amount of impervious area on a single family property is between 2,500 and 3,000 square feet.

o Impervious Area Measurement

The development factor most related to contribution of run off is impervious area. Impervious area is typically defined as hard surface area including roof lines, parking, and driveways which impede the natural infiltration of stormwater into the soil. Due to the overall similarity of single family dwellings in terms of impervious coverage, the City may choose to treat single family residences as 1 ESU. All non single family residential customers would be charged based on measured impervious area. These measurements have not been undertaken to date but are anticipated over the next 6 months.

o Rate Issues

oo Exemptions - This issue addresses the rate treatment of tax-exempt properties such as churches and schools as well as properties such as streets, direct discharge areas, and undeveloped

parcels. The issue is critical in maintaining the legal integrity of the service charge. Once artificial classes of customers - or non-customers - are allowed, then the distinction between a service charge and tax is blurred. For this reason, it is not possible to exclude typically "tax-exempt" properties from the charge, and still remain a service charge under either Measure 5 or generally accepted utility rate making standards.

Public streets are generally exempted from the fee as they are designed to operate as part of the stormwater system. Direct discharge properties have, in some cases, been exempted because they do not drain to the City's system. The same logic applies to undeveloped property which, by definition, do not contain any impervious coverage. Lacking any impervious area would place these parcels outside the established rate structure.

An issue which the Citizens Utility Committee may wish to consider is the City's current policy of exempting its own facilities from utility service charges (water and sewer). Applying this same policy to the proposed stormwater utility may impact its ability to defend against allegations that it is a "tax" under the Measure 5 definition because there is no "use/nonuse of system" logic to support different rate treatment of City-owned facilities.

- oo Credits - Most stormwater programs offer service charge credits for on-site stormwater mitigation facilities which they construct and maintain. This service charge credit is limited to a maximum allowable reduction based on the demonstrated ability of the facility to attain pre-development flows from the developed site. Conversely, some utilities do not allow a service charge credit based on the fact that on-site mitigation is a known condition of development and reducing post development flows from the site is mandatory under most stormwater ordinances. Rewarding developers for simply meeting stormwater requirements is not considered equitable by some utilities.

The City does have a low income utility fee reduction which can be incorporated into the stormwater rate structure. This reduction will be the same percentage as the other utility discounts

and will require the same eligibility review as in the City's other utility operations.

- oo Service Charge Waiver - This rate provision represents further legal protection against the stormwater charge being interpreted as a tax. The intent is to enable those rare, if any, properties to show complete non-service from the utility. The criteria for waiver revolves around the property's ability to show (1) complete on-site retention of stormwater, (2) no up-stream protection from storm events, and (3) no connection or access to publicly owned stormwater conveyances/facilities. All these criteria must be proven by the rate payer prior to receiving a waiver. Again, under Measure 5, it is necessary to establish that the charge is "avoidable" and it is expected that this type of waiver provision will meet this test.

### III. PROGRAM FINANCING

The financial analysis has evaluated specific options for structuring the stormwater funding program. In doing this, the Project Team has prepared preliminary budget forecasts for initial program operations (see Exhibit B). At the same time, an impervious surface analysis of the Milwaukie area has been prepared through review of land use planning data and current water/sewer utility customer records. These two elements comprise the cost and revenue components of the stormwater utility financial analysis. A stormwater rate model has been constructed which evaluates the impacts of alternative financial strategies on the actual amount of the service charge. These modeling results are also contained in Exhibit B.

The proposed rate structure will need to be translated into a specific utility formation and rate ordinance/resolution. Proposed language will be prepared for the City based on feedback from this briefing paper. Draft ordinance language should be jointly reviewed by staff, legal counsel and financial consultant to assure consistency with program priorities and compliance with the provisions of Measure 5 and recent Tax Court decisions.

- o Rate Structure

The following elements should be considered for inclusion in Milwaukie's stormwater rate structure:

- oo Rate based on impervious surface area;

not exceed 15 to 20 percent of the revenues identified above.

o Budget

The initial operating budget is targeted at providing a basic level of stormwater service with emphasis on capital improvements, regulatory compliance, maintenance, public information and water quality programming. Labor costs would focus on allocations of engineer and engineering technician time, maintenance field crew of 3 persons, along with the Finance Department's program support. Professional service fees would be directed at NPDES permitting costs along with water quality related sampling, equipment and testing. Based on the existing inventory of capital requirements a significant improvements allocation has been included.

The Public Works Department has prepared a CIP for stormwater which will be included in the final rate structure. Options for funding these improvements include both the pay as you go method and issuance of 10 or 20 year revenue bonds. There has also been discussion of combining the City's utility operations under a single/comprehensive utility umbrella with dedicated funds. This type of approach would likely impact the timing for debt financing of capital improvements and the cost of borrowing money for these improvements.

The case studies contained in Exhibit B evaluate rate impacts via a "pay as you go" option and a debt financed approach using "20 year revenue bond". The budget, as it is presently structured, establishes the program's cost of service at \$565,045. This program budget, when evaluated in terms of a "pay as you go" funding approach, requires a monthly single family rate of approximately \$4. If approached through a 20 year revenue bond, the initial rate would be approximately \$2.45 per single family per month with the rate escalating each year to cover the compounding effect of debt service through the life of the bonding period. By way of comparison, the County's North Clackamas program is anticipating a rate of \$4.00 for the unincorporated area. A sample of stormwater rates charged in other Northwest jurisdictions follows:

Bellevue, WA	\$7.25
King County, WA	\$6.80
Portland	\$4.05
Eugene	\$4.00

- oo Two general customer categories
  - single family
  - multi family/commercial/industrial;
- oo Uniform rate applied to single family;
- oo Rate based on measured impervious area for multi family/commercial/industrial;
- oo Publicly owned streets are not charged, publicly owned facilities are;
- oo Rate reduction available to those customers providing on site controls of stormwater quantity and quality; low income reduction; and
- oo Rate waiver available to those customers able to show non-use of the City's stormwater system and program.

#### IV. REVENUE FORECAST/BUDGET

##### o Revenue Forecast

Actual impervious surface measurements have not been developed to date. However, based on data provided by City staff, estimates have been prepared resulting in the following equivalent service unit totals:

Single Family Residential	6,000
Commercial	1,442
Industrial	3,861
Parks/Schools	379
Other	36

TOTAL 11,776 ESU's

Given alternative rates per ESU, the following annual revenue profile would result:

\$3.00 per ESU per month	\$423,936
\$4.00 per ESU per month	\$565,251
\$5.00 per ESU per month	\$706,560

It is important to highlight the fact that the City's rate structure may include both mitigation credits and waivers from the service charge. The fiscal impacts of these rate adjustment provisions have not been incorporated into the above revenue estimates, however, it is reasonable to estimate that these impacts will

Lake Oswego	\$3.75
West Linn	\$3.75
Lower Tualatin	\$3.25
USA	\$3.00

o Rate Impacts

Under a rate of \$4.00 per ESU, all single family homes in Milwaukie would pay \$4.00 per month. All non single family residential properties would pay a multiple of this base rate depending on their measured impervious area. The formula for calculating the monthly service charge is illustrated on the following page:

$$\frac{\text{Measured Impervious Area}}{\text{3,000 sq ft (est)}} = \# \text{ of ESU's} \times \$4.00 = \text{ttl charge}$$

By way of example (as no measurements are available as yet) some sample stormwater bills might resemble the following types of development:

- oo smaller strip mall..... \$200.00/month
- oo apartment building..... \$250.00/month
- oo larger supermarket..... \$450.00/month

These rates do not reflect any service charge credits or waivers for on-site stormwater quantity or quality management.

**V. NEXT STEPS TOWARD IMPLEMENTATION**

As part of the current scope of services, the City has received two draft ordinances for establishing a) the stormwater utility, and b) the utility's system and structure of rates. These are currently being reviewed with one formatting change including development of a rate resolution for storm water charges.

A second work session will be held with Council to re-establish the storm water utility direction agreed upon during its October 1992 session. Pending this approval, the City proposes to contract with Shaun Pigott Associates to prepare the storm water customer account data base and assist the City with other issues pertaining to implementing the utility (see the attached scope of services). If approved, Milwaukie's storm water program could be implemented as early as January 1, 1994.

**EXHIBIT A**  
**MAINTENANCE ACTIVITIES/COSTS**

# CITY OF MILWAUKIE STORMWATER MAINTENANCE WORKSHEET

Based on Available Hours

e = preliminary estimate

[ \* Key Water Quality Elements ]

09-Jul-93

Item No.	Maintenance Category	Units to be Maintained	Recommend Frequency	Performance Standard	Labor Requirements		Annual Man-Days		Worker: \$124/day	Equip. Cost (City Rate)	Cost Totals	% of Program	F.T.E. Reqmt.	Item No.
					Maint. Worker	Other	Maint. Worker	Other						
1 *	Clean Catch Basins w/Sumps	1,700 EA	150% /YR	20 EA/DA	2		255		\$31,620	\$18,488	\$50,108	39.9%		1
2 *	Manhole Cleaning	500 EA	33% /YR	20 EA/DA	2		17		2,048	371	2,417	1.9%		2
3 *	Clean Detention Basins	e 4 EA	150% /YR	2 EA/DA	2		6		744	135	879	0.7%		3
4	Roadside Ditches - Veg.	e 132,000 LF	75% /YR	2,640 LF/DA	2		75		9,300	1,688	10,988	8.7%		4
5	Roadside Ditches - Reshape	e 132,000 LF	33% /YR	1,320 LF/DA	2		68		8,184	1,650	9,834	7.8%		5
6	Open Channels - Veg.	e 28,400 LF	300% /YR	2,840 LF/DA	2		60		7,440	1,350	8,790	7.0%		6
7	Open Channels - Reshape	e 28,400 LF	100% /YR	1,600 LF/DA	2		35		4,385	880	5,245	4.2%		7
8	Clean/Flush Culverts	10,000 LF	50% /YR	500 LF/DA	2		20		2,480	1,000	3,480	2.8%		8
9	Clean Pipe	118,160 LF	25% /YR	1,500 LF/DA	2		39		4,801	1,936	6,737	5.4%		9
10	Inspection with T.V.	118,160 LF	20% /YR	2,500 LF/DA	2		19		2,305	929	3,234	2.6%		10
11	Rehab Catch Basin	e 30 EA	100% /YR	2 EA/DA	2		30		3,720	900	4,620	3.7%		11
12	Install Sedimentation Sumps	20 EA	100% /YR	1 EA/DA	2		40		4,960	1,200	6,160	4.9%		12
13 *	Street Sweeping	80 MI	800% /YR	10 MI/DA	1		22		2,778	1,680	4,458	3.5%		13
14	Non-Scheduled/Complaint Response	(+ 7.5% of Items 1 - 13)					51		6,358	2,308	8,662	6.8%		14
<b>SUB-TOTAL: ALL MAINTENANCE CATEGORIES &gt;&gt;&gt;&gt;</b>					25		735		\$91,098	\$34,513	\$125,611	100.0%		28

**OTHER ACTIVITIES:**

Administration/Supervision	+	10.0%	\$12,561
Emergency Response	+	5.0%	\$6,281
Hazard Mitigation	+	5.0%	\$6,281

**TOTAL ALL MAINTENANCE CATEGORIES**

TASK 13 (TO BE PAID 65% BY STREET FUND)

**TOTAL STORMWATER MAINTENANCE REVENUE NEEDS**

**\$150,733**

**\$150,733**

**Equipment and Labor Day Rate Summary**

Labor Cost	\$124.00
Pick up	45.00
Loader	60.00
Back hoe	50.00
Vactor	100.00
T.V. Truck	100.00
Street Sweeper	75.00

**EXHIBIT B**  
**BUDGET AND FINANCING**  
**ALTERNATIVES**

- O PAY AS YOU GO**
- O REVENUE BOND FOR  
CAPITAL IMPROVEMENTS**

**City of Milwaukie**  
**Surface Water Management Plan**  
**Pay-As-You-Go Case**  
**- Preliminary -**

**Economic Assumptions:**

Monthly ESU Charge	\$4.00
% Growth in ESU's per Year	1.50%
Annual O&M Cost Inflation	5.00%

13,424

Revenue & Expense Category	1993	1994	1995	1996	1997	1998
Equivalent Service Units	11,778	11,953	12,132	12,314	12,499	12,688
Operating Revenue:						
Charges for Services	\$565,251	\$573,729	\$582,335	\$591,070	\$599,936	\$608,936
Operating Expenses:						
Finance & Billing	22,683	23,817	25,008	26,258	27,571	28,950
Operations & Maintenance	158,269	168,182	174,492	183,216	192,377	201,996
Water Quality Management	28,250	27,563	28,941	30,388	31,907	33,502
Engineering Services	46,200	48,510	50,935	53,482	56,156	58,964
Public Works Administration & Support	39,000	40,950	42,998	45,147	47,405	49,775
Small Works	0	0	0	0	0	0
Rate Financed Capital Improvement Program	250,000	262,500	275,625	289,406	303,877	319,070
Public Involvement	5,250	5,513	5,788	6,078	6,381	6,700
Indirect Cost Support/General Fund	17,393	18,263	19,178	20,135	21,141	22,198
Total Operating Expenses	565,045	593,297	622,962	654,110	686,816	721,157
Net Operating Contingency	\$206	(\$19,588)	(\$40,627)	(\$63,040)	(\$86,879)	(\$112,221)
Required Monthly Rate	\$4.00	\$4.14	\$4.28	\$4.43	\$4.58	\$4.74

**Calculation of ESU's:**

Square Feet per ESU:	3,000
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Land Use Category	Developed Acreage	Percent Impervious	Impervious Acreage	Impervious Square Footage	Equivalent Service Units
Single Family Residential	NA	NA	NA	NA	6,000
Commercial	118	85.00%	100	4,389,068	1,456
Industrial	316	85.00%	269	11,700,216	3,900
Parks	70	3.00%	2	91,476	30
Schools	54	45.00%	24	1,058,508	353
Other	5	50.00%	3	108,900	36
Total					11,776

**City of Milwaukee**  
**Surface Water Management Plan**  
**Revenue Bond CIP Case**  
**- Preliminary -**

**Economic Assumptions:**

Monthly ESU Charge:	\$2.25
% Growth in ESU's per Year:	1.50%
Annual O&M Cost Inflation:	5.00%

Revenue & Expense Category	1993	1994	1995	1996	1997	1998
Equivalent Service Units	11,776	11,953	12,132	12,314	12,499	12,686
Operating Revenue:						
Charges for Services	\$317,954	\$322,723	\$327,584	\$332,477	\$337,464	\$342,528
Operating Expenses:						
Finance & Billing	22,683	23,817	25,008	26,258	27,571	28,950
Operations & Maintenance	158,269	166,182	174,492	183,216	192,377	201,996
Water Quality Management	28,250	27,563	28,941	30,388	31,907	33,502
Engineering Services	46,200	48,510	50,935	53,482	56,156	58,964
Public Works Administration & Support	39,000	40,950	42,998	45,147	47,405	49,775
Small Works	0	0	0	0	0	0
Rate Financed Capital Improvement Program	0	0	0	0	0	0
Public Involvement	5,250	5,513	5,788	6,078	6,381	6,700
Indirect Cost Support/General Fund	17,393	18,263	19,176	20,135	21,141	22,198
Total Operating Expenses	315,045	330,797	347,337	364,704	382,939	402,086
Net Operating Contingency	\$2,909	(\$8,074)	(\$19,773)	(\$32,227)	(\$45,475)	(\$59,560)

**Calculation of ESU's:**

Square Feet per ESU:	3,000
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Land Use Category	Developed Acreage	Percent Impervious	Impervious Acreage	Impervious Square Footage	Equivalent Service Units
Single Family Residential	NA	NA	NA	NA	6,000
Commercial	118	85.00%	100	4,369,068	1,456
Industrial	316	85.00%	269	11,700,216	3,900
Parks	70	3.00%	2	91,476	30
Schools	54	45.00%	24	1,058,508	353
Other	5	50.00%	3	108,900	36
Total					11,776

**City of Milwaukee**  
**Surface Water Management Plan**  
**Projection of Revenue Requirements**  
**& Monthly Rates**

	1993	1994	1995	1996	1997	1998
<b>Projection of Cash Flow:</b>						
Operating Revenues	\$317,954	\$322,723	\$327,584	\$332,477	\$337,464	\$342,528
Interest on Reserve	248	758	1,538	2,807	3,978	5,417
less: Operating Expenses	315,045	330,797	347,337	364,704	382,939	402,086
less: Debt Service	24,803	50,846	78,191	108,903	137,051	168,708
less: Reserve Funding	4,961	10,169	15,638	21,381	27,410	28,781
Net Cash	(\$28,607)	(\$68,333)	(\$112,064)	(\$157,903)	(\$205,958)	(\$251,630)
<b>Net Deficiency (Surplus)</b>	<b>\$28,607</b>	<b>\$68,333</b>	<b>\$112,064</b>	<b>\$157,903</b>	<b>\$205,958</b>	<b>\$251,630</b>

<b>Test of Coverage Requirement:</b>						
Operating Expenses	\$315,045	\$330,797	\$347,337	\$364,704	\$382,939	\$402,086
Debt Service - Revenue Bonds	24,803	50,846	78,191	108,903	137,051	168,708
G.O. Bonds	0	(0)	0	0	0	0
Reserve Funding for New Debt	4,961	10,169	15,638	21,381	27,410	28,781
Additional Coverage at 1.25	1,240	2,542	3,910	5,345	8,853	13,396
Total Revenue Req. with Coverage	\$348,048	\$394,354	\$445,076	\$498,333	\$554,253	\$612,969
Total Revenues	\$318,202	\$323,479	\$329,102	\$335,085	\$341,442	\$347,943
Net Revenue Req. incl. Coverage	\$27,847	\$70,875	\$115,974	\$163,248	\$212,811	\$265,026
Coverage Realized:	0.13	-0.14	-0.23	-0.28	-0.30	-0.32
<b>Revenue Deficiency (Surplus)</b>	<b>\$27,847</b>	<b>\$70,875</b>	<b>\$115,974</b>	<b>\$163,248</b>	<b>\$212,811</b>	<b>\$265,026</b>

<b>Projection of Revenue Sufficiency:</b>						
Maximum Deficiency	\$27,847	\$70,875	\$115,974	\$163,248	\$212,811	\$265,026
Percent Increase Required Over Current Revenues	8.76%	21.96%	35.40%	49.10%	63.06%	77.37%
Annual Percent Increase Required	8.76%	12.14%	11.02%	10.11%	9.36%	8.78%
<b>Estimated Monthly Rate w/o Rate Increase</b>	<b>\$2.25</b>	<b>\$2.25</b>	<b>\$2.25</b>	<b>\$2.25</b>	<b>\$2.25</b>	<b>\$2.25</b>
<b>Estimated Rate with Required Increase</b>	<b>\$2.45</b>	<b>\$2.74</b>	<b>\$3.05</b>	<b>\$3.35</b>	<b>\$3.67</b>	<b>\$3.99</b>

**City of Milwaukie**  
**Surface Water Management Plan**  
**Debt Service Sizing**  
**- Discussion Purposes Only -**

<b>Capital Improvements Financing</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>
Capital Costs to be Funded	\$250,000	\$282,500	\$275,625	\$289,406	\$303,877	\$319,070
less: Grant Funding	0	0	0	0	0	0
less: Contributions from SID Assessments	0	0	0	0	0	0
less: Contributions From Utility Rates	0	0	0	0	0	0
less: Capital Fund Contribution	0	0	0	0	0	0
Amount to be Financed	\$250,000	\$282,500	\$275,625	\$289,406	\$303,877	\$319,070
Interim Borrowing:						
BANs Issued:	\$0	\$0	\$0	\$0	\$0	\$0
less: Borrowing Cost	0	0	0	0	0	0
less: Interest Payments	0	0	0	0	0	0
plus: Interest Earnings	0	0	0	0	0	0
Net Available from BANS	\$0	\$0	\$0	\$0	\$0	\$0
Long-term Borrowing:						
Revenue Bonds:						
Amount Borrowed	\$257,732	\$270,619	\$284,149	\$298,357	\$313,275	\$328,939
less: Financing Cost	7,732	8,119	8,524	8,951	9,398	9,868
less: Reserve Funding	0	0	0	0	0	0
less: Refunding of BANs	0	0	0	0	0	0
Net Funds from Revenue Bonds	\$250,000	\$262,500	\$275,625	\$289,406	\$303,877	\$319,070
General Obligation Bonds:						
Amount Borrowed	\$0	\$0	\$0	\$0	\$0	\$0
less: Financing Cost	0	0	0	0	0	0
less: Reserve Funding	0	0	0	0	0	0
less: Refunding of BANs	0	0	0	0	0	0
Net Funds from G.O. Bonds	\$0	\$0	\$0	\$0	\$0	\$0
Net Annual Debt Service:						
Debt Service:	\$24,803	\$50,846	\$78,131	\$106,903	\$137,051	\$168,706
Coverage:	\$8,201	\$12,711	\$19,548	\$28,726	\$34,283	\$42,177
Reserve Funding:	\$4,981	\$10,169	\$15,638	\$21,381	\$27,410	\$28,781

# CITY OF MILWAUKIE



POLICE DEPARTMENT  
2566 S.E. Harrison • phone 652-4400

MEMORANDUM  
July 26, 1993

TO: Dan R. Bartlett, City Manager  
FROM: Charles A. Mansfield, Chief of Police *CA*  
SUBJECT: "COP CAMP" PROJECT

You asked for information regarding this program, which is currently scheduled to begin on August 10, 1993.

This project works with children determined to be "at risk" of involvement in delinquent behavior, or who would benefit from a structured program aimed at developing positive behaviors, reducing negative acts based on peer pressure and building self worth. Those ineligible for the program are individuals who have previously documented assaultive behavior or who are currently under formal juvenile court adjudication or sanctions. A recommendation from school staff and juvenile court deputy are required. In this program, police officers serve as role models and give direct contact to the students. Camping, fishing and hiking skills are taught to students directly by the officers, who are present at all times throughout each session.

All participants are in the 10-15 year old age bracket. All have had prior contact with school or juvenile authorities. All have been identified as being able to derive a direct benefit by participating in this program. All have voluntarily agreed to attend the program, with the signed permission of their parent or guardian. All are required to attend an orientation meeting to meet program staff.

Directly participating are the City of Milwaukie and Clackamas County Sheriff's Office (providing staff); the North Clackamas School District (providing transportation assistance and attendee selection) and the Clackamas County Juvenile Court (assisting in selection of attendees).

Additionally, individual businesses have, to date, provided \$1,100.

cash or in-kind donations for materials and supplies, such as camping equipment, food and related supplies, etc. Support from a number of community members has been encouraging and very supportive. Examples of firms assisting us are Fred Meyer, G.I. Joes, MGM Marketing, Clackamas Federal Credit Union and Dark Horse Comics.

There will be two sessions: August 10 through 12 and August 17 through 20 at Indian Henry campground, located 22 miles East of Estacada on the Clackamas River. This is a pilot project. If successful, these sessions will undoubtedly lead to an expanded program next year larger in scale and geographical scope and probably involving members of the Clackamas County Criminal Justice Council and sponsoring businesses throughout Clackamas County. However, a thorough critique and evaluation of these two sessions will be necessary to determine if the program should be established permanently.

All police officers participating in this camp are volunteers. Such a program cannot succeed unless each "counselor" fully supports the program and is not "drafted" unwillingly. Only male officers volunteered this year. Further, the large majority of "at risk" youth are males. Staff did not feel having a co-educational camp would be appropriate and would present several risks to the success of the camping experience and could not be properly staffed with sufficient female personnel.

Should the project continue into a second year it is likely a separate, "females only" session would be scheduled. No federal or state funds are involved in this project. The participants pay no fees or costs for any portion of the camp. You raised the subject of compliance with Title IX of the Civil Rights Act. I have asked the City Attorney's office to research this matter and expect a response later today on this subject.

Department officers participating in this project will do so as a receive eight hours of regular pay for their regular work shift plus receive credit under our community service incentive program for the additional time worked during the remainder of each program day.

A maximum of ten students was accepted for each session. Parents are required also to sign a liability waiver and medical information form. Liability risk is covered under our city policy and I have asked Mike Richmond of Sedgewick James, our insurance agent, to review the liability release form we are asking each parent to sign. The form we provided Mr. Richmond is based on the form used by the North Clackamas Parks & Recreation District.

No student was accepted that must use any prescription medication. Each student provides his own clothing, toiletries and sleeping bag. Any student violating program rules to the point that disrupts other participants will be returned home.

Please let me know if you have any additional questions regarding this program.

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS  
6101 S.E. JOHNSON CREEK BLVD.  
MILWAUKIE, OR 97206  
TELEPHONE: 652-4410  
FAX: 774-8236

TO: Mayor and City Council  
THRU: Dan Bartlett, City Manager  
Tim Corbett, Public Works Director *TC*  
FROM: Kelly Somers, Facilities Manager *Kelly*  
DATE: July 22, 1993  
RE: City Hall Elevator Project

ACTION REQUESTED

Information only

DISCUSSION

On July 12 bids were received for the City Hall Elevator Project and the remodel of the rest rooms in City Hall and the Library to meet ADA requirements.

Three bids were received as follows:  
1. Michael J. Watts \$192,000.00  
2. Glen Mar Const. \$221,400.00  
3. Pacific Coast Const. \$231,000.00

The low bid of Michael J. Watts has been approved and the award will be made to him by the Clackamas County Board of Commissioners at their August 12th meeting.

BUDGETED AMOUNT

The amount budgeted for design and construction of the new City Hall elevator, the restroom remodel in City Hall, and the Library is as follows:

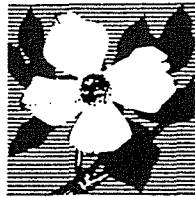
City Hall CDBG funds	\$ 70,000.00
Library and City Hall restroom CDBG funds	\$ 45,000.00
1992-93 Match	\$112,500.00
1993-94 Match	\$ 30,000.00
Total funds available	<u>\$257,500.00</u>

ACTUAL COST

The actual amount for the design, the construction of the project, and other related cost such as minor asbestos removal, temporary facilities arrangements, and temporary restroom facilities for staff and the general public.

Design fee	\$ 33,000.00	
Construction fee	\$192,000.00	
Other cost	<u>\$ 10,000.00</u>	
Total cost		<u>\$235,000.00</u>
	Balance	\$ 22,500.00

# CITY OF MILWAUKIE



POLICE DEPARTMENT  
2566 S.E. Harrison • phone 652-4400

MEMORANDUM  
July 21, 1993

TO: Mayor and City Council

THROUGH: Dan R. Bartlett, City Manager *DB*

FROM: Charles A. Mansfield, Chief of Police *CM*

SUBJECT: CITY ORDINANCE: ALCOHOL REGULATIONS

Action Requested:

Consider adoption of an ordinance, adding Chapter 9.06 to regulate use of alcoholic liquor in public places.

Background:

Council directed staff to draft for their consideration an ordinance prohibiting "open containers" of alcoholic beverages in certain public areas. As discussed in a previous council worksession, the city currently has no such regulation and applies existing state law for offenses of (1) open containers of alcoholic beverages in motor vehicles or (2) minor in possession of an alcoholic beverage. The department may also take into custody intoxicated persons in a public place on a civil hold for placement in a detoxification center. Currently those persons are detained at the Hooper Center in Portland.

This leaves a gap in cases where alcohol is being consumed on a public street or sidewalk or public places such as school grounds, parks, the city boat ramp area, etc. In those cases, alcohol could be lawfully consumed by adults who are not intoxicated to a degree which would justify a civil hold.

We frequently find that disturbance calls, or the propensity for a public disturbance between individuals, involve the use of alcohol on public property in the possession of one or more of the participants.

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# CITY OF MILWAUKIE



POLICE DEPARTMENT  
2566 S.E. Harrison • phone 652-4400

MEMORANDUM  
May 4, 1993

TO: Mayor and City Council

THROUGH: Dan R. Bartlett, City Manager *DB*

FROM: C. A. Mansfield, Chief of Police *CA*

SUBJECT: ALCOHOLIC BEVERAGES IN PUBLIC

Members of the City Council requested information regarding the possibility of a local ordinance related to consumption of alcoholic beverages in public. Presently, Milwaukie has no ordinance concerning the drinking alcohol in public places.

The city does enforce several state statutes related to other uses of alcoholic beverages in other settings. For example; open container in a motor vehicle, furnishing alcohol to a minor, Driving Under the Influence of Intoxicants, serving visibly intoxicated persons (applies to OLCC licensed servers) and minor in possession of an alcoholic beverage. Past experience has shown that most non-vehicular citations are to minors in possession of an alcoholic beverage, which may be either by physical possession or by consumption, as evidenced by the odor of an alcoholic beverage on a person's breath.

ORS 426.460 provides for civil hold of a person at a detoxification center when that person is intoxicated or under the influence of controlled substances in a public place. Usually these persons are taken to the Hooper Detoxification Center in Portland, where they are held until sobered and released. We experience anywhere from two to six such cases per month.

This leaves those cases of persons who are not visibly intoxicated and are in possession of or are consuming an

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE BY ADDING CHAPTER 9.06, ALCOHOL REGULATIONS, TO TITLE 9.

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WHEREAS, the City of Milwaukie does not regulate drinking of alcoholic liquor in public places; and

WHEREAS, the City has experienced alcohol related disturbances in the past and would like to minimize this type of behavior; and

WHEREAS, the City Council finds that regulating drinking in public places would be beneficial to the City, now; therefore,

The City of Milwaukie does ordain as follows:

SECTION 1. Title 9 is amended by adding Chapter 9.06 Alcohol Regulations as follows:

Section 9.06.010 It is unlawful for any person to drink or consume any alcoholic liquor or have in their possession any bottle, can or other receptacle containing any alcoholic liquor which has been opened, or unsealed, or the contents of which have been partially removed, while in or upon any public street or sidewalk, school, park, public boat landing, dock and other attendant facilities, municipal building and premises used in connection with public passenger transportation. However, the City Council or its designee may permit the service and consumption of alcoholic liquors in any public place or within designated municipal buildings on such terms and conditions as the council may provide. Nothing in this section shall be deemed to prohibit drinking of alcoholic liquor in any establishment wherein the same may be sold for on-premises consumption under the laws of the state, or when a permit has been granted by the City Council, or its designee.

Section 9.06.020 Consumption of alcohol or possession of an open container of alcoholic liquor in any public place listed in subsection 9.06.010 is a violation and is punishable by a fine of not more than \$250 dollars.

Read the first time on \_\_\_\_\_ and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
O'Donnell, Ramis, Crew & Corrigan

O'DONNELL, RAMIS, CREW & CORRIGAN

ATTORNEYS AT LAW  
BALLOW & WRIGHT BUILDING  
1727 N.W. Hoyt Street  
Portland, Oregon 97209

TELEPHONE: (503) 222-4402  
FAX: (503) 243-2944

PLEASE REPLY TO PORTLAND OFFICE

DATE: June 25, 1993  
TO: Chief Mansfield, Milwaukie Police Department  
FROM: Anja Hackworth, Legal Assistant *ah*  
RE: Alcohol Regulations Ordinance

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As you requested I have enclosed the final draft of the alcohol regulations ordinance. If you have any further questions or comments regarding this ordinance please give me a call.

# CITY OF MILWAUKIE



FAX (503) 652-4433

\*\*\*MEMORANDUM\*\*\*  
JULY 20, 1993

TO: Honorable Mayor and City Council

THROUGH: Charlene Richards *CR* Assistant to the City Manager  
Dan Bartlett, City Manager *DB*

From: Darrell *DL* Lyons, Project Specialist - Recycling

SUBJECT: Haulers' Request for Rate Adjustment, Proposed Changes to Administrative Rules for Solid Waste, Recycling and Yard Debris. Status of the Curbside Yard Debris Recycling Program.

## ACTION REQUESTED:

City Council to review the request for a 5% rate increase in residential and commercial drop box services. Ref: RATE ADJUSTMENT COMPUTATIONS and NEW RATE SCHEDULE. The drop box service proposal includes modifying the box rental charge. Also, a request to adopt changes to the Administrative Rules for solid waste, recycling and yard debris. Ref: Summary of request for rate increase and changes to Administrative Rules presented by Estle Harlan.

Provide Staff with direction to provide the proper documents for any changes in Rates and Administrative Rules. Rate changes, under ordinance number 1301, require a new resolution. Adoption of changes to Administrative Rules require a new ordinance.

Staff will present an update on the status of the yard debris program.

## EVALUATION CRITERIA:

The rate review process uses the following criteria to evaluate requests for rate changes:

A. Prevailing Rate In The Region. Using rate comparisons as of July 1992, the City of Milwaukie remains in the upper range of the residential weekly rates. The comparisons are from jurisdictions within Clackamas County and other Oregon Cities. Ref: SUMMARY OF COMPARATIVE 1992 RATES. Please note those jurisdictions, except Portland, in the upper range of rates offer weekly yard debris collection. However, as of July 1993, several jurisdictions have increased their 1992 rates. Ref: SUMMARY OF COMPARATIVE 1993 RATES

B. Operating Costs. Total expenses increased approximately 8% from 1991, while gross revenues increased 14.6%.

C. Rate of Return. The formula for rate of return is: revenues minus expenses divided by revenue. Based on this formula, the rate of return before taxes is 13.1% for 1992. The rate of return allowed is to provide for reinvestment in capital equipment, facilities and a reasonable profit for business.

D. Investment of an Extraordinary Nature Required to Fulfill Federal or Local Requirements. The haulers presented no specific extraordinary costs.

BACKGROUND:

A request for a rate change was presented to Council at the May 1993 work session. Upon review, Council requested additional financial information be submitted at the July 1993 work session. The additional information illustrated the potential impact on the haulers' rate of return and the impact on the citizen waste/recycling rates the next two years, if no increase is given. Ref: REVENUE PROJECTION, COST PROJECTIONS, PROPOSED OPTIONS; ASSUMPTIONS.

OVERVIEW:

Staff has reviewed with Council the revenue projections based on a 5% rate increase in residential and drop box services. The drop box service proposed will also include modifying the box rental charge. Currently, the daily rental charge is \$3.60 per day or \$108 per month (\$3.60 x 30 days = \$108.) The rental charge would remain \$3.60 per day, but not to exceed \$63.00 per month. The overall effect would reduce drop box revenues and offset the effect of a rate increase.

The basis for the 5% rate increase proposal are: financial projections, through July 1994, of increased operations costs and increased disposal costs. The projected cost increases are the following:

- A. Projected operational costs will increase an average of 4%, with the net effect on operating margin of 2%.
- B. Projected METRO increase of 20% in disposal fees.

OPTIONS:

- A. Approve the proposed rate increase and lessen the impact of a projected rate increase of 9.4% in July 1994.
- B. Approve a rate increase of less than 5%, possibly lessening the impact of projected rate increase in July, 1994.
- C. Not approve a rate increase for 1993, and review financial data for 1994 rate review.

RECOMMENDATION: Based on financial data presented for the normal reporting period (12 months ending 9/30/92) and current review process, option " C" is recommended. Implementation of either option "A" or "B" would be a change in the review criteria. Current criteria looks at past financial data only and does not consider projected data.

ADMINISTRATIVE RULES:

Ms. Harlan is recommending a change to the reporting for rate adjustment requests. The current Administrative Rules require annual reporting through September with the data to be presented to the City no later than January of the following year. From the time financial data is submitted, reviewed and presented to Council, it is close to one year old. Also, METRO's disposal fee adjustments take effect July 1. This means that the haulers could be a year behind in financial changes that significantly impact their operations.

The Administrative Rules for solid waste, recycling and yard debris have been reorganized and updated so that the City of Milwaukie is in full compliance with State and Regional regulations. Ref:

CITY OF MILWAUKIE  
ADMINISTRATIVE RULES  
for  
SOLID WASTE, RECYCLING AND YARD DEBRIS COLLECTION

The following sections provide service standards insuring the citizens of Milwaukie that they will receive quality waste and recycling services:

- Section 3.0 SOLID WASTE COLLECTION REQUIREMENTS
  - 3.1 FRANCHISEE RESPONSIBILITY
    - 3.1.1 - 3.1.17
  - 3.2 CUSTOMER RESPONSIBILITY
    - 3.2.1 - 3.2.7

- Section 4.0 RECYCLING COLLECTION REQUIREMENTS
  - 4.1 FRANCHISEE RESPONSIBILITY
    - 4.1.1 - 4.1.8
  - 4.2 CUSTOMER RESPONSIBILITY
    - 4.2.1 - 4.2.2

RECOMMENDATION:

Staff recommends the adoption of all changes to the Administrative Rules for solid waste, recycling and yard debris. The adoption of these rules will provide good public policy and also assist in the 1994 franchise review.

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HARLAN BUSINESS CONSULTANTS, INC.

2202 S.E. LAKE RD.

MILWAUKIE, OREGON 97222

(503) 654-9533

July 22, 1993

ESTLE HARLAN  
CONSULTANT

FAX (503) 654-8414

HONORABLE MAYOR AND CITY COUNCIL, CITY OF MILWAUKIE:

RE: SOLID WASTE RATE ADJUSTMENT AND REVISIONS TO ADMINISTRATIVE RULES

BACKGROUND: We have appreciated the opportunity to meet with you in two worksessions to discuss these solid waste proposals. The rate adjustment is requested because we are following the Council policy previously approved of spreading rate adjustments so that there would be less impact on the rate payers in any given year. If our rate request is approved, some of the increase in other operating costs could be absorbed in 1993 rather than delaying all cost increases to 1994. If there is an excessive adjusted operating margin in 1994, that could be used to buy down some of the impact from the 1994 disposal increase. METRO is forecasting up to a 20% disposal increase in 1994, but there are a lot of variables, such as the question of whether they will build the Wilsonville transfer station, that could affect the actual increase in disposal fees in 1994. We recognize that the policy is yours to make as to whether to spread the impact of projected cost increases, or whether to delay until the actual increases are a known factor. The haulers will continue to provide their customers in Milwaukie with a high level of service, no matter which way you decide to go on this rate proposal.

We have worked with staff to draft Administrative Rules that create good public policy for the City and clear collection standards for the customers and haulers.

RATE ADJUSTMENT:

1. The request is for a 5% increase in residential rates; for a 5 % increase in drop box rates that is more than off-set by a decrease in the box rental rate, which would have a monthly maximum cap and correspond to County rental rates; and for NO increase in commercial rates which are adequate to cover cost of service.
2. The impact on the bottom-line operating margin would be an increase of 1.7% if the rate request is granted.
3. Attachment (A) is a Rate Summary that shows the current rates, the proposed adjustments and the proposed new rate.

ADMINISTRATIVE RULES:


1. The organization of the proposed Rules are:
  - Section 1. Purpose, Scope, and Amendment to Rules
  - Section 2. Definitions
  - Section 3. Solid Waste Requirements
    - 3.1 Franchisee Responsibility
    - 3.2 Customer Responsibility

HONORABLE MAYOR AND CITY COUNCIL, CITY OF MILWAUKIE  
July 22, 1993  
Page two

- Section 4. Recycling Collection Requirements
  - 4.1 Franchisee Responsibility
  - 4.2 Customer Responsibility

Section 5. Financial and Program Reporting Requirements  
(It should be noted that because rate increases are now generally timed to METRO's disposal fee adjustment on July 1 of each year, that Section 5.2.1. has changed the reporting requirements for annual reviews to correspond to that timing.)

Very truly yours,



ESTLE HARLAN, CONSULTANT  
FOR MILWAUKIE SOLID WASTE FRANCHISEES

CITY OF MILWAUKIE

RATE REVIEW - 1993

RATE ADJUSTMENT COMPUTATIONS

<u>WEEKLY SERVICE</u>	<u>MONTHLY CURRENT RATE</u>	+	<u>5% INCREASE TO RESIDENTIAL AND DROP BOX RATES</u>	+	<u>3% F/FEE INCREASES</u>	=	<u>TOTAL PROPOSED RATE</u>
CAN							
<u>Residential</u>							
1- 32 Gallon Can	17.25		.85		.05		18.15
2 - 32 Gallon Cans	33.15		1.65		.05		34.85
Ea. Add. - 32 Gal. Can	14.70		.75		.00		15.45
1 - 20 Gallon Can	13.70		.70		.00		14.40
Extra Can Yard Debris	2.60		.00		.00		2.60
Yard Debris Only (Customer)							
1 - 32 Gallon Can	3.60		.00		.00		3.60
CAN							
<u>Court Apartments</u>							
1 - 32 Gallon Can	13.20		.65		.00		13.85
CAN							
<u>Commercial</u>							
1 - 32 Gallon Can	15.45		.00		.00		15.45
2 - 32 Gallon Cans	29.35		.00		.00		29.35
Ea. Add. - 32 Gal. Can	12.05		.00		.00		12.05
Can							
<u>Occasional</u>							
1 - 32 Gallon (Cash)	5.30		.25		.00		5.55
1 - 32 Gallon (Billed)	6.85		.35		.00		7.20

<u>WEEKLY SERVICE</u>	<u>MONTHLY CURRENT RATE</u>	+	<u>5% INCREASE TO RESIDENTIAL AND DROP BOX RATES</u>	+	<u>3% F/FEE INCREASES</u>	=	<u>TOTAL PROPOSED RATE</u>
<u>CART Residential</u>							
1 - 60 Gallon Cart	21.60		1.10		.05		22.75
1 - 90 Gallon Cart	23.30		1.15		.05		24.50
<u>CART Commercial</u>							
1 - 60 Gallon Cart	22.40 (new)		0.00		.00		22.40
1 - 90 Gallon Cart	24.10		0.00		.00		24.10
<u>COMMERCIAL CONTAINERS (LOOSE)</u>							
1 Yard	87.50		0.00		.00		87.50
1-1/2 Yards	120.30		0.00		.00		120.30
2 Yards	159.35		0.00		.00		159.35
3 Yards	217.70		0.00		.00		217.70
4 Yards	288.10		0.00		.00		288.10
6 Yards	393.30		0.00		.00		393.30
8 Yards	503.10		0.00		.00		503.10
<u>COMMERCIAL CONTAINERS (COMPACTED)</u>							
1 Yard	163.20		0.00		.00		163.20
2 Yards	303.95		0.00		.00		303.95
3 Yards	415.10		0.00		.00		415.10
<u>CLEAN-UP CONTAINERS (LOOSE)</u>							
1 Yard	48.70		0.00		.00		48.70
1-1/2 Yards	60.60		0.00		.00		60.60
2 Yards	74.40		0.00		.00		74.70
3 Yards	95.65		0.00		.00		95.65
<u>DROP BOX (LOOSE) (Plus Disposal)</u>							
20 Yard	79.75		4.00		.10		83.85
30 Yard	101.55		5.10		.10		106.75
40 Yard	117.35		5.85		.15		123.35
RENTAL FEE (after 48 hrs.)	3.40 per day per 10 yd.capacity (no maximum)		.15 (maximum 63.00 per mo.)		.00		6.30 per day (maximum .00 per mo.)

EXHIBIT "A"  
TO RESOLUTION NUMBER \_\_\_\_\_  
SOLID WASTE AND WASTE COLLECTION RATES  
IN THE CITY OF MILWAUKIE

Effective the 1st day September, 1993

I. 32 GALLON CAN

Residential Rates

The rate per 32 gallon can per month shall be:

One Collection per Week - One Can	18.15
One Collection per Week - Two Cans	34.85
One Collection per Week - Each Addt'l Can	15.45
One Collection per Week = One Can 20 Gal. or less	14.40
Extra Can of Yard Debris (occasional)	2.60
Yard Debris in Cart (subscribe for one year)	3.40

COURT APARTMENTS

The rate per 32 gallon can per month shall be:

One Collection per Week - per Can	13.85
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COMMERCIAL CAN RATES

The rate per 32 gallon can, one stop per week:

One Collection per Week - One Can	15.45
One Collection per Week - Two Cans	29.35
One Collection per Week - Each Addt'l Can	12.05

Additional stops per week for 32 gallon cans shall be served at 100% of the first stop per week rate.

Additional Residential Service:

Occasional service on the regular route day in the area is available upon notification of your collection at least 24 hours prior, or personal contact with the driver ("Yoo-Hoo" service) on the route as in the past.

The rate on a per can basis shall be:

(Cash)	5.55
(If Billed)	7.20

II. ROLLER CART - RESIDENTIAL ROADSIDE RATE

The cart must be at roadside by 6:00 a.m. on the day of collection.

The rate per cart per month shall be:

One Collection per Week - per 60 Gallon Cart	22.75
One Collection per Week - per 90 Gallon Cart	24.50

Additional stop per week shall be served at 125% of the first stop per week rate.

Extra Can of Yard Debris (occasional)	2.60
Yard Debris in Cart (subscribe for one year)	3.40

A collector may require a deposit of \$30 at the time a cart is initially placed. The deposit will be refunded upon return of the cart or at the expiration of five (5) years, whichever first occurs, providing the cart is maintained in good condition under the care, custody and control of the customer (reasonable wear and tear excepted). A collector may refuse carts to any customer where the use is not compatible with the cart.

ROLLER CART - COMMERCIAL ROADSIDE RATE

The cart must be at roadside by 6:00 a.m. on the day of collection.

The rate per cart per month shall be:

One Collection per Week - Per 60 Gallon Cart	22.40
One Collection per Week - Per 90 Gallon Cart	24.10

Additional stop per week shall be served at 125% of the first stop per week rate.

A collector may require a deposit of \$30 at the time a cart is initially placed. The deposit will be refunded upon return of the cart or at the expiration of five (5) years, whichever first occurs, providing the cart is maintained in good condition under the care, custody and control of the customer (reasonable wear and tear excepted). A collector may refuse carts to any customer where the use is not compatible with the cart.

The weight limit for both residential and commercial carts shall be 120 pounds.

III. CONTAINER SERVICE

A. Loose Material - one stop per week, first container:

One Yard	87.50
One and One-Half Yard	120.30
Two Yards	159.35
Three Yards	217.70
Four Yards	288.10
Six Yards	393.30
Eight Yards	503.10

Additional containers shall be served at 90% of the first container rate.

Additional stops per week shall be served at 90% of the first stop per week rates. The collector shall furnish the containers.

B. Compacted Material - one stop per week, first container:

One Yard	163.20
Two Yards	303.95
Three Yards	415.10

Additional containers shall be served at 90% of the first container rate.

Additional stops per week shall be served at 90% of the first stop per week rates. Compactors furnished by the customers shall be compatible with the equipment of the collector. If the collector agrees to furnish the compactor, the collector may charge a reasonable rental fee based on the value of the compactor and the cost of repair and maintenance.

IV. DROP BOX SERVICE

A. Loose Material - for repeat customers:

20 Yards	83.85	(plus disposal costs)
30 Yards	106.75	(plus disposal costs)
40 Yards	123.35	(plus disposal costs)

An additional \$22.70 per drop box may be charged for one-stop service (plus disposal costs). A reasonable deposit for disposal costs may be charged.

B. Compacted Material:

Under 18 Cubic Yards	101.00	(plus disposal costs)
18-29 Yards	6.25	(plus disposal costs)
30-39 Yards	5.50	(plus disposal costs)
40+ Yards	4.90	(plus disposal costs)

Rental Fee after 2 working days on location, \$6.30 per day.  
Maximum monthly rental \$63.00.

V. CLEAN-UP CONTAINER RATES

Container Size

1 Yard	48.70
1-1/2 Yards	60.60
2 Yards	74.40
3 Yards	95.65

Plus rent after 48 hours:

1 - 2 Yards	2.25 per day
3 Yards	3.35 per day

VI. NON-CUSTOMER - YARD DEBRIS ONLY SERVICE

(Non-customer includes a regular customer with a less than weekly service frequency.)

The following are monthly rates predicated on weekly yard debris removal service. This service is provided only within the Urban Growth Boundary. The subscriber is required to pay for one year of service in advance.

1 - 32 Gallon Can; or 4' x 18" diameter bundle, or Kraft paper bag	3.60
60 Gallon Cart	7.00
Extra can of yard debris	2.60
Permanent second can	3.60

VII. ANY OTHER TYPE OF SERVICE

If, due to changes in technology or needs of residents and business people of Milwaukie, additional or other types of services are needed, the charge for the service shall not be discriminatory, shall be reasonable by being commensurate with the rates above, and shall not exceed the rates most generally applicable in the Portland Metropolitan area.

SUMMARY OF COMPARATIVE RATES

1992 RATES

Effective Date:

SERVICE RATES	BEAVERTON *	CANBY *	CLACK. COURTY **	GLADSTONE **	GRESHAM	MILWAUKIE	MOLALLA *	OREGON CITY	PORTLAND ***	SANDY *	TIGARD *	TUALATH	WASHINGTON	
													COUNTY *	WEST LINN *
<u>RESIDENTIAL WKLY.</u>														
1 yd.) 1 Can (32 gal)	12.23	14.40	17.85	13.55	17.20	17.25	15.15	17.95	17.30	15.35	13.10	17.05	14.47	15.80
1 yd.) 2 Cans(32 gal)	23.31	25.45	35.70	27.10	28.10	33.15	27.85	35.90	27.20	29.20	26.20	28.80	28.94	31.60
1 yd.) Ea.add.Can(32 g)	10.58	11.25	17.85	13.55	10.25	14.70	11.90	17.95	6.50	14.65	13.10	11.75	14.47	15.80
1 yd.) 1 Can (20 gal)	-	-	14.15	-	15.20	13.70	-	14.25	13.00	-	10.85	13.93	13.30	13.25
curb) 60 Gal Cart	-	-	26.30	-	21.70	21.60	-	-	24.20	-	24.08	23.39	22.08	-
curb) 90 Gal Cart	-	-	27.90	-	21.70	23.30	-	-	27.25	-	30.19	-	26.92	-
<u>COMMERCIAL WKLY.</u>														
1 Can (32 gal)	12.75	14.90	15.45	13.55	13.40	15.45	16.30	16.00	Not	15.60	13.10	13.13	14.47	17.00
2 Cans (32 gal)	24.30	25.70	28.80	27.10	24.30	29.35	29.35	32.00	Regu-	28.20	26.20	25.15	28.94	34.00
60 Gallon Cart	-	-	25.10	-	-	22.40	-	-	lated	-	24.08	-	22.08	-
90 Gallon Cart	-	-	27.30	-	-	24.10	-	-	-	-	30.19	23.43	26.92	-
1-1/2 yd.Container	110.21	108.80	114.85	114.00	89.56	120.30	114.05	129.05	-	116.45	102.85	103.57	101.29	131.05
2 yd.Container	145.88	145.00	144.05	147.75	116.07	159.35	151.65	171.55	-	145.90	136.19	137.25	133.73	166.10
3 yd.Container	203.10	199.55	202.55	200.45	164.42	217.70	-	-	-	200.45	186.49	189.66	171.85	-
<u>DROP BOX (+Disp)</u>														
20 Yard	93.94	72.50	76.30	76.30	72.08	79.75	76.30	88.90	-	76.30	88.80	68.55	93.88	62.90
30 Yard	130.12	87.75	93.45	93.45	92.92	101.55	93.45	113.10	-	93.45	108.70	89.95	129.47	82.50
40 Yard	159.41	95.55	107.95	107.95	104.16	117.35	107.95	-	-	107.95	-	103.80	155.17	95.25
(Plus Rental)														

\* No curbside collection of yard debris

\*\* Weekly curbside collection of yard debris paid by City General Fund

\*\*\* Monthly (not weekly) curbside collection of yard debris. Garbage collection rates are curbside (\$3. surcharge for yard garbage collection)

# RATE ADJUSTMENT PENDING, EFFECTIVE 7/1/93

SUMMARY OF COMPARATIVE RATES

1993 RATES

SERVICE RATES	BEAVERTON *	CANBY *	CLACK. COUNTY	GLADSTONE **	GRESHAM	MILWAUKIE #	MOLALLA *	OREGON CITY	PORTLAND ***	SANDY *	TIGARD *	TUALATIN 35 Gal. Cart 17.05	WASHINGTON COUNTY *	WEST LINN *
<u>RESIDENTIAL WKLY.</u>														
1 yd.) 1 Can (32 gal)	12.23	14.40	18.70	13.55	17.55	17.25	15.90	17.95	17.60	15.35	13.10	-	14.47	15.80
1 yd.) 2 Cans(32 gal)	23.31	25.45	37.40	27.10	28.70	33.15	29.25	35.90	27.05	29.20	26.20	-	28.94	31.60
1 yd.) Ea.add.Can(32 g)	10.58	11.25	18.70	13.55	10.50	14.70	12.50	17.95	14.50	14.65	13.10	-	14.47	15.80
1 yd.) 1 Can (20 gal)	-	-	14.80	-	15.50	13.70	-	14.25	14.60	11.55	10.85	13.93	13.30	13.25
curb) 60 Gal Cart	-	-	27.60	-	22.15	21.60	-	-	24.05	-	24.08	23.39	22.08	-
curb) 90 Gal Cart	-	-	29.20	-	22.15	23.30	-	-	27.10	-	30.19	-	26.92	-
<u>COMMERCIAL WKLY.</u>														
1 Can (32 gal)	12.75	14.90	16.20	13.55	17.55	15.45	17.10	16.00	not	16.15	13.10	13.13	14.47	17.00
2 Cans (32 gal)	24.30	25.70	30.20	27.10	28.70	29.35	30.80	32.00	regu-	29.20	26.20	25.15	28.94	34.00
60 Gallon Cart	-	-	25.10	-	22.15	22.40	-	-	lated	-	24.08	-	22.08	-
90 Gallon Cart	-	-	27.30	-	22.15	24.10	-	-	"	-	30.19	23.43	26.92	-
1-1/2 yd.Container	110.21	108.80	114.85	114.00	95.38	120.30	136.55	129.05	"	116.45	102.85	103.57	101.29	131.05
2 yd.Container	145.88	145.00	144.05	147.75	123.61	159.35	181.45	171.55	"	145.90	136.19	137.25	133.73	166.10
3 yd.Container	203.10	199.55	202.55	200.45	175.11	217.70	-	-	"	200.45	186.49	189.66	171.85	-
DROP BOX (+Disp)														
20 Yard	93.94	72.50	80.55	76.30	76.77	79.75	80.55	88.90	"	80.55	88.80	68.55	93.88	62.90
30 Yard	130.12	87.75	98.10	93.45	98.96	101.55	98.10	113.10	"	98.10	108.70	89.95	129.47	82.50
40 Yard	159.41	95.55	113.35	107.95	110.93	117.35	113.35	-	"	113.35	-	103.80	155.17	95.25
(Plus Rental)														

\* No curbside collection of yard debris

\*\* Weekly curbside collection of yard debris paid by City General Fund

\*\*\* Bi-Weekly (Not Weekly) curbside collection of yard debris. Garbage collection rates are curbside (\$3. surcharge for yard garbage collection)

# RATE ADJUSTMENT PENDING

CITY OF MILWAUKIE

1993 RATE REVIEW

REVENUE PROJECTION  
(If increase granted)

REVENUE CLASS	% BY CLASS	REVENUE BY CLASS	PROPOSED INCREASE		PROPOSED REVENUE	PROPOSED EFFECTIVE INCREASE
			%	\$		
Residential	35.8%	991,059	5%	49,553	1,040,612	1.8%
Commercial	42.3%	1,171,000	0%	0	1,171,000	0%
Drop Box	21.9%	606,263	5%	30,313	636,576	1.1%
	<u>100.0%</u>	(1) <u>2,768,322</u>	Drop Box Rent Decrease		<u>(33,220)</u>	<u>(1.2%)</u>
					<u>2,814,968</u>	<u>1.7%</u>

(1) 6 mos. Revenue of \$1,384,161 annualized

July 1, 1994  
COST PROJECTIONS

Disposal increase of 20%  
(From \$75/ton to \$90/ton)  
(Current Disposal is 37% of Revenue) 20% x 37% = 7.4% Cost Increase

6/30/94 Projected Financial Statement  
Increase in Operating Costs Other Than Disposal = 2.0% Cost Increase

Total Projected Cost Increases on 7/1/94 9.4% Cost Increases  
(This equates to \$1.60 for a 32 gallon can)

PROPOSED OPTIONS

- |  | <u>%</u>      |
|--|---------------|
| 1. <u>Approve requested increase 7/93:</u> |               |
| Projected Cost Increases 7/1/94            | 9.4%          |
| Less 1.7% rate increase 7/93               | <u>(1.7%)</u> |
| Remaining rate increase 7/1/94             | 7.7%          |
| 2. <u>Delay all increases to 7/1/94:</u>   |               |
| Projected Rate Increase 7/1/94             | 9.4%          |

INPUT AREA

ASSUMED INFLATION (ANNUAL)	4.0%
PROJECTION PERIOD (MONTHS)	12
SOURCE DATA PERIOD (MONTHS)	6
INSURANCE INFLATION (ANNUAL)	10.0%
ADD ACTIVITY PREMIUM (ANNUAL)	1.0%

CITY OF MILWAUKIE  
ADMINISTRATIVE RULES  
for  
SOLID WASTE, RECYCLING AND YARD DEBRIS COLLECTION

Section 1.0 PURPOSE OF RULES

It shall be the express purpose of the City of Milwaukie to coordinate its solid waste regulatory process with that of Clackamas County to achieve the following equitable and economical results:

- a. Equal or fair treatment of franchisees serving both jurisdictions.
- b. Maximum integration of data collection and analysis capabilities to control the public and private sector costs of regulation.
- c. Consistent standards of operation and conduct for businesses operating franchises in the city and county.

1.1 SCOPE OF RULES

Administrative Rules contained within this document are intended to articulate the standards and expectations for solid waste, recyclables and yard debris collection as authorized by Ordinance No. \_\_\_\_\_.

1.2 ADOPTION AND AMENDMENT OF RULES

The City or Franchisees may propose and prepare rules and regulations pertaining to Ordinance No. \_\_\_\_\_. The rules and regulations shall be in writing and be maintained for inspection in the office of the City Recorder. All rules and regulations proposed by either party and all amendments thereto shall be immediately forwarded to the other party who shall have 30 days to respond in writing to such proposed rules and regulations. The rules and regulations and any amendments thereto, shall be acted upon by the City Council, after hearing, following said 30-day period.

Section 2.0 DEFINITIONS

2.1 "City" means City of Milwaukie, Clackamas County, Oregon.

The definitions contained in Ordinance No. \_\_\_\_\_ shall be incorporated by reference herein.

2.2 "City Council" or "Council" means City Council of Milwaukie, Oregon.

In addition, for the purpose of these Administrative Rules, the following definitions shall be applicable:

2.3 "Bulky Wastes" mean large items of Solid Waste such as appliances, furniture, large auto parts, trees, branches

1. ADMINISTRATIVE RULES

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greater than 4 inches in diameter and 36 inches in length, stumps and other oversize wastes whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

2.4 "Commission" means Environmental Quality Commission (EQC).

2.5 "Compensation" includes:

(a) Any type of consideration paid for service including, but not limited to, rent, membership fees, the proceeds from resource recovery, any direct or indirect provision for the payment of money, goods, services or benefits by tenants, lessees, occupants, members or similarly situated persons; and

(b) The exchange of service between persons.

2.6 "Curbside" means located within three (3) feet of the edge of a public street. The "street" may be a public alley if a Franchisee desires to pick up garbage or recyclables from the alley. The three foot rule does not allow the garbage or recycling container to be placed on the house side of a fence or enclosure even if the container is within three feet of the public street/alley. For residences on a flag lot, or other private driveway, "curbside" shall be the point where the driveway intersects the public street, or at such other location agreed upon between a Franchisee and Customer.

2.7 "Department" means the Department of Environmental Quality (DEQ).

2.8 "Disposal Site" means land and facilities used for the disposal, handling or transfer of, or resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by the public or by a solid waste collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility subject to the permit requirements of ORS 468B.050; a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site operated by a wrecker issued a certificate under ORS 822.110.

2.9 "Franchisee" means the person to whom a franchise is granted by the City Council pursuant to Ordinance No. \_\_\_\_\_ Such franchise shall grant exclusive rights to provide service and solid waste management service for compensation.

## 2. ADMINISTRATIVE RULES

2.10 "Infectious Waste" means biological waste, cultures and stocks, pathological wastes, and sharps, as defined in ORS 459.386 and 459.387.

2.11 "Person" means the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

2.12 "Processing" means an operation where collected, source separated, recyclable materials are sorted, graded, cleaned, densified or otherwise prepared for end use markets.

2.13 "Recyclable Material" means any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.

2.14 "Resource Recovery" means the process of obtaining useful material or energy resources from solid waste and includes:

(a) "Energy recovery," which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.

(b) "Material recovery," which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties and can be reused or recycled for some purpose.

(c) "Recycling," which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

(d) "Reuse," which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

2.15 "Solid Waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semisolid wastes, dead animals, infectious waste as defined in ORS 459.387 and other wastes; but the term does not include:

(a) Hazardous wastes as defined in ORS 466.005; and

(b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials

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are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals.

2.16 "Solid Waste Collection Service" or "Service" means the collection, transportation or disposal of or resource recovery from solid wastes.

2.17 "Solid Waste Management" means prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities necessary or convenient to such activities.

2.18 "Source Separate" means that the person who last uses recyclable material separates the recyclable material from solid waste.

2.19 "Transfer Stations" mean a fixed or mobile facility normally used as an adjunct of a solid waste collection and disposal system or resource recovery station between a collection route and a disposal site.

2.20 "Waste" means material that is no longer usable or wanted by the source of the material, which material is to be utilized or disposed by another person. For the purposes of this paragraph, "utilized" means the productive use of wastes through recycling, reuse, salvage, resource recovery, energy recovery or landfilling for reclamation, habilitation or rehabilitation of land.

2.21 "White Goods" mean kitchen or other large appliances which are Bulky Wastes.

2.22 "Yard Debris" includes grass clipping, leaves, hedge trimmings and similar vegetative waste generated from residential property or landscaping activities, but does not include stumps or similar bulky wood materials.

### Section 3.0 SOLID WASTE COLLECTION REQUIREMENTS

#### 3.1 FRANCHISEE RESPONSIBILITY

3.1.1 Service Responsibility. Each Franchisee shall make available, for subscription, all levels of Solid Waste collection service for which the City sets rates, to every customer in its franchised geographic area, subject to the limitations below under "Refusal of Service". Collection of "bulky wastes" shall be made by special arrangement between Franchisee and a customer. Each Franchisee shall provide each of their new customers with City approved written information on all solid waste and recycling collection services that are available and the rates for these services. The Franchisee shall not intentionally provide Solid Waste collection service to customers in another Franchisee's geographic area within the Milwaukie city limits except by arrangement with another Franchisee under a sub-contract.

#### 4. ADMINISTRATIVE RULES

3.1.2 Hours for Collection Activity. Franchisees may not collect any Solid Waste, including recyclables, on streets in predominately residential neighborhoods except between the hours of 6:00 a.m. and 6:00 p.m., unless weather or holiday schedules require extended hours for collection. Wherever possible, a Franchisee shall minimize the disturbance to residences or neighborhoods in the operation of its equipment.

3.1.3 Maintaining Passage on Public Streets. To the greatest extent practicable, a Franchisee should avoid stopping of collection vehicles so as to block the passage of other vehicles and pedestrians on public streets and sidewalks.

3.1.4 In-Ground Cans. A Franchisee is not required to remove a garbage can from an in-ground or "sunken" location. If a customer wishes service at such a location, they are responsible for placement of the can, with lid, above ground.

3.1.5 Ingress and Egress. Franchisees shall not be required to pass through any doors or gate(s), cross flower beds, go through hedges, cross open lawns, or place themselves in a situation which would jeopardize their health and safety.

3.1.6 Location of Empty Cans. A Franchisee shall not leave emptied containers in a location where they would obstruct the sidewalk or impede traffic flow.

3.1.7 Containers. Garbage containers made available by a Franchisee to collection service customers shall be designed for safe handling. They shall be non-absorbent, watertight, vector-resistant, durable, easily-cleanable, and provided with lids or covers which can be readily removed or opened.

3.1.8 Refusal of Service. A Franchisee may refuse Solid Waste, Recycling or Yard Debris collection service to any customer if the customer has not paid a bill within thirty (30) days of the billing due date. In no event however, shall a Franchisee terminate said service without first notifying the customer and the City in writing of the intention to terminate service not less than seven days prior to the date of intended termination of service.

3.1.9 Collected Solid Waste Disposal. A Franchisee must dispose of the Solid Waste collected within their franchised geographic area at a Metro-approved facility. A Franchisee shall not mix Solid Waste for disposal with any properly prepared source, separated, recyclable materials.

3.1.10 Cleanup on Route. Each Franchisee shall make a reasonable effort to pick up all material blown, littered, broken, or leaked during the course of collection subsequent to being set out by the customer.

5. ADMINISTRATIVE RULES

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3.1.11 Prevention of Leaking and Spilling Loads. All Solid Waste collection vehicles shall be constructed, loaded, operated and maintained in a manner to reduce to the greatest extent practicable dropping, leaking, blowing, sifting or escaping of solid wastes, recyclables or the vehicle's fuel, hydraulic fluid or lubricants from the vehicle onto private property and public streets while stationary or in transit, excepting (a) normal leakage of fuel, hydraulic fluid or lubricants typically associated with a properly maintained vehicle; and (b) leakage of fuel, hydraulic fluid or lubricants due to equipment failure, provided that the failure is immediately corrected and the leakage is cleaned up as soon as practicable.

3.1.12 Covers for Open-Body vehicles. All open-body collection vehicles shall have a cover which shall be either an integral part of the vehicle or a separate cover for the vehicle. This cover shall be used while in transit, except during the transportation of bulky wastes, including but not limited to stoves, refrigerators and similar "white goods."

3.1.13 Compliance with Driving and Transportation Laws and Compliance with Metro and DEQ Requirements. Each Franchisee shall comply with all applicable federal, state and local laws and regulations relating to driving, transportation, and solid waste and recyclable materials collection and disposal.

3.1.14 Safety and Maintenance. All collection equipment must be maintained and operated in compliance with all local and state statutes, ordinances and regulations including compliance with regulations related to the safety of the collection crew and the public.

3.1.15 Compliance with Zoning Ordinances. Facilities for storage, maintenance and parking of any vehicles or other equipment shall comply with all applicable zoning ordinances and any other applicable local and state statutes, ordinances and regulations.

3.1.16 Information and Complaint Resolution. Each Franchisee shall respond within 24 hours or by the next business day to customer calls and complaints. Both office and on-route staff shall be knowledgeable and courteous in answering customer information requests and resolving customer complaints regarding solid waste and recycling collection service.

3.1.17 Billing Procedures. A Franchisee may bill customers either once per month or once every two months but shall not bill more than sixty (60) days in advance of service provided. Franchisees may require payment at time of service for services requested by customers that are less frequent than monthly.

## 3.2 CUSTOMER RESPONSIBILITY

3.2.1 The Solid Waste must be placed safely and securely to prevent lightweight materials from blowing away prior to and while being dumped into the collection vehicle or receptacle.

## 6. ADMINISTRATIVE RULES

3.2.2 Any roll carts must be placed in an area where they can be accessed by a Franchisee without going up or down stairs.

3.2.3 Any receptacle over 32 gallon capacity must be provided by the Franchisee or approved by the Franchisee on the basis of safety, equipment compatibility, and availability of equipment. Garbage receptacles provided by the customer should be designed for safe handling. They should be non-absorbent, watertight, vector-resistant, durable, easily cleanable, and provided with tight-fitting lids or covers which can be readily removed. Cans should be tapered with a smaller bottom than top opening and be equipped with a handhold on the bottom. The customer must provide for reasonable vertical clearance for any garbage receptacle(s) picked up away from the curbside.

3.2.4 The maximum weights required to be collected in any single receptacles are:

<u>Receptacle Capacity</u>	<u>Maximum Weight</u>
Up to and including 20 gallons	35 lbs
Over 20, up to and including 32 gallons	55 lbs
Roll carts up to and including 40 gallons	65 lbs
Roll carts over 40, up to and including 60 gallons	75 lbs
Roll carts over 60, up to and including 90 gallons	100 lbs

Franchisees are not required to collect containers exceeding 300 pounds gross loaded contents per loose cubic yard.

3.2.5 The weight of material put into a container or drop box, whether compacted or not, shall not exceed the lifting capacity of Franchisee's equipment nor shall the weight put a Franchisee over the weight limit for the loaded vehicle. Each Franchisee shall furnish the customer with information concerning limitations on his equipment, upon request. Customers shall not overfill a can, cart or container so that the lid cannot be securely closed. If a can, cart or container is overfilled an additional reasonable fee may be charged. If the contents of a can, cart, container or drop box are compacted (either mechanically or manually, the compactor rate shall be charged.

3.2.6 Unless placed in leakproof containers or in a receptacle with a leakproof lid, the following items shall not be disposed of in storage receptacles for pickup: 1) Oil, fats or other liquid or semi-solid wastes, 2) Other materials which create fire hazards to the public or Franchisee's equipment.

3.2.7 Customers shall take appropriate actions to ensure that hazardous materials, chemicals, paint, corrosive materials, infectious waste or hot ashes are not put into a can, cart, container or drop box. When materials or customer abuse, fire or vandalism causes excessive wear or damage to a cart, container, or drop box, the cost of repair or replacement may be charged to the customer by a Franchisee.

7. ADMINISTRATIVE RULES

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Section 4.0      RECYCLING COLLECTION REQUIREMENTS

4.1      FRANCHISEE RESPONSIBILITY

4.1.1      Service Responsibility. Each Franchisee shall provide yard debris collection for all residential solid waste and/or yard debris customers within their geographic area franchised by the City. Each Franchisee shall provide all residents within their geographic area with all other recycling collection service and with a recycling container for such service. A Franchisee shall not intentionally collect yard debris or recyclable material from customers in another Franchisee's geographic area within the City boundary except by sub-contract arrangements with another Franchisee. Any subcontract arrangements made for provision of recycling services shall be approved by the City.

4.1.2      Collection Frequency. Recyclable materials shall be collected each week on the same day as garbage collection for any given residence. Yard Debris shall be collected weekly, on a consistent schedule, from residential customers.

4.1.3      Point of Collection. Collection of residential recyclable materials and yard debris shall be made at the curbside. For customers with a corner lot, pick up will be on the address side, or at such other location agreed upon between Franchisee and customer.

4.1.4      Collection of Source Separated Recyclable Material. Each Franchisee shall pick up recyclable materials set out for collection, so long as the materials are properly prepared, separated and placed. Materials shall be prepared according to these instructions and separated into these categories:

Newspapers. Bagged or securely tied, not contaminated with other materials or other types of paper not delivered with the newspaper.

Glass. Rinsed whole bottles and jars, color separated. Caps, lids, rings and labels may remain on the bottles. The following items shall not be collected: drinking glasses, cookingware, plate glass, safety glass, light bulbs, ceramics and non-glass materials.

Tin Cans. Must have labels and organics removed, and if possible both ends removed and flattened. Ferrous can ends and jar-bottle lids may be included.

Corrugated Containers. Flattened, bundled or otherwise secured. Any single piece or bundle is limited in size to 36" in any direction. Includes brown paper bags. It is not the approved recycler's responsibility to flatten corrugated cardboard boxes.

Aluminum. Including aluminum cans, containers and foil with organics removed.

Ferrous Scrap. Any single piece or bundle is limited to 30" in size in any direction and 30 lbs. Appliances, car parts, and bicycles are not included.

Non-Ferrous Scrap Metal. Any single piece or bundle is limited to 30" in size in any direction and 30 lbs. Lead acid batteries are excluded.

Used Motor Oil. In leakproof, see-through, unbreakable plastic containers of not more than one gallon each, with a screw on cap. No other fluids are to be included.

The City reserves the right to add other materials to the above list. The City's process for adding materials shall include an assessment of the impact on rates.

4.1.5 Collection of Source Separated Yard Debris From Residential Customers. Each Franchisee shall collect from residential customers all properly prepared Yard Debris, in either a hauler-provided receptacle, or a 32 gallon-or smaller-garbage can or 30 gallon kraft bag provided by the customer, or bundled, in bundles which are securely tied to support the bundle when lifted. A bundle may be rejected if it exceeds 45 lbs. A Franchisee SHALL NOT collect Yard Debris placed in a plastic bag. A Franchisee SHALL collect all Yard Debris properly bundled or placed in rigid receptacles clearly and visibly marked "YARD DEBRIS ONLY". A Franchisee shall leave at the point of collection the hauler provided receptacle or customer provided rigid receptacle.

4.1.6 Principal Recyclable Materials List. Should the Oregon Environmental Quality Commission modify the list of residential recyclable materials under the provisions of ORS 459A for collection of source separated recyclable materials, the City shall add or eliminate, pursuant to applicable procedural requirements, collection of such material.

4.1.7 Disposal Prohibition. Each Franchisee is responsible for transporting and marketing of collected materials for recycling. A Franchisee shall ensure that all properly prepared and collected recyclables and yard debris are delivered to a processor or broker of recyclable materials or to an end-use market. A Franchisee shall be prohibited from delivering, or causing to be delivered, any collected recyclable materials or yard debris for disposal, unless the recyclable materials or yard debris were improperly prepared.

4.1.8 Promotion and Education. Each Franchisee shall participate in City directed promotion and education efforts. Each Franchisee shall comply with DEQ requirements for notices to customers concerning recycling services and opportunities.

4.2 CUSTOMER RESPONSIBILITY

4.2.1 Recyclable Materials. It is the responsibility of residential customers to place recyclables at curbside, separate and distinct from garbage, safely, securely, and properly prepared. Customers should set materials at the curbside by 6 a.m. on the customer's designated collection day. Receptacles should not be placed in an area where they obstruct the sidewalk.

Receptacles provided by a Franchisee remain the property of the Franchisee and are to be left at the residence when a customer moves.

4.2.2 Yard Debris. It is the responsibility of the customer to place yard debris at the curb, separate and distinct from garbage, safely, securely, and properly prepared, and to prevent leaves and other lightweight materials from being blown away. Customers shall not use plastic bags to contain yard debris. No sod, dirt, rocks, metal, ashes, food, or household solid waste may be placed in the yard debris receptacle nor branches exceeding 4 inches in diameter or 36 inches in length. Yard debris placed in cans or carts should be loosely loaded to minimize damage to the receptacle and to facilitate emptying them.

A filled receptacle shall not weigh more than 45 lbs. if it is a kraft bag; 55 lbs if a 32 gallon garbage can; 65 lbs. if a roll cart up to and including 40 gallons; 75 lbs. if a roll cart up to and including 60 gallons; and 100 lbs. if a roll cart up to and including 90 gallons. If bundled, the yard debris must be securely tied to support the bundle when lifted, and the weight of the bundle may not exceed 45 lbs.

Where the customer provides any rigid receptacles to contain yard debris for collection, it is the customer's responsibility to mark such receptacles clearly and visibly as "Yard Debris Only".

All rigid receptacles shall be clearly and visibly marked "YARD DEBRIS ONLY" so as to not confuse it with a garbage set out. Receptacles shall not be placed in an area where they obstruct the sidewalk.

Section 5.0 FINANCIAL AND PROGRAM REPORTING REQUIREMENTS

5.1 GENERAL REQUIREMENTS

Each Franchisee shall maintain records and reports required by the City and promptly respond to periodic requests for such records and reports which are directly pertinent to requirements of Ordinance No. \_\_\_\_\_. The Franchisee is responsible for keeping such other records and submit such other reports as may be required by the Oregon Department of Environmental Quality and the Metropolitan Service District.

A Franchisee shall make no significant changes in service or in container types without first submitting the proposed change to the City for review and approval.

5.2 ANNUAL FINANCIAL REPORTING REQUIREMENTS

5.2.1 Reporting Data and Timing of Annual Reviews.

(a) No later than April 15th of each year, each Franchisee shall submit a written report to the City which shall include a summary Income Statement and "Application for Rate Adjustment" utilized by the Clackamas County Solid Waste Commission. The most current version of this form and the guidelines for its completion shall be utilized by the City.

(b) The City of Milwaukie shall automatically review reporting data and the existing rate schedule and make a written report to the City Council no later than the first Council meeting in June of each year. It shall be the policy of the City of Milwaukie to prefer annual rate review and adjustment and to consider more frequent review only on the basis of extraordinary and profound evidence of necessity. Such necessity could occur and a request for rate review could be initiated by Franchisees at any time the financial condition of the Franchisees as a group has been so adversely affected as to jeopardize continued profitable operation.

(c) A request for rate review shall be in writing to the office of the City Manager. A request for rate review shall be accomplished by the most current financial and operational data. Specific data relating to extraordinary negative cost impacts shall be documented in a reasonable, objective manner according to acceptable accounting practices.

(d) Franchisees shall submit financial data based on the service area within the City of Milwaukie. The City shall combine the financial data provided by the Franchisees and calculate rates based on the composite data.

5.2.2 Rate Review Criteria. It shall be the goal of the City and the Franchisees to record, report, and analyze operational data in a manner which allows for uniform and consistent treatment of data now and in the future.

(a) Revenue Elements - The gross revenue received from operations within the City that are regulated by Ordinance No. \_\_\_\_\_ and these Administrative Rules shall be reported by each Franchisee.

(b) Cost Elements - The cost of operations within the City that are regulated by Ordinance No. \_\_\_\_\_ and these Administrative Rules shall be reported by each Franchisee. The itemization of costs shall be those set forth on the "Application for Rate Adjustment" forms. Amortization and interest expenses directly associated with the acquisition of the business shall not be considered operating costs and shall be added to the operating margin or "profit" of the business.

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(c) Operating Margin - The City shall utilize as a standard the prevailing benchmark for the operating margin established by Clackamas County for the Franchisees it regulates. It is calculated using the following steps:

1. Deduct allowable operating costs which are authorized by the County from gross revenue to arrive at "Gross Profit."

2. The "Operating Margin" shall be the net profit as a percent of gross revenue before taxes are deducted from gross profit. The City shall be concerned that a sufficient net profit is available to allow for reinvestment in capital equipment and facilities and a reasonable profit to the Franchisees.

5.2.3 Access to and Review of Books and Records.

(a) Open Books and Records - The City shall have the right to inspect at any time, upon at least 24 hours notice, during normal business hours, at an office of the Franchisee located in the local metropolitan area, all books, records, maps, plans, income tax returns, financial statements and other like materials of the Franchisee which are directly related to the operation of the franchise.

(b) Outside Review - Prior to the granting or renewal of a franchise under Ordinance No. \_\_\_\_\_, and at each five (5) year interval thereafter, during the term of the franchise, the City shall have the right to contract with an outside accounting firm to conduct a review of each Franchisee's books and records relating to operations under their franchise.

# CITY OF MILWAUKIE



FAX (503) 652-4433

\* \* \* \* MEMORANDUM \* \* \* \*

July 20, 1993

To: Mayor and City Council

Thru: Dan Bartlett, City Manager *Dan*

From: Jan Vallandingham, Administration *Jan*

Subject: Liquor License Fees

## Action Requested

Adopt attached resolution increasing fees charged for liquor licenses.

## Background

The last time fees were set for liquor licenses was on January 6, 1987. We participated in a survey done by the City of Gresham approximately eight months ago, regarding numerous cities in the Portland Metro area. I requested the results of this survey and have determined that most cities raised fees either January 1 or July 1 of this year. The fees charged by cities in our area with the approximate same size follows.

## Recommendation

Raise City of Milwaukie's liquor license fees to be in line with other jurisdictions.

### Old Fee Amount

Original Application	\$75.00
Name or other change	50.00
Renewal Applications	25.00
Temporary Licenses	10.00

### Suggested New Fee Amount

Original Application	\$100.00
Name or other change	75.00
Renewal Applications	35.00
Temporary Licenses	10.00

COMPARISON FOR OTHER CITIES CHARGES FOR LIQUOR LICENSES

The following cities are currently using the fee schedule that is being suggested. These fees were effective on January 1, 1993:

- City of Sandy
- City of Oregon City
- City of Tualatin
- City of Beaverton
- City of Portland
- City of Gresham
- City of Hillsboro

Suggested fees currently being used by above cities:

Original Application	\$100.00
Name or other Change	75.00
Renewal Applications	35.00

The fee for a temporary license varies between cities and the average is \$10.00, some cities do not charge for a temporary license. We are already charging the \$10.00 fee and suggest that this remain unchanged.

The City of West Linn was included in this survey and are in the process of revising their fees at this time.

RESOLUTION NUMBER \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE ADOPTING FEES FOR PROCESSING OF LIQUOR LICENSE APPLICATIONS; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION; AND REPEALING RESOLUTION NUMBER 2-1987.

WHEREAS, ORS 471.210 prohibits the City from charging a fee in excess of \$25.00 for liquor license endorsements unless the City has written guidelines for processing such endorsements, and

WHEREAS, Ordinance No. 1615, adopted by the Council on January 6, 1987, provides these guidelines, and

WHEREAS, the City Council sets all fees by resolution, therefore,

BE IT RESOLVED BY THE MILWAUKIE CITY COUNCIL that the following non-refundable fees are established for processing liquor license applications, to be effective immediately:

Original Applications	\$100.00
Name or other Change	75.00
Renewal Applications	35.00
Temporary Licenses	10.00 per day

Introduced and adopted by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
Craig Lomnicki, Mayor

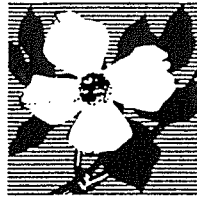
ATTEST:

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

APPROVED AS TO FORM  
O'DONNELL, RAMIS, CREW & CORRIGAN

\_\_\_\_\_  
City Attorney

# CITY OF MILWAUKIE



FAX (503) 652-4433

## MEMORANDUM

**TO:** Mayor and City Council  
**THROUGH:** Dan R. Bartlett, City Manager *Dan*  
**FROM:** Angus M. Anderson, Finance Director *Angus*  
**DATE:** July 27, 1993  
**RE:** Budget Resolution

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### RECOMMENDATION:

Consider resolution to amend Resolution 19-1993 which adopted budget, made appropriations and levied taxes.

### BACKGROUND INFORMATION:

In FY 1992-93 the Notice of Property Tax Levy (LB-50) which is filed with the County Tax Assessor contained an error. That error was not discovered last year and therefore had no impact. The error was carried over to the current year LB-50 and was discovered by the Assessor. The impact of the error is a reduction of \$ 15.27 in the amount of the levy. The resolution amends the declaration of ad valorem tax levy to agree with the corrected figure.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
APPROVING A RESOLUTION TO AMEND RESOLUTION 19-1993 WHICH DECLARED AN  
AD VALOREM TAX LEVY FOR FISCAL YEAR 1993-94.**

**WHEREAS**, on June 30, 1993 the City Council of the City of Milwaukie did approve Resolution 19-1993 which Adopted the Budget, Made Appropriations and Declared a Tax Levy, and

**WHEREAS**, the Tax Assessor for Clackamas County has discovered an error in the Notice of Property Tax Levy submitted, and

**WHEREAS**, the City is required to correct said Property Tax Levy.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Milwaukie, Oregon: approves amendments to Resolution 19-1993 as follows:

SECTION 3. The City Council of the City of Milwaukie determines that the required tax levy for 1993-94 to be the aggregate amount of \$5,562,427.73; that these are hereby levied upon all taxable property within said City as of 1:00 a.m. on July 1, 1993; and that the Budget Officer is hereby directed to certify the levy to the County Assessor. The following amounts constitute the above aggregate levy:

GENERAL FUND	\$ 4,432,975.73
FIRE RESCUE SERIAL LEVY	\$ 438,427.00
LIBRARY SERIAL LEVY	\$ 175,371.00
PUBLIC SAFETY DEBT SERVICE FUND	\$ <u>515,654.00</u>
TOTAL TAX LEVY	\$ 5,562,427.73

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on

\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM

O'DONNELL, RAMIS, CREW & CORRIGAN

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

\_\_\_\_\_  
City Attorney

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.  
MILWAUKIE, OR 97206

TELEPHONE: 652-4410  
FAX: 774-8236

## MEMORANDUM

TO: Mayor and City Council  
THRU: Dan Bartlett, City Manager *DB*  
FROM: Tim Corbett, Public Works Director *TC*  
SUBJECT: Street Funding Options  
DATE: July 22, 1993

### Action Requested

Provide direction to staff regarding street maintenance funding options.

### Background

City staff has discussed funding issues related to street repairs with Council in past work sessions and as a result, staff was directed to review alternate sources of funding to expand street maintenance and renovation projects. Expanding street renovation and maintenance is also a stated Council Goal for fiscal year 92-93. The need is particularly pressing since a five year authorization for transfers from the Water and Sewer Funds to repay the Street Fund for damage created by utility cuts expires after the current Fiscal Year.

In a past work session staff outlined numerous alternatives to fund street maintenance including:

- \* Bonds
- \* Local Improvement Districts
- \* Street Utility Fees
- \* Franchise fees

### Discussion

In evaluating the various methods to improve street maintenance funding, a major concern is that an attempt at implementing a street utility fee would fail due to the need to implement a storm water utility this fiscal year and might jeopardize successful implementation of the storm utility. With the implementation of the storm utility this fiscal year, a street utility may not be a feasible funding option to pursue until FY 95-96.

A bond measure for street construction and renovation will be evaluated in FY 94-95. In order for a bond measure to be successful, considerable effort will be needed to develop a successful public involvement strategy and to determine where citizens perceive the needs are in relation to street improvement need. By targeting the bond proceeds in areas where there is a perceived need, there is an increased likelihood of successful passage of a bond measure.

Local improvement Districts have historically been relatively unsuccessful in funding street improvements. There is a general perception that the taxes paid to the city should be adequate to address street maintenance.

Franchise fees may be the best short term option for the City to restore some of the funding that will be lost in the Street Fund in the coming fiscal year. A franchise fee could be charged to the Sewer and Water Funds and the revenues dedicated to the Street Fund. This would take further analysis to review state statutes and to determine potential revenues and impacts.

### Recommendation

Staff recommends that Council direct staff to conduct a feasibility analysis for implenting franchise fees.

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.  
MILWAUKIE, OR 97206

TELEPHONE: 652-4410  
FAX: 774-8236

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager *DB*

FROM: R. Tim Corbett, Public Works Director *RTC*

RE: Parking Lot Permit Program Fee Resolution

DATE: July 29, 1993

## ACTION REQUESTED

Adopt the attached Resolution which sets new monthly parking permit fees.

## BACKGROUND

City Council considered a resolution setting fees for six month parking permits in a June 30 meeting. Based on the program announcement which was distributed to local businesses, staff has received input related to the affordability of six month permits which must be paid for in advance.

## DISCUSSION

In an effort to be responsive to these concerns, staff has reviewed several options which will enable billing on a monthly basis for parking permits. These options include contracting the billing for permits with a private contractor or developing an in-house billing system. In order to accommodate the necessary changes in the parking program, the permit program implementation will need to be delayed from September 1, 1993 until October 1, 1993. In addition, the attached resolution will also need to be adopted so that the fees are established for a monthly billing.

If approved, staff will notify downtown businesses of the change in permit billings and implementation date through a revised program announcement. The revised program announcement will be distributed to downtown businesses and by leaving the program announcements in brochure holders attached to signs at each permit lot location.

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Parking Lot Permit Program  
page 2  
July 29, 1993

RECOMMENDATION/CONCLUSION

Staff recommends that the parking permit program implementation be delayed one month and that the attached resolution be adopted so that the City can implement a monthly billing system for parking permit purchases.

attachment

RTC/rtc

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON, SETTING FEES FOR CITY PARKING LOTS AND REPEALING SECTION 4 OF RESOLUTION 17-1993.

WHEREAS, A City Traffic Regulation establishes specific City parking lots as permit parking lots to improve parking availability in the downtown area; and

WHEREAS, maintaining City parking lots and administering a permit program involves City incurred expenses; and

WHEREAS, Since City parking lot permits directly benefit those that utilize the parking lot permit system, it is appropriate that associated costs be paid by the permittees.

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

Section 1. EFFECTIVE DATE: To be effective August 15, 1993.

Section 2. CHARGES FOR CITY PARKING LOT PERMITS WILL BE AS FOLLOWS:

Permits shall be effective for one month periods. Permit periods shall be from the first day of each month through the last calendar day of each month.

1 Month Permit	\$ 25.00 each
Replacement Permits	\$ 5.00 each

Temporary permits may be issued for a period not to exceed 10 working days.

Temporary City Parking Lot Permit	\$1.00 per week day plus; \$3.00 administrative fee
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Section 2. REFUNDS: No refunds will be granted on one month permits.

Section 3. REPEAL OF SECTION 4. OF RESOLUTION 17-1993.

Adoption of this fee resolution repeals section 4 of Resolution 17-1993.

4

Section 4. CHARGES NOT SUBJECT TO TAX LIMITATION: The stipulated charges are not subject to the property tax limitations of Section 11(b), Article XI of the Oregon Constitution.

Introduced and adopted by the City Council on

\_\_\_\_\_.

\_\_\_\_\_  
Craig J. Lomnicki, Mayor

ATTEST:

\_\_\_\_\_  
Pat Duval, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
O'Donnel, Ramis, Crew & Corrigan

USE THE SAME FORMAT REGARDING 93-94 GOALS AND ACTION PLANS

1. GOAL

ACTION PLAN

Item	Lead	Date
------	------	------

AFTER THIS SECTION WE HAVE A HEADING STATING?

DEPARTMENTAL WORKPLANS/GOALS

DEPARTMENTAL PROGRAMS

SUBHEADINGS WOULD INCLUDE:

MANDATES RELATED ITEMS

Item		Date
------	--	------

REGIONAL EFFORTS

Item		Date
------	--	------

SPECIAL PROJECTS

Item		Date
------	--	------

MAINTENANCE

Item		Date
------	--	------

ONGOING SERVICE PROVISION

Item		Date
------	--	------

6

MISCELLANEOUS (We may not need this heading if all workplan elements fall into other categories.)

We could group all these categories under each individual Dept. or we could put departments under each category.

A brief narrative regarding where time is spent could be put under the appropriate category. IE PW 60% in maintenance, 20% projects, etc.

(1)

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MILWAUKIE FIRE-RESCUE DEPARTMENT

MEMORANDUM

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DATE : 30 JULY, 1993

TO : MAYOR AND CITY COUNCILORS

THRU : DAN R. BARTLETT *Dan*  
CITY MANAGER

FROM : D. C. OLSEN *[Signature]*  
CHIEF OF THE DEPARTMENT

SUBJECT : RESOLUTION REGARDING R.P.F.  
COUNTY AMBULANCE AND ADVANCED LIFE SUPPORT SERVICES

---

**ACTION REQUESTED:**

It is respectfully requested the City Council consider the adoption of a Resolution supporting the efforts of Clackamas Fire District No. 1 and Oak Lodge Fire District to amend certain sections of the Clackamas County Request For Proposal for the provision of Ambulance and Advanced Life Support Services.

**BACKGROUND:**

Clackamas County is in the process of drafting an R.F.P. to solicit proposals from qualified organizations to provide emergency ambulance service to an exclusive ambulance franchise (Clackamas County: 1,897 square miles; 294,500 population).

The procurement will establish a franchise for emergency and advanced life support ambulance service. The franchise does not cover non-emergency or scheduled calls for transportation where an emergency or potential for emergency does not exist.

The Request for Proposal contemplates the following:

A system for emergency prehospital care and transportation which will provide specific measurable services to Clackamas County for 9-1-1 and seven-digit emergency calls.

A Advanced Life Support transport services system with response-time standards.

Quality of care which will be maintained through the utilization of experienced personnel on transport units.

Guaranteed price controls subject to the limits of the contract.

2

There are provisions within the draft R.F.P. which are not beneficial to public agencies providing emergency medical services. In fact, the certain draft provision may prove to be detrimental. Modifications of these provisions would be in the best interest of the citizens of Milwaukie.

This Resolution would allow for the staff analysis completed by Clackamas Fire District No. 1 to be utilized as the Position Paper for the City regarding Ambulance Transport and Advanced Life Support Services.

This Resolution would allow for the City to collectively join with and support Oak Lodge and Clackamas Fire No. 1 in their efforts to modify the draft R.F.P.

**RECOMMENDATION:**

It is the Fire Chief's recommendation that the Council adopt the Resolution:

recommending modifications to Clackamas County Request For Proposal for the provision of Ambulance and Advanced Life Support Services and

allowing the Clackamas Fire No. 1 staff analysis to become the City's position paper on this issue and

allowing the City to collectively participate with Oak Lodge and Clackamas Fire District in expressing their concerns regarding the R.F.P.

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
JULY 20, 1993

The one thousand six hundred and seventy-fifth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:04 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki, Mayor	Rob Kappa
Jean Schreiber	Bob Knudson
	Rick Farley

Also present:

Charlene Richards, Assistant to the City Manager	Maggie Collins, Community Development Director
Bill Monahan, City Attorney	Gayle Easterday, Police Captain,
Angus Anderson, Finance Director	Craig Stensrud, Community Policing Officer
Tim Corbett, Public Works Director	Pat DuVal, Recorder/Secretary

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Historic Moments**

Mayor Lomnicki read an excerpt from the *Springwater Corridor Master Plan* of November, 1992, which traced settlement of the Milwaukie area. The site was first cleared in 1847 by a man named Wilson. He sold his land shortly thereafter to Henderson Luelling who developed it into a fruit orchard. Other settlers came to the area and started lumber businesses.

**PUBLIC HEARING**

**Consider City Manager Evaluation Criteria**

Mayor Lomnicki called the public hearing to consider the criteria for a City Manager evaluation to order at 7:08 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider the criteria used in evaluating the City Manager. The existing criteria were approved and adopted by the Council in early 1992. These need to be reviewed by both the current Council and the public so the criteria can be discussed and commented on. Council will hear the staff report followed by any public comment. The Council will then discuss the matter, make any changes necessary and vote. He reviewed the conduct of the hearing.

2  
CITY COUNCIL MEETING - JULY 20, 1993

Staff Report: Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to adopt by motion the standards and criteria to be used in evaluating the City Manager.

Richards said the criteria were approved and used by the City Council on the last evaluation of the City Manager. The key criteria included administrative ability, budget and finance knowledge, labor relations/personnel skills, community relations, Council relations, intergovernmental relations, and innovation and achievement. These criteria are used in conjunction with established City Council goals.

Councilmember Schreiber discussed Item III, *Labor Relations/Personnel*. She said she believed it should include a reference to good communication with individual employees.

Richards said the section could be worded to reflect a more one-on-one communication with individual employees.

Councilmember Schreiber said she believed this might be appropriate.

Richards said the description could mean the City Manager would effectively communicate, meeting either with individuals or with a group.

Councilmember Kappa asked how this would relate to collective bargaining units.

Richards said state statutes would not allow communication regarding labor issues during negotiations.

Richards suggested that Council could discuss communication during the City Manager evaluation and set specific goals for this behavior.

Correspondence: There was no correspondence other than that previously distributed to Council.

Audience Testimony: None.

Staff Comments: None.

Questions of Clarification: Councilmember Kappa asked how Bartlett allocates his time on these criteria. Richards said this is probably a question better answered by the City Manager during evaluation.

Councilmember Farley said he would like to see a copy of ORS 192.660.

Close Hearing: Mayor Lomnicki closed the public testimony portion of the hearing on the City Manager evaluation at 7:16 p.m.

Councilmember Knudson asked if Council could ask questions beyond these criteria.

Mayor Lomnicki said this would be the appropriate time to add anything. It would be only fair to outline the criteria at this time.

Councilmember Knudson said he would still like the option of asking questions other than the printed criteria.

Richards said it would be appropriate to discuss another incident in which the criteria might apply. If the issue was new, it could be set as a future goal.

Mayor Lomnicki said questions that would apply to these general criteria would be appropriate.

Councilmember Schreiber said these criteria were used in the last evaluation and seemed to cover all the questions.

Monahan, City Attorney, said these are fairly general criteria and many questions could be addressed to them. Bartlett was open to discussion in the past.

Richards said these were the same criteria used with employees in evaluating their ability to do their job. Other issues could be a discussion item and used for future coaching. She said it works most effectively when the employee is aware of what is expected.

Mayor Lomnicki said he did not believe the criteria should be changed in any significant form without giving the employee sufficient time to respond.

Councilmember Farley said this is a foundation from which the questions can be asked.

Mayor Lomnicki said these were the same criteria used in hiring Bartlett. This is a reaffirmation that these criteria are still valid.

Councilmember Schreiber said it would be only appropriate to use these criteria. Updated standards could be applied at the next scheduled evaluation.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the standards and criteria to be used in evaluating the City Manager. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Kappa aye; Councilmember Knudson nay; no abstentions.

#### AUDIENCE PARTICIPATION

Carole Riggs, 8815 SE 28th Place, said she had not received a response to her letter and there have been no arrangements for mediation. She said she understood that City Manager Bartlett was out of town for the week.

Riggs discussed the Neighborhood Watch meeting held on July 19, which the Police Chief had attended. She said there had been a group appointed that wishes to address the issues on a one-to-one basis with the City.

Councilmember Kappa suggested that Council attend the *National Night Out* potluck and start the Council meeting at 7:30 p.m.

Monahan said he was concerned that it might appear that Council was conducting City business. He suggested sending a minority of Councilors to avoid the appearance of an impropriety.

Councilmember Kappa recommended that the August Council meeting start at 7:30 p.m., so that one or two Councilors would be able to attend the potluck.

Councilmember Schreiber said she had a problem Council adjusting their regularly scheduled meeting time to accommodate neighborhood events. She said she would prefer that the meeting be held at the regular time, and if one member decided to attend the potluck and arrive late, that would be acceptable.

Councilmember Kappa said in light of what has happened in the neighborhood in the past several weeks, he believed it would be responsive of the City to attend.

Councilmember Schreiber said this was an invitation to a private party. There were other times that Councilors could attend neighborhood meetings.

Councilmember Kappa moved that the August 3, 1993, meeting begin at 7:30 p.m. to accommodate the Neighborhood Watch *National Night Out* event. The motion died for lack of second.

Councilmember Knudson suggested that several department heads attend.

Mayor Lomnicki said the invitations were addressed to specific Councilors and not general.

**OTHER BUSINESS**

**"National Night Out" in Milwaukie - Resolution**

Gayle Easterday, Police Captain, presented the staff report in which the City Council was requested to consider a resolution designating Tuesday, August 3, 1993, as "National Night Out" in the City of Milwaukie.

Easterday discussed the various block parties being planned throughout the City and the Police Department's participation. He introduced Crime Analysis Officer Craig Stensrud responsible for coordinating the event for 1993.

Councilmember Kappa asked how many individual parties were planned. Stensrud said there were twenty-six active Neighborhood Watches in the City of Milwaukie, and the Department had received ten formal invitations. He said he would attend as many as possible along with D.A.R.E. Officer Moist, Explorers, and McGruff the Crime Dog.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the resolution designating Tuesday, August 3, 1993, as "National Night Out" in Milwaukie. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

**RESOLUTION NO. 22-1993:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE OREGON, RECOGNIZING "NATIONAL NIGHT OUT" IN THE CITY OF MILWAUKIE.**

**Consider Request from Institute of Portland Metropolitan Studies**

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to authorize the City Manager to contribute \$2,500 to the Institute of Portland Metropolitan Studies. The mission of the Institute is to provide a neutral forum. The Council has a budget for dues and subscriptions, and funding is allowed for this contribution to be paid. She clarified that Council could choose to fund both the Institute and FOCUS.

**Ethan Seltzer**, Director of the Institute of Portland Metropolitan Studies, said Portland State University was working to develop a research program that would serve the needs of all the cities in the metropolitan area. He said an inventory was made of those issues impacting local entities. From this inventory, the Institute plans to provide a forum in which people can address the issues. **Seltzer** said another goal is to make sure that research done in cities and counties is applied and put to work. For example, a group is working on a data base regarding area budgets. He said the Institute wants to offer the metropolitan area better access to the services offered by Portland State University.

**Seltzer** said there are five counties with 85-90 cities or special districts in the metropolitan area. He said the Institute is seeking contributions as a funding base on which to build an endowment. The Institute wants to show its ability to serve the area and keep this door of the university open.

**Councilmember Farley** asked if there was a long-range plan. **Seltzer** said the Institute had a mission statement but had not developed a five-year plan.

**Councilmember Kappa** asked if the services offered by the Institute and FOCUS would overlap. **Seltzer** said it was planned that the groups would compliment each other. The Institute would serve as a technical resource. Neither group has the resources to do it all.

**Mayor Lomnicki** said the Institute seemed to be the academic arm. **Seltzer** said the Institute is seeking to work collaboratively with cities and special districts. He discussed the urban design classes that might work with downtown areas such as Milwaukie.

**Seltzer** discussed the Metropolitan Newsnet communications project. He said this program would also offer a clipping service with the *Oregonian*.

**Councilmember Farley** asked what the capacity of the Newsnet service would be. **Seltzer** said Newsnet could probably serve 200 entities. The limiting factors would be the phone lines and storage capacity.

**Councilmember Kappa** said it seemed that the Leadership Conference would overlap with the League of Oregon Cities' (LOC) newly elected officials workshop. **Seltzer** said LOC would be one of the sponsors.

**Councilmember Kappa** asked how the Institute planned to distribute information. **Seltzer** said there would be a quarterly bulletin, abstracts, and forums.

Richards said the City Manager recommended that Council approve the \$2,500 contribution to the Institute of Portland Metropolitan Studies.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to authorize the City Manager to contribute \$2,500 to the Institute of Portland Metropolitan Studies. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider FOCUS Membership 1993-1994

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to consider 1993-1994 FOCUS dues in the amount of \$4,400. The amount budgeted was based on 1992-1993 amounts. She discussed the concern that FOCUS was proposing an ORS 190 agency.

Councilmember Kappa said he was concerned that if FOCUS became a 190 agency, Milwaukie's taxes might be impacted.

Councilmember Schreiber said there was another document being drafted that would limit FOCUS powers. She said she believed there needed to be further discussion on organization and expectations. She said she would like to see the decision on FOCUS tabled until a future date.

Mayor Walt Hitchcock, Sherwood, said FOCUS was seeking an indication that Milwaukie would be interested in being a member. He said the intergovernmental agreement would follow. FOCUS had no intention of becoming another layer of government.

Hitchcock said FOCUS evolved from a perceived need by city managers and elected officials that there should be a forum to discuss issues of mutual concern. There is no other organization in the area that offers this opportunity.

Hitchcock discussed FOCUS dues. The first year dues were nominal because the group had met to discuss the Metro charter issue. FOCUS was an organization on hold, and the dues were not significant. The second year, McKeever/Morris, Inc. were retained to develop a work plan and to move into the execution phase.

Hitchcock said FOCUS recognizes the need for local governments to have a level playing field and to speak with an equal voice. FOCUS is educational and gives Councilors an opportunity to meet and informally discuss issues and problems.

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CITY COUNCIL MEETING - JULY 20, 1993

Councilmember Farley asked Greg Chew of McKeever/Morris, Inc. how membership dues were calculated. Chew said during the last six months, specific plans and actions were outline to the general membership and adopted during the June meeting. From this list, McKeever/Morris calculated each jurisdictions' costs based on a population category.

Richards said there is funding within the General Government Dues and Subscription category of the budget.

Mayor Lomnicki said the possible formation of a 190 agency was a concern. Chew said two draft 190's had been submitted to the Washington County Counsel for comment. These comments indicated that the 190 made it look too formal. He said FOCUS was trying to get as much consensus as possible and was open to further suggestions.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to continue decision on the agreement until the final document was available.

Mayor Lomnicki said the City has been a FOCUS member since the beginning and should not sit back and let others establish the rules. The City could always give notice to FOCUS at a later date if it wished to opt out.

Councilmember Kappa said he did not mean that the City did not want to participate. He said he believed the Council wanted more time to look at the final agreement.

Mayor Lomnicki said by authorizing the payment of dues, the City would be able to actively participate. He added that he did not understand why the City needed to be a member of the National League of Cities and pay those dues.

Councilmember Schreiber said dues were an issue at the first FOCUS meeting she attended. She noted that attendance seemed to be dropping recently.

Mayor Lomnicki said he was concerned that the issue was becoming personalized.

Councilmember Schreiber said she believed the group had a good, ambitious work plan, but she could not recommend that the City sign a 190 agreement. She said she could amend her motion to name a time certain for reconsideration.

Councilmember Kappa said he had seconded a motion that tabled the issue until a more concrete agreement could be presented. He said he would hold to his second of the first motion.

The motion remained that the issue of 1993-1994 FOCUS dues was tabled until some future meeting when the final version of the agreement was available. Councilmember Schreiber said she would return with the document as soon as it was available. Motion passed 4 - 1 with the following vote: Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; Mayor Lomnicki nay; no abstentions.

Consider Contractual Obligations in Excess of \$15,000 - Resolution

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to consider a resolution authorizing the City Manager to execute contracts for ongoing requirements of the City in excess of \$15,000.

Anderson said this was part of the ongoing effort to inform Council of expenses. These obligations were paid annually, in installments, or most often monthly. The contractual obligations included: SAIF, in the amount of \$82,124.83 (recommended by Sedgwick James, Agent of Record); Portland General Electric, in the amount of \$425,000 for electrical service to facilities, street lights, and traffic signals; Clackamas County Service District #1, in the amount of \$658,000 for sewage treatment; City of Portland, in the amount of \$36,000 for sewage treatment; US West, in the amount of \$50,000 for telephone line costs; Clackamas County Fire District #1/South Metro Fire Marshal's Office, in the amount of \$130,000; Clackamas County Elections, traffic signalization, paint striping, and other miscellaneous services, in the amount of \$77,000; Coopers and Lybrand, in the amount of \$27,000 for audit services; O'Donnell, Ramis, et al., in the amount of \$67,000 for general legal counsel; Miller, Nash, et al., in the amount of \$28,000 for labor counsel; and Waste Management, in the amount of \$30,000 for waste disposal.

Councilmember Farley asked if SAIF's guaranteed cost plan would be economically beneficial. Anderson said the break even point is approximately \$38,000, but the City has exceeded that amount in the past. The City will pay approximately \$83,000 no matter what the losses are. The dividend is not guaranteed; however, it is normally in the \$10,000 range. Councilmember Farley said it is impossible to know what accidents or losses might occur.

Councilmember Farley asked why Milwaukie was paying the City of Portland for sewage treatment. Anderson said the only customer is Precision Castparts on Johnson Creek Blvd., and these charges are included in the rate determination for City sewer fees.

Councilmember Kappa asked if these contractual obligations would be presented in this format in the future. Anderson said if these method was agreeable to Council, it would continue. He added that this method would provide more historical data in the future. He said only the SAIF payment was done in a lump sum.

Councilmember Schreiber asked if any of these exceeded the budgeted amount. Anderson said these are all within the budgeted amounts.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the resolution authorizing the City Manager to execute contracts for ongoing requirements of the City. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 23-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS.

Consider Intergovernmental Agreement with City of Portland Regarding Springwater Corridor Improvements

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to authorize the City Manager to sign the intergovernmental agreement with the City of Portland for Springwater Corridor Improvements.

Collins said staff was preparing the Springwater Corridor Master Plan as an ancillary document to the Comprehensive Plan.

Councilmember Farley asked how much of the Springwater Corridor was in the City of Milwaukie. Collins said about .33 miles of the 16-mile corridor was within the Milwaukie City limits. She discussed the proposed linkage with the Pacific Crest Trail.

Councilmember Schreiber asked if the public liaison would be named at this meeting. Collins said this would be done at a future meeting.

Monahan pointed out that some word processing errors needed to be corrected in the proposed IGA.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to authorize the City Manager to sign the corrected intergovernmental agreement with the City of Portland relating to the Springwater Corridor improvements and provide \$10,000 as the City of Milwaukie's share of the needed improvement. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Commission Appointments

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to appoint Richard Raynor to the Citizens Utility Advisory Commission; reappoint Ralph Klein to the Citizens Utility Advisory Commission; reappoint Mildred Bozich to the Library Board; and reappoint Evelyn Jefferis, Sandy Newman, and Rob Curtis to the Parks and Recreation Commission. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Support of SB 122

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider support of SB 122. This bill would assist local governments by requiring urban service agreements and annexation based on advance planning.

Councilmember Kappa discussed the proposed annexation method and asked if all methods had to be used at once. Collins said if all the steps of the cooperative program were taken, simplified annexation methods could be used.

Collins said the real breakthrough was that special district organizations endorsed the senate bill. All parties perceive this as fair.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to authorize the Mayor to sign the letter supporting Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Regional Park Tour

Councilmember Schreiber announced the upcoming Parks District tours.

**CONSENT AGENDA**

It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the Consent Agenda which consisted of: (a) City Council Minutes of June 30 and July 6, 1993; and (b) liquor license applications for Buena Ventura, dba Fernwood Inn; Chong H. Enyart, dba Town Deli & Grocery; and Julee & Muyung Jin Chang, dba Eric's Market. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

**INFORMATION**

1. Neighborhood Block Party July 31, 1993, Furnberg Park, 1:00 p.m. - 3:00 p.m.
2. Councilmember Farley discussed the Scott Park renovation.

**ADJOURNMENT**

Mayor Lomnicki announced an executive session to discuss personnel immediately following adjournment of the regular session pursuant to ORS 192.660.

Mayor Lomnicki adjourned the meeting at 9:32 p.m.

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Pat DuVal, Recorder/Secretary

**EXECUTIVE SESSION**


Mayor Lomnicki called the meeting to order at 9:40 p.m. under ORS 192.660. Those present were: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson; Tim Corbett, Public Works Director; and Charlene Richards, Assistant to the City Manager. The Council discussed progress on a personnel pre-disciplinary investigation.

Mayor Lomnicki adjourned the meeting at 10:00 p.m.

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Charlene Richards, Assistant to the City Manager

MILWAUKIE POLICE DEPARTMENT  
MEMORANDUM

TO: Dan R. Bartlett, City Manager  
FROM: Gayle G. Easterday, Deputy Chief of Police   
DATE: July 14, 1993  
SUBJECT: APPLICATION FOR LIQUOR LICENSE

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny the requested license.

Applicant: Gary Chan  
dba CHAN'S STEAKERY  
10475 SE Main  
Milwaukie, OR 97222

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APPLICATION

STATE OF OREGON  
OREGON LIQUOR CONTROL COMMISSION

Return To:

GENERAL INFORMATION

A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

(THIS SPACE IS FOR OLCC OFFICE USE)	(THIS SPACE IS FOR CITY OR COUNTY USE)
Application is being made for: <input type="checkbox"/> DISPENSER, CLASS A <input type="checkbox"/> DISPENSER, CLASS B <input checked="" type="checkbox"/> DISPENSER, CLASS C <input type="checkbox"/> PACKAGE STORE <input type="checkbox"/> RESTAURANT <input type="checkbox"/> RETAIL MALT BEVERAGE <input type="checkbox"/> SEASONAL DISPENSER <input type="checkbox"/> WHOLESALE MALT BEVERAGE & WINE <input type="checkbox"/> WINERY OTHER: _____ \$77.60 process fee paid 07/12/93 Receipt #7096 <i>James H. Stuber</i>	NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative. THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY COURT OF _____ <small>(Name of City or County)</small> RECOMMENDS THAT THIS LICENSE BE: GRANTED _____ DENIED _____ DATE _____ BY _____ <small>(Signature)</small> TITLE _____

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:

- 1) Gary F. Chan 2) \_\_\_\_\_  
 3) \_\_\_\_\_ 4) \_\_\_\_\_  
 5) \_\_\_\_\_ 6) \_\_\_\_\_  
(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Present Trade Name N/A

3. New Trade Name Chan's Steakery Year filed 1993  
with Corporation Commissioner

4. Premises address 10475 S.E. Main, Milwaukie, Clackamas, Oregon 97222  
(Number, Street, Rural Route) (City) (County) (State) (Zip)

5. Business mailing address same  
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)

6. Was premises previously licensed by OLCC? Yes X No \_\_\_\_\_ Year \_\_\_\_\_

7. If yes, to whom: \_\_\_\_\_ Type of license: DA

8. Will you have a manager: Yes \_\_\_\_\_ No X Name \_\_\_\_\_  
(Manager must fill out Individual History)

9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes \_\_\_\_\_ No X

10. What is the local governing body where your premises is located? Milwaukie  
(Name of City or County)

11. OLCC representative making investigation may contact: Gary Chan  
(Name)  
9017 S.E. Oak St., Portland, OR 97216 252-8632  
(Address) (Tel. No. — home, business, message)

CAUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

Applicant(s) Signature (In case of corporation, duly authorized officer thereof)

1) *Gary Chan* DATE 7-9-93  
 2) \_\_\_\_\_  
 3) \_\_\_\_\_  
 4) \_\_\_\_\_  
 5) \_\_\_\_\_  
 6) \_\_\_\_\_

4

# CITY OF MILWAUKIE, OREGON

10722 S.E. Main St.

Phone 659-5171

Date 7/12 19 93

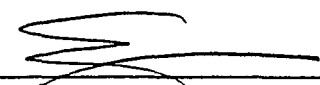
Rec'd From Charis Steakery  
(Gary F. Chan)

Cash

Check

ITEM	DESCRIPTION	AMOUNT
Traffic Other 11-4312 <input type="checkbox"/>		
Bail Payable 11-2004 <input type="checkbox"/>		
Traffic Fine 11-4310 <input type="checkbox"/>		
Unitary Tax 11-2010 <input type="checkbox"/>		
State Tax 11-2011 <input type="checkbox"/>		
County Tax 11-2013 <input type="checkbox"/>		
Parking Fine 11-4311 <input type="checkbox"/>		
Business Lic. 11-4210 <input type="checkbox"/>		
OLCC 11-4210 <input checked="" type="checkbox"/>		75 <sup>00</sup>
MDDA 11-4211 <input type="checkbox"/>		
Lien Search 11-4251 <input type="checkbox"/>		
Alarm Permits 11-4223 <input type="checkbox"/>		
Misc. Revenue 11-4250 <input type="checkbox"/>		
Library Fines 28-4320 <input type="checkbox"/>		
Fire Report 29-4250 <input type="checkbox"/>		
Del. Water Fee 31-4250 <input type="checkbox"/>		

TOTAL 75<sup>00</sup>

  
\_\_\_\_\_  
Received By

№ 202608

**CLACKAMAS BASIN WATER AUTHORITY COMMITTEE**

Gladstone City Hall

May 26, 1993

The Clackamas Basin Committee meeting was held May 26, 1993, in the conference room at Gladstone City Hall. Chairman Frentress called the meeting to order at 7:30 p.m.

**MEMBERS PRESENT:**

- Bob Frentress, Mt. Scott, Chair
- Larry L. Canfield, Gladstone
- Tim Corbett, Milwaukie
- Bruce Hamilton, Clackamas
- Lowell Hanna, Clairmont
- Allen Herr, Oak Lodge
- Thomas Hoffman, Oak Lodge
- Ray Jaren, Gladstone
- Dale Jutila, Clackamas
- Denny Klingbile, Damascus
- Guy Konnersman, Clairmont
- Les Larson, Oak Lodge
- John Thomas, Mt. Scott

**ALSO IN ATTENDANCE:**

- Shirley Richardson,  
Hearings Reporter

**I. INTRODUCTIONS**

None.

**II. CONSENT AGENDA**

It was moved and seconded to approve the consent agenda and the minutes of April 29, 1993, as submitted. MOTION CARRIED UNANIMOUSLY.

**III. REPORT ON CONSULTANT SELECTION PROCESS**

The proposed RFP form was submitted to the Committee for review. All comments and input from the Committee have been considered and included in this draft. Staff considered combining the SOQ and RFP, but agreed that going back to a separate SOQ and RFP would allow for better management of the process. A timeline for the financial and operational analysis for the possible formation of a Water Authority was submitted and Staff asked the Committee to consider it for approval.

Discussion followed on the timeline. It was the consensus of the Committee to extend the advertising of the Statement of Qualifications in the Daily Journal of Commerce to Tuesday, June 1, 1993. Statements to the news media from the Committee will be

made by the Chairman of the Committee. Bob Frentress will issue statements to the media and refer the respondents to Staff.

#### IV. DISCUSSION OF INTERGOVERNMENTAL AGREEMENT

Staff indicated minor modifications made to the Intergovernmental Agreement. Other input and suggestions were made:

- The role of Secretary has been changed to Treasurer. The Treasurer, Mr. Larson, will pay the bills as recommended by the Steering Committee. Mr. Larson will construct a monthly report to the Committee.
- The purpose of the Steering Committee is to provide direction to the Project Manager and Consultants; policy direction can only be relayed by the Steering Committee.
- Participants shall act only by majority vote. A quorum is defined as three members, one member of the quorum must be a city.

It was moved and seconded that a subcommittee be selected consisting of three people from the elected group, to participate as representatives to the Steering Committee. The purpose of this subcommittee is to observe and possibly make recommendations to the Committee. MOTION CARRIED with one in opposition, Ray Jarren. The committee members selected were Les Larson, Oak Lodge; Lowell Hanna, Clairmont; and Bruce Hamilton, Clackamas.

- The word "participant" is too general; Section 2A was changed to read, "...at least five committee representatives..."

The rest of the agreement was not changed. There was no opposition to the IGA from the Committee.

It was moved and seconded that each member take the IGA back to their respective boards for a figure that is a good ceiling cap for the consultants and to get authorization for signature. The documents should be signed and submitted to Les Larson, Oak Lodge Water District, by June 30th, and no later than July 15th. MOTION CARRIED UNANIMOUSLY. Language will be incorporated in the IGA on the first portion of the agreement.

A final draft of the IGA will be prepared for the Committee incorporating the changes suggested tonight.

V. DISCUSSION OF MEMO REGARDING OPEN MEETING LAWS

Information item.

VI. CONSIDER SUBCOMMITTEE TO DISCUSS ANNEXATION/REPRESENTATION ISSUES

Staff asked about the possibility of having a subcommittee to work specifically on annexation issues. It was the consensus of the Committee that each member go back to their boards and get input on annexation, finance, and representation issues. The possibility of a subcommittee for these issues will also be discussed. This information will then be reviewed and discussed at the next Clackamas Basin Water Authority Committee meeting.

VII. NEXT MEETING DATE

It was the consensus of the Committee that there will be no June meeting. The next scheduled meeting of the Clackamas Basin Water Authority Committee will be on July 29, 1993.

VIII. ANY OTHER BUSINESS

**Chairman Frentress** asked for a recess to meet with the Executive Board per ORS 192.660(1)(h) to discuss contract negotiations for consultant services. **Chairman Frentress** explained to the audience that the public hearing would continue after the Executive Session. Recess was called at 9:37 p.m.

Executive Session ended at 9:50 p.m. and the public hearing was reconvened at 9:50 p.m.

IX. ADJOURNMENT

There being no further business, old or new, the meeting was adjourned at 9:58 p.m.

# Ken Baker

State Representative District #10

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July 8, 1993

Dear Chamber Member:

I am writing you in reference to the Oregon Health Plan.

The current version of the Oregon Health Plan passed by the legislature in 1989 includes an employer-paid mandate affecting 300,000 uninsured workers and their dependents. This mandate will go into effect on July 1, 1995. This plan requires employers either to provide group insurance similar to Medicaid coverage to permanent employees working 17.5 or more hours weekly, or to pay into an insurance pool. That portion of small employers that begin coverage prior to July 1, 1995 will receive a tax credit. There is currently in effect a high-risk pool, covering more than 2,800 Oregonians who could not otherwise buy insurance because of pre-existing medical conditions. An affordable small-business insurance package, similar to Medicaid coverage, came out in March of this year.

I am taking this opportunity to forward a copy of the Oregon Health Plan Fact Sheet and to ask you for your input. This fact sheet covers everything from what the plan is and how you sign up for coverage to how it is financed and managed.

Our office recently received a memo from Associated Oregon Industries and the Oregon Small Business Coalition\* regarding their position on the employer mandate and funding for the Oregon Health Plan. The consensus of these small businesses is that it will be necessary to make some changes to provide a more balanced system between employee and employer paid contributions. The proposed changes include the following:


1. Push date of employer mandate implementation to July 1, 1997 for businesses with 26 or more employees and to July 1, 1999 for businesses with 25 or less employees.
2. Insert language requiring the State to obtain a Congressional ERISA exemption before January 1, 1996.
3. Replace funding requirement of 75% employer/25% employee with 50% employer/50% employee.
4. Fund SB 27 - Medicaid portion of the Oregon Health Plan with existing revenues.

2

Chamber Member  
July 8, 1993  
Page Two

Please review the enclosed information carefully and respond accordingly. I would greatly appreciate any insight you are able to share with me on this issue. I want to be well informed on all aspects of this plan, particularly how the employer-paid mandate will impact small businesses.

Very truly yours,



Kenneth Lee Baker

KLB:cem  
Enclosure

**\*Oregon Small Business Coalition:**

- \*Oregon Restaurant Association
- \*National Federation of Independent Business
- \*Oregon State Homebuilders
- \*Automotive Service Association of Oregon
- \*Independent Adult Care Providers Association
- \*Independent Electrical Contractors of Oregon
- \*Independent Employer Association
- \*Oregon Independent Auto Dealers Association
- \*Oregon Lodging Association
- \*Pacific Auto Trades Association

March 1993

Contact: Jean Thorne, Lynn Read or Cynthia Griffin  
Office of Medical Assistance Programs  
(503) 378-2263

# Oregon Health Plan

## Highlights Fact Sheet

• **What it is:** A bipartisan plan of universal access to health care using a combination of public and private insurance plans, crafted by health-care providers, health-care consumers, business, labor, insurers and lawmakers. An 11-member Health Services Commission, which conducted 47 community meetings, prioritized 688 medical conditions and treatments; the Oregon Legislature elected to fund the first 568 as a guaranteed, Standard Benefit Package. To start, the Medicaid component needs additional state financing and several months for implementation.

• **Why it is needed:** Oregon will spend more than \$10 billion on health care in 1993, double the 1988 figure. Oregon health-insurance premiums are rising 20 percent annually while the number of uninsured Oregonians grows by 5 percent annually. Nevertheless, more than 600,000 Oregonians have either no or inadequate health insurance. One in five Oregonians who return to welfare do so to obtain medical coverage.

• **Who gains insurance:** The state will bring 120,000 more poor people under Medicaid, which now covers about 245,000 Oregonians. It will cover all people below the federal poverty level (\$991 a month for a family of 3), and pregnant women and young children with income up to 133 percent of poverty. Currently, only about half of Oregonians below the poverty level are eligible for Medicaid.

In addition, an employer-paid "play or pay" plan affecting the 300,000 working uninsured

and their dependents goes into effect on July 1, 1995; it requires employers either to provide group insurance similar to Medicaid coverage to permanent employees working 17-1/2 or more hours weekly, or to pay into a state insurance pool. Small employers who start coverage before July 1995 receive tax credits. Already in effect is a high-risk pool, covering more than 2,800 Oregonians who could not otherwise buy insurance because of pre-existing medical conditions. And an affordable small-business insurance package, similar to Medicaid coverage, went on the market March 1.

• **How people sign up:** Low-income Oregonians will learn of the expanded Medicaid coverage through outreach efforts such as a toll-free information line and informational meetings in communities statewide. Application procedures will be uncomplicated. A two-page form will be available at various locations across the state. People may mail the application without a face-to-face interview. Eligibility, valid for six months, will be determined by gross income.

• **What is covered:** The Standard Benefit Package covers all major diseases of women and children; covers virtually all current Medicaid treatments, including all preventive and screening services; exceeds Medicaid requirements by providing services such as dental, hospice, prescription drugs, most transplants and routine physicals and mammograms; stresses prevention with services such as maternity and newborn care, immunizations, well-child exams and preventive dental care.

- **What isn't covered:** The Standard Benefit Package does not pay to treat conditions that get better on their own (e.g., viral sore throat), conditions where home treatments are effective (food poisoning, sprains), cosmetic conditions (benign skin tumors, scar removal), and conditions where treatment is generally ineffective (aggressive medical treatment for advanced cancer) although in such cases comfort care is provided.

- **How it's financed:** Costs of the Medicaid plan are divided 63 percent federal, 37 percent state. To pay the increased state share, Governor Barbara Roberts has proposed \$100 million from a new gross-receipts tax on hospitals, doctors and dentists, who will receive \$270 million in increased reimbursements; and \$16 million from an increase in the state taxes on tobacco, beer and wine. Other mechanisms have been discussed, all from non-general fund sources.

The plan is expected to slow the rise of health-care costs by giving poor Oregonians a regular family doctor or nurse who knows their medical history. It employs managed care, paying doctors a fixed amount per month to treat a stipulated number of enrolled patients (rather than paying individually for office visits and treatments). Because patients will have access to care when they need it, they won't wait to go to hospital emergency rooms for costlier care after conditions become serious.

- **How it's changed:** After the Bush administration denied the original waiver request last August, the Health Services Commission revised the priority list of medical conditions and treatments. In response to concerns that the original list may have violated the Americans With Disabilities Act, the Commission

removed data generated by a phone survey and deleted all references to "quality of life"; among other changes were adding line 152 (conditions causing neuromuscular dysfunction) and deleting line 702 (because the medical community hasn't clearly defined the end-stage of HIV disease). The original 709-item list of conditions and treatments was consolidated to 688, and the cutoff line shifted from 587 to 568.

- **How it's managed:** The plan's five-year Medicaid demonstration will be managed by the Office of Medical Assistance Programs in the Oregon Department of Human Resources. The federal Health Care Financing Administration will monitor and oversee it. Oregon's Medicaid office has received letters of intent from 25 prepaid health plans that want to participate, including every HMO in the state. Already, Oregon has the nation's fourth-highest rate of HMO enrollment, and 40 percent of Medicaid enrollees are in managed care.

The employer mandate, or "play or pay," is the responsibility of the Insurance Pool Governing Board; the state Office of Health Policy has a Robert Wood Johnson Foundation grant to plan start-up. The high-risk pool is managed by the Oregon Medical Insurance Pool.

- **The national connection:** Results of the Oregon plan can help guide national policy makers, such as providing a framework for a basic package of care. Health care is the second fastest-growing part of the federal budget (after interest on the debt), leaving declining budget shares for other needs; national health-care costs paid by business have doubled since 1985.



**METRO**

June 28, 1993

Mr. Terry Ebersole  
Regional Manager  
FTA - Region X  
Federal Building, Suite 3142  
915 Second Avenue  
Seattle, Washington 98174-1012

**Re: 103 (e)(4) Grant Program - Applicable to Interstate Transfer  
Application to Advance the South/North Corridor into AA/DEIS**

Dear Mr. Ebersole:

Enclosed is an application from Metro for \$987,950 of Interstate Transfer Transit funds for the South/North Transit Corridor Study Alternatives Analysis/Draft Environmental Impact Statement. Work to be performed with these funds is described in the *FY 1994 Unified Work Program (UWP)*. This letter and attached budget provides assurance of \$174,344 as Metro's match. The requested Interstate Transfer funds and local match would be combined with other state and local funds, providing the total preliminary project budget of \$8.25 million detailed in the enclosed *Preliminary Work Plan*.

This letter also serves as our request to the Federal Transit Administration (FTA) for authorization to advance the South/North Corridor into Alternatives Analysis (AA) and to prepare a Draft Environmental Impact Statement (DEIS) on the alternatives to be considered within the corridor. This request is based on the findings and recommendations of Metro's North/South Transit Corridor Study, which were adopted by the Metro Council on April 22, 1993, as Resolution No. 93-1784. The request has the whole-hearted support of all participating jurisdictions in the Study, including both those in the states of Washington and Oregon. The Staff Report and Resolutions adopting the Priority Corridor are included in Appendix A of the enclosed *Preliminary Work Plan*.

The *South/North Transit Corridor Study Preliminary Work Plan* was prepared consistent with the conceptual approach for the study that was discussed and agreed upon between Richard Brandman and Leon Skiles of Metro and Don Emerson and Pat Levine of FTA.

Enclosed with this letter is the following information:

- Federal Assistance forms and proposed project budget.
- *South/North Transit Corridor Study Preliminary Work Plan for Alternatives Analysis/Draft Environment Impact Statement.*

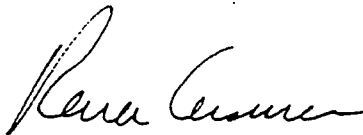
Mr. Terry Ebersole  
June 28, 1993  
Page 2

- *South/North Transit Corridor Study Application to Advance into AA/DEIS.*
- *The North/South Transit Corridor Study Priority Corridor Analysis: Findings and Recommendations.*
- Certification of authorization of the Deputy Executive Officer to execute and accept federal grants.
- Metro's tri-annual Title VI compliance update was submitted to the State on September 2, 1992. Compliance notification has not been received. The DBE Program and EEO are certified through September 30, 1993.
- Statement of continued validity of one-time submittals.
- Certification of restrictions and lobbying.
- Drug-Free Workplace Act certification for a public or private entity.
- All other one-time submittals remain in effect (submitted March, 1993).

The enclosed *Preliminary Work Plan* Appendix C includes copies of the South and North Alternatives Analyses work elements of the 1994 Unified Work Program. The *1994 Unified Work Program* and the current *Transportation Improvement Program (TIP)* will be amended this summer to reflect the single *South/North Transit Corridor Preliminary Work Plan*, budget and schedule, as has also been discussed with Ms. Levine.

Metro looks forward to working cooperatively with FTA in the coming years on this exciting and vital transportation improvement. If you have any further questions, please contact Richard Brandman at (503) 797-1749.

Sincerely,



Rena Cusma  
Executive Officer

RC/bc  
Enclosures

cc: Don Emerson, Chief Planning Analyst, FTA  
Tom Walsh, General Manager, Tri-Met  
Les White, Executive Director, C-TRAN



# CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN  
EXECUTIVE DIRECTOR

WILLAMETTE RIVER CORRIDOR COORDINATION PROJECT  
POLICY ADVISORY COMMITTEE

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DATE: Tuesday, July 27, 1993

TIME: 7:30 AM - 9:00 AM

PLACE: Clackamas County Department of  
Transportation and Development  
902 Abernethy Road, Oregon City

Conference Room A

AGENDA

1. Meeting Overview
2. Report on City Councils and County Commissioners input
3. Prioritization of Potential Projects
4. Next Steps

PROJECTS/PROGRAMS WE CAN DO

PROJECTS/PROGRAMS FOR OTHER AGENCIES

GOAL AREA I

- Citizens Outreach program
- Citizens Network

GOAL AREA I

- Recommendations to State Marine Board

GOAL AREA II

- Model Greenway Ordinance
- Revegetation Program
- Identify Natural and Wildlife Habitat Areas
- Natural and Wildlife Habitat Area Aquisition

GOAL AREA II

- Recommendations to Division of State Lands
- Identify Natural and Wildlife Habitat Areas
- Program to restore fish runs

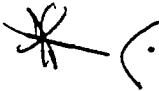


GOAL AREA III

- Local Parks recommendations
- Develop river attractions plan
- Market existing attractions
- Encourage private development

COMMUNITY RESPONSE TO INTERIM CHECK-IN  
LAKE OSWEGO, JUNE 15, 1993

Stefanie Slyman and Maggie Dickerson presented the preliminary executive summary and issues/opportunities to the city of Lake Oswego in a city council meeting on June 15, 1993. The council's comments/suggestions are as follows:



- . They are interested in getting more local control over marine policing.
- . Concern about capacity of the river -- should we be putting more boats in a river that appears already over capacity? Can it be limited?
- . Code enforcement is the key to preventing riverine vegetation removal -- the real problem for all the jurisdictions is enforcing the codes.
- . Can local jurisdictions prepare their own regulations? Can we propose our own regulations for this stretch of the river? Can we propose speed limits? (That the Marine board would enact and enforce.) Talk to the Marine Board.
- . LO is interested in protecting the Greenway and providing public access from the existing Ruhr park north thru the James River Chip facility and south to Marylhurst along old River Road.
- . LO is interested in providing bank fishing opportunities on the river
- . LO would like to delete any references to the "Milwaukie to LO bridge"
- . Front leasing (?)
- . River as a commuter route -- they have feasibility info

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COMMUNITY RESPONSE TO INTERIM CHECK-IN  
OREGON CITY, JUNE 23, 1993

Maggie Dickerson reviewed the project with the Oregon City commission work session on June 23, 1993. We reviewed the purpose, geography, participants, etc, and talked about findings and projects by going over a number of the maps. The council's comments/suggestions are as follows:

- . They would like written information from DSL about ownership of the lagoon. Who owns what? Can the property owner fill it? Can someone put houseboats on it? What rights does the public have?
- . Is it Clackamette Island or Goat Island? Who owns it?
- . They really question whether there is really any conflict between the Salmon fishermen and the water skiers -- because the seasons really don't overlap. The conflict they see is between the bank anglers -- sometimes salmon anglers, sometimes sturgeon anglers -- and the boat anglers.
- . They see boater licensing as continuing the nightmare of enforcement. Just like drinking and boating -- how would you enforce it? We should just enforce existing laws.
- . They think the jurisdictions should group together to do a joint application to the Marine Board for a series of bathrooms.
- . They'd like to encourage the establishment of floating bathrooms.
- . Encourage establishment of a confiscation policy -- like city of Portland and autos used for ?? for drunken boating
- . There were questions about who had the authority to regulate houseboats, and what regulations applied. They gave me a name and number to check with -- Clark Pulton, OC Deputy Fire Chief, 657-1365.

(5)

COMMUNITY RESPONSE TO INTERIM CHECK-IN  
CLACKAMAS COUNTY COMMISSION, JUNE 22, 1993

Stefanie Slyman and Maggie Dickerson presented the preliminary executive summary and issues/opportunities to the Board of County Commissioners in a work session on June 22, 1993. The BCC committed to getting back to us with their areas of intense concern in two weeks.

There was some discussion of the West Linn dock application and locations of parks along the project area.

We returned to the County Commission to hear their comments on the project on July 5. Comments were as follows:

- . Kudos for the volume of work and issues/opportunities generally.
- . Great concern about conflicting uses of the water surface. Primarily focused on the noise nuisance created by jet boats and jet skis, and the conflicts between high speed boaters and swimmers and nonmotorized boaters. The Commissioners said they have seen a big increase in traffic on the river in the last (20?) years, and a big decline in the use of the river by nonmotorized boaters and swimmers ("you take your life in your hands," "get mowed aground...").
- . The Commissioners supported a number of ideas that would reduce water surface conflicts:
  - Designating areas for swimming or nonmotorized boats only -- such as the lagoon of Cedar Oak island, between Goat island and the West Linn shore
  - Cities have the ability to set speed limits? Does the County? Can the county do it for the cities?
  - Set a time for jet ski use -- bit jet boats??
- . It is time to look at greater restrictions in the use of the river. Comm Hammerstad used the criteria -- "Would this be allowed in front of your home?" Especially noise.
- . Air pollution controls on boat, lawn mower, and other small engines may, in the future, eliminate the really noisy boats. Catalytic converters may be required. Comm Lindquist said that California will take the lead on this, and are lobbying Congress now to require air pollution controls on these types of engines.
- . Lloyd Anderson's boat dock linked to attractions concept -- recommended that we talk to Terry Emmert on this.
- . Important that we achieve consistency in stormwater management -- silt buildups in the pipes???

6

Bathrooms are important

- . Setting aside the key salmon fishing area for fishing by giving the sheriff the authority to ban water skiing, etc, would send a good message for tourism, since people come from all around to fish.
- . In the long run, the political autonomy of the river communities could be replaced with a Willamette River Commission -- that provides consistent zoning, consistent enforcement along the river. Have to ID who is the law enforcement agency.
- . The commissioners strongly supported any move towards eventually providing the ability to walk or bike along the River. They support doing a lot of "200 foot things" like the 200' long path build in Lake Oswego Pointe, which will eventually be connected to other walkways. It may take 50 years... The Commissioners said we should look for opportunities.

COMMUNITY RESPONSE TO INTERIM CHECK-IN  
MILWAUKIE CITY COUNCIL, JULY 6, 1993

Stefanie Slyman and Maggie Dickerson presented the preliminary executive summary and issues/opportunities to the combined Milwaukie City Council and Planning Commission on July 6, 1993. City comments included:

- . They are concerned that the Milwaukie Landing has become a regional boat launch facility. If possible, they would like to get rid of the boat ramp. If they have to keep it, they would like to get some return from it.
  - They would prefer to keep the Milwaukie riverfront for Milwaukieans.
  - They would like some sort of user fee.
  - They don't think the boat launch increases local shopping
  - Boat trailer parking along McLoughlin is a problem.
  - Is it possible to move the boat ramp?
  
- . One person talked about moving McLoughlin 1/2 block east, thus creating enough area for a really nice riverfront development.
  
- \* ( Elk Rock Island/Spring Park:
  - There is ROW/street ends that are submerged -- could become part of expanded park
  - Talk to NCPRD for Spring Park development plans
  - Don't reinvent the wheel -- work with Portland's Elk Rock Island plans
  
- . People want OPEN SPACE for waterfront -- park, amphitheater, outdoor concert area
  
- . There was no consensus at the meeting as to what should be done to Milwaukie's waterfront, except that part of the area needs to be green
  
- . Do a trail thru Island Station on existing streets -- along 19th -- can't do it right on the river
  
- . Providing commercial marina services at Milwaukie Landing still wouldn't do much for Milwaukie --Mayor says "no".
  
- . Some interest in a Maritime Museum in Milwaukie.
  
- . We were asked to talk to David Wiley who lives on Fielding Road and is the president of the Seaplane association.

# CITY OF MILWAUKIE



POLICE DEPARTMENT  
2566 S.E. Harrison • phone 652-4400

MEMORANDUM  
July 22, 1993

TO: Mayor and City Council

THROUGH: Dan R. Bartlett, City Manager *DB*

FROM: Charles A. Mansfield, Chief of Police *CA*

SUBJECT: QUARTERLY REPORT: APRIL-JUNE, 1993

During the second quarter of 1993, offenses reported to the police were at the same level for major offenses ("Part I" crimes) and showed a decrease for lesser ("Part II") crimes. Calls for police service not related to criminal reports taken increased 3% over the same period in 1992.

During this quarter, several significant cases involving crimes against persons, worked by patrol officers and members of our Detective Unit, went to trial and were successfully concluded with guilty pleas or trial findings of "guilty". These cases particularly involved long hours of investigation and court presentation by our detectives and they are to be congratulated for their fine work in these vital cases.

Arrests are up slightly, the bulk accounted for in the adult category, as there has been a marked decrease in juvenile arrests. An analysis of juvenile arrest trends will be conducted in the next quarter in an effort to determine if our "zero tolerance" and general enforcement policies have contributed to this reduction.

There was a marked decrease in traffic accidents for the quarter: down by 54%. For the six months of the year, accidents are down overall by 15.5%. Our second traffic officer will begin duties in early August. This will provide directed enforcement during the evening hours with additional emphasis on DUII detection and apprehension. The department is committed to a strong traffic safety effort and, in the coming months, will work to improve traffic safety education efforts as well.

The department is currently working on safety belt enforcement through the \$3350. grant from the Oregon Traffic Safety Division for directed enforcement of safety belt and motorcycle helmet laws. As of June 30, 1993, over 60 hours had been devoted to specific enforcement time. A full report on results will be included in the report for the next quarter.

We have seen some interesting statistics in the alarm responses categories. School alarms are down a whopping 54.55 percent. The school district's work in the past year to address technical and user problems have paid off substantially. This results in greater patrol time for officers and less in fine costs to school district taxpayers.

On the other hand, residential alarms have increased almost 38% (171 vs. 124 in 1992), but much of this is due to a larger number of alarm systems. In the last half of 1993, we hope to work with alarm companies and permit holders in reducing false alarms through an education program.

In the next three months the department will be working on several projects; improving internal communications, training and career development for employees, community policing and problem solving techniques as well as preparing our move to the new Public Safety Building in late September or early October. Task groups are already at work developing operational policies, equipment transfer and installation, etc.

We will also be adding new video camera equipment for two police vehicles, continuing the hiring process for two police officers and conducting a promotional examination for Police Sergeant. Staff is also working with the City of Portland and vendors on communications equipment connected with the new 800 MHz radio system. We are also looking at equipment that would enhance our traffic safety education and enforcement programs.

# CITY OF MILWAUKIE



FAX (503) 652-4433

\*\*\*MEMORANDUM\*\*\*

July 27, 1993

TO: Honorable Mayor and City Council

THROUGH: Dan Bartlett, City Manager

FROM: Charlene Richards *[Signature]* Assistant to the City Manager

SUBJECT: Human Resource/Community Services Quarterly Report

What follows is the Quarterly Report (April, May and June 1993) for Human Resources and Community Services. If you have any questions, please speak with me at 659-5171.

## HUMAN RESOURCE SERVICES

In April, all supervisors received training in the issues of discrimination and harassment, specifically sexual harassment. Donna Sandoval from Bullivant, Houser, Bailey, Pendergrass and Hoffman, Attorneys at Law, presented the training.

The Civil Service Commission met and gave staff direction to develop a complaint review procedure to present for comment to the City's Personnel Rules Committee. This procedure is intended to replace the Civil Service Commission. After staff review with the employee committee, the Civil Service Commission will meet in October to develop a proposal for Charter review to be presented to the City Council in November 1993.

IN-CAT met with the City Manager and viewed the video "An Inside Job". They discussed the inverted pyramid and employee empowerment. It was agreed that the video and a training program would be presented to all employees.

A Blood Borne Pathogens Coordinating Committee met several times to develop a plan to identify, purchase and distribute supplies to the police, fire and public works department. Fire Captain Mark Tidwell will coordinate the effort.

The Hiring Process Solving Team met and began to narrow their focus on key areas of concern. The first area to be addressed is the request to begin recruitment to fill a position. Staff is developing a form for the team to consider.

In May, "An Inside Job" video and training was presented to the Johnson Creek facility staff. A pretest administered to the employees showed strong understanding on the part of all employees of the concepts of customer service both internal and external. The training was a reinforcement of those concepts focusing on communications and personal support. This training is scheduled to be presented to City Hall and Library staff in August. In June, the City and MPEA entered mediation which led to impasse. A pre-arbitration meeting was held between the City and MPEA. The meeting has been carried over to a date in August.

During April through June 1993, three examinations were in progress and one completed. Thirteen seasonal/temporary employees were hired. There were two regular employee separations and one seasonal/temporary employee separation. Two grievances were filed.

#### COMMUNITY SERVICES

##### LIBRARY

###### SPECIAL EVENTS

- \* The Library Board hosted a breakfast meeting for the North Clackamas Chamber of Commerce Greeters in April.
- \* The Friends of the Library held their annual brunch for volunteers, in April.

###### LONG RANGE PLAN PROJECTS

- \* The CD, compact disc, survey was completed in April.
- \* Completed were the talking books and video surveys.
- \* Initial plans for a redesign of the circulation desk are in progress.
- \* A promotional video of library services is being accomplished by staff and Videobeck, Inc. It will be completed in early summer.

###### BUILDING AND GROUNDS

- \* Electrical problems were traced to the computer transformer, which has been replaced.
- \* Signage to comply with ADA standards is being ordered.
- \* Restoration of Scott Park pond was begun in June.

###### CHILDREN'S PROGRAMS

- \* Plans for the Wild About Books Summer Reading Program were completed in May. The Library Network furnished most of our printing, and flyers were distributed to nine areas schools.
- \* We have 22 children's programs scheduled for the summer. Six of these are sponsored by the Friends.

###### TEMPORARY HELP

- \* Betsy Holzgraf completed her internship for the PSU Educational Media Program during June. She worked on special projects which included a promotional plan for a new bibliography for the Children's Library.
- \* Eric Daffern has been hired as a temporary, part-time student aide through the ETBS Program. He is in charge of the reading

program for the summer.

#### CD-ROM WORK STATION

\* The Friends of the Library have agreed to purchase a CD-ROM work station for public use in the adult library. The first programs that we plan to install on it are an index and full text database of The Oregonian and a periodical index and full text database.

#### PARK DISTRICT

In April, the Park District hosted a second community meeting to solicit ideas on development of the Kellogg Lake property. When funds are available, the property will be seeded and deciduous shade trees planted. Recreational use will be discouraged due to current unsafe access. Long term plans may include connection with Dogwood Park to provide safe access.

The April through June PARC meetings included discussion of the governing rules of the commission. There was concern voiced about the inability of the commission to take formal action without a quorum based on the number of commission position vacancies. After long discussion, it was decided that the Park District staff would draft an ordinance revision to provide a method to allow the PARC to function more effectively.

The rough grading for catch basins and drainage at Ardenwald Park has been completed. The contract for irrigation and seeding for Phase I will be let next quarter.

The Scott Park wetlands project is underway. Park District involvement will include landscaping, irrigation and minor fencing. There will be one access point to the pond. Signage will explain the efforts to restore the wetlands.

#### SOLID WASTE AND RECYCLING

##### EDUCATION

- \* Confirmed special school recycling event for October 25, 1993 for all elementary schools in Milwaukie.
- \* Conducted presentation to Kiwanis on recycling.
- \* Worked with Clackamas County to develop and distribute recycling tabloid to all Milwaukie garbage/recycling customers.
- \* Prepared monthly articles about recycling for "Pilot".
- \* Sponsored Saturday workshop on alternatives to pesticides and herbicides for the home garden.
- \* Participated in Ardenwald neighborhood event with information available for recycling.

##### CUSTOMER RELATIONS

- \* Prepared and mailed customer satisfaction survey.
- \* Met with haulers individually and as a group to discuss results including improvements for the future.
- \* Developed proposed new Administrative Rules to include customer service performance standards.

#### HAULER RELATIONS

- \* Made contacts with haulers for sponsorship for Young Milwaukians and got 100% participation.

#### RATE REVIEW

- \* Met with haulers and Estle Harlan to receive and discuss financial data for rate review.
- \* Conducted two work sessions with Council to present rate review information and receive Council direction.
- \* Scheduled rate review for August 3, 1993 Council Meeting.

#### DTED (Down to Earth Day)

- \* Met with haulers to prepare for DTED.
- \* Distributed information through the media regarding DTED, including article in the "Pilot" and newspapers.
- \* Met with haulers to assess results and process for DTED, what went well and what can be done better next time.

#### METRO RECYCLING PLAN AND REPORTS

- \* Met with METRO for year 4 recycling report.
- \* Began preparation of new 5 year plan.

#### COMMERCIAL RECYCLING

- \* Set up three new programs.
- \* Conducted one commercial waste audit.

#### MULTI-FAMILY RECYCLING

- \* Set up four new programs.
- \* Met with Clackamas County regarding information on compactor trains for multi-family.

BILL KENNEMER  
Clackamas County  
District 12



REPLY TO ADDRESS INDICATED:

- Senate Chambers  
Salem, Oregon 97310-1347  
(503) 378-8076
- 18808 S.E. Mildred Way  
Milwaukie, Oregon 97267  
(503) 653-3071

OREGON STATE SENATE

LAST WEEK AT THE CAPITOL  
JULY 16, 1993

LAST WEEK AT THE CAPITOL: LEGISLATORS ANNOUNCED POSSIBILITY OF SEEING LONGEST SESSION IN OREGON HISTORY, SENATOR KENNEMER'S CHILD SUPPORT REFORM BILL WAS SIGNED INTO LAW, LOTTERY FUNDS PROPOSED TO PAY FOR OREGON BASIC HEALTH PLAN, AND OREGON CITY INTAKE CENTER REFUNDED IN HOUSE.

AT THIS TIME LAST SESSION THE CAPITOL HALLS WERE EMPTY, THE LEGISLATORS HAD ALL GONE HOME AFTER AN AVERAGE LENGTH SESSION; NOT THIS TIME. SPEAKER OF THE HOUSE LARRY CAMPBELL INDICATED WEDNESDAY THAT THE 67 LEGISLATIVE ASSEMBLY APPEARS TO BE HEADING TOWARD A RECORD FOR THE LONGEST SESSION IN OREGON HISTORY. IN THE WAKE OF MEASURE 5, THIS SESSION, WHICH MAY LAST INTO MID-AUGUST, STILL HAS MANY SERIOUS ISSUES TO ADDRESS BEFORE IT ADJOURNS. AMONG THEM ARE 109 OF THE 130 STATE BUDGETS, THE DECISION ON THE CONTROVERSIAL OREGON BASIC HEALTH PLAN, AND THE RESTRUCTURING OF LCDC.

THIS SESSION'S BIGGEST CHILD SUPPORT MEASURE, SENATE BILL 975, WAS SIGNED BY THE GOVERNOR FRIDAY AFTER FIVE ANXIOUS DAYS OF CONSIDERATION. THE BILL CLOSES A LOOP HOLE IN SUPPORT ENFORCEMENT BY ESTABLISHING STRICTER GUIDE LINES FOR SELF-EMPLOYED, HIGHLY MOBILE PEOPLE, WHO OFTEN AVOID PAYING THEIR COURT ORDERED CHILD SUPPORT. SENATOR KENNEMER SPONSORED THE VALUABLE LEGISLATION ON BEHALF OF THE MANY WOMEN AND CHILDREN IN CLACKAMAS COUNTY WHO FORCED INTO POVERTY BY LACK OF SUPPORT. THE GOVERNOR, WHO ARE USUALLY TAKES A FIRM STAND ON CHILDREN'S ISSUES, WAS UNDER INTENSE PRESSURE BY LABOR UNIONS TO VETO THE BILL, BUT AFTER 5 DAYS OF CONSIDERATION SHE SIGNED IT INTO LAW. THIS WILL SEND AN ESTIMATED \$3 1/2 MILLION IN NEW SUPPORT PAYMENTS TO CHILDREN.

THE OREGON BASIC HEALTH PLAN TOOK ANOTHER TURN LAST WEEK WHEN LOTTERY DOLLARS WERE PROPOSED AS A SOURCE OF FUNDING. THE CONTROVERSIAL HEALTH PLAN, WHICH HAS HAD SERIOUS PROBLEMS FINDING ANY FINANCIAL SUPPORT, MAY LOSE EVEN MORE MOMENTUM IF LOTTERY DOLLARS ARE NOT DEDICATED TO FINANCE IT. THE FAILURE OF PROPOSALS TO FUND THE PLAN PREVIOUSLY, SUCH AS A PROVIDER TAX OR A CIGARETTE TAX, MAY BE SIGNS THAT LEGISLATORS ARE LOSING CONFIDENCE IN THIS EXPENSIVE PLAN. ADDITIONALLY, PROJECTIONS SHOW THAT THE PRICE TAG FOR THE PLAN WILL RISE INCONCEIVABLY FROM \$84 MILLION TO \$320 MILLION IN EIGHT YEARS; PRETTY SCARY.

HOUSE REPUBLICANS RETURNED THE OREGON CITY INTAKE CENTER TO ITS PROPER PLACE IN THE CORRECTIONS BUDGET LAST WEEK. THE CENTER, DESIGNED TO PLACE CONVICTS IN THE APPROPRIATE PRISON, WAS CUT OUT OF THE CORRECTIONS BUDGET ON THE SENATE SIDE EARLIER THIS SESSION AS A WAY TO TRIM THE BUDGET. THE BILL RETURNED TO THE SENATE FOR CONCURRENCE FRIDAY WHERE IT ONCE AGAIN MEET OPPOSITION BY SENATE DEMOCRATIC LEADERSHIP. PROponents OF THE INTAKE CENTER ARGUED THAT IT IS WASTEFUL TO ABANDON THE NEW, \$ 8 MILLION CENTER FOR AN OLDER CENTER WITH NEAR IDENTICAL OPERATING COSTS. NOW THE BATTLE FIELD FOR THE CENTER WILL BE A CONFERENCE COMMITTEE.

FOR QUESTIONS OR COMMENTS, PLEASE CALL 1-800-327-7389 OR 378-8076 OR WRITE THE SENATE CHAMBERS S-318, STATE CAPITOL SALEM, OR 97310.

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CITY OF MILWAUKIE  
'93 JUL 26 AM 8 01

July 14, 1993

Pat Duval  
City of Milwaukie  
10722 SE Main St.  
Milwaukie, OR 97222

RE: City Parking Permit

Although it is unfortunate that the City of Milwaukie (The City) must resort to charging for parking, we realize that parking is a concern raised by local merchants. We represent the greatest number of users of these parking facilities and as a major patron of the local businesses feel the following concerns need to be addressed.

First of all, in the brochure The City passed out explaining the upcoming parking changes (attached is a copy), you showed 8 hour parking North of Main from Harrison Street and South on Main from Washington Street. This is not what is currently posted on the signs at these locations. We understand that The City's businesses needs some street parking for their customers, but The City is not exactly the Mecca for world trade (but maybe comic books). It is preposterous that there is no 8 hour parking at these locations as most of the businesses have ample parking of their own (i.e. Safeway, Milwaukie Athletic Club).

The second item of contention is the payment for parking. The City is asking people to budget \$150.00 to pay for 6 months of parking. We understand The City is trying to cut down on billing and record keeping nonetheless, \$150.00 is a large sum to come up with every 6 months. A solution to this could be either to lower the amount or go to monthly or even quarterly payment. We are not trying to prevent The City from filling their depleted coffers we would just like to do it in a manner that is less burdensome.

Thirdly we would like to commend The City for upgrading the parking facility referred to as the Chevron Lot. It does appear, however, that The City failed to upgrade the facility known as Railroad Lot. We are sure that this is a small oversight by The City and that the upgrading of the Railroad Lot will have first priority for the use of the parking fee income. Also, lights would be appreciated at the Railroad Lot or The City will need to provide Calvin with a gun to protect individuals walking to their vehicles in the dead of winter.

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Finally, the last matter and probably the most important is the statement made by The City that reads: "The city will limit the number of permits sold, however, purchase of a permit does not guarantee space availability." We know it is there to protect The City's derriere. Looking at this from a banking point of view, The City should try and sell all the permits possible and not sell more permits than The City has spaces for. If this is not the case, then The City should get out of the parking business and give it to a private business. Second if The City is not going to guarantee a spot, then this raises several questions. Who is going to monitor these lots? How often are these lots going to be monitored? Will vehicles parked illegally be towed immediately? If we as subscribers have to report illegally parked vehicles then we would like a portion of Calvin's salary (we really do like Calvin) to offset this parking fee.

There is a remedy to this problem and that is to number each space. The City would then assign each person purchasing a permit their own space. This would not only guarantee the space but, make it easier for monitoring the lots.

As creators of the problem and as patrons of the businesses we hope that The City will seriously consider some of the questions that we are raising.

Sincerely,  
Employees of Key Corp Mortgage Inc.  
and Key Bank of Oregon

cc: Craig Lomnicki

Noni Hoffler  
 Elaine Crane  
 Connie Anderson  
 Anne Stevens  
 Cathy Wattrip  
 Dolie Guze  
 Marilyn J. Yeaton  
~~Patricia~~  
 Jean S. Lund  
~~Marie~~  
 Marie Barry  
 Jerri Parks  
 A. Yegorova  
 Angela M. Livingston  
 Rene Sundry  
 Janet Eichelberger

Annel Speer  
 Cathy Berg  
 Kathleen Berg  
 Jessie Carlson  
 Wendy Lewis  
 H. P.  
 Muriel  
 Carol Erwin  
~~Marie~~  
 Madeline Allen  
 Ann Schueler  
 Edna  
~~Joseph~~  
 June  
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 Cora Lee

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Tom Englet

Clara Dimmons

Judi Land

Carol Ann Swadener

Bob Boly

Ken Lyons

Maureen Newell

Barbara Davis

Paula Hill

Virginia Tarn

M. T. M. E.

Paula Antone

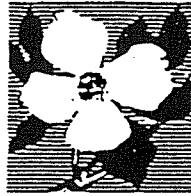
Jerome M. Olson

Jodi Ball

Based  
Jeff Cow

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# CITY OF MILWAUKIE



FAX (503) 652-4433

## CITY PARKING LOT PERMIT PROGRAM ANNOUNCEMENT

July 12, 1993

### AFFECTED LOTS

Effective September 1, 1993, the following parking lots will require a Parking Permit:

#### Common Name

#### Street Reference

Chevron Lot

East of McLoughlin Blvd.  
between Jackson and Monroe

City Hall Parking Lot

West of Main Street between  
Harrison and Jackson

Railroad Lot

Railroad right-of-way  
bounded by Monroe and  
Washington between 21st and  
25th, behind Milwaukie Lumber

### PERMIT COSTS

Initially, permits will be issued for a four month period from September 1, to December 31, 1993. The cost will be \$100 (\$25 per month). After the first four months, permit periods will run from January 1 to June 30, and from July 1 to December 31. Current fees are \$150 for a normal six-month period.

### APPLICATION AVAILABILITY:

- \* There will be a limited number of permit applications and permits available based on the number of parking spaces in the three City lots.
- \* Permit applications will be distributed on a first come, first serve basis and will be limited to one application per person. Permit applications will be processed the same day they are issued.
- \* Permits will be available at City Hall, 10722 SE Main Street, Milwaukie, August 20, 1993, at 7:00 a.m.

### OBTAINING A PERMIT:

- \* The \$100 permit fee must be paid at the time you apply for your permit.

- \* Applications picked up on August 20, must be submitted the same day to maintain your priority status.
- \* After all available permit applications are distributed, a waiting list will be established, on a first come, first serve basis to determine eligibility for future available permits. Persons on the list will be contacted when space becomes available.
- \* To encourage car pooling and sharing permits, you may list up to three license plate numbers on your permit card.

PLEASE HAVE THE LICENSE PLATE NUMBERS YOU WISH TO HAVE PRINTED ON YOUR PERMIT CARD AVAILABLE WHEN YOU APPLY FOR YOUR PERMIT.

REPLACEMENT PERMIT CARD:

Replacement permit cards may be purchased for a fee of \$5.00 if: -

- \* You wish to change the license plates listed on your permit card; or
- \* Your permit card is lost or stolen.

You must have photo ID verifying you are the original applicant to acquire a replacement permit card.

RENEWALS:

Current permit holders will have priority on renewal permits issued in the following permit period.

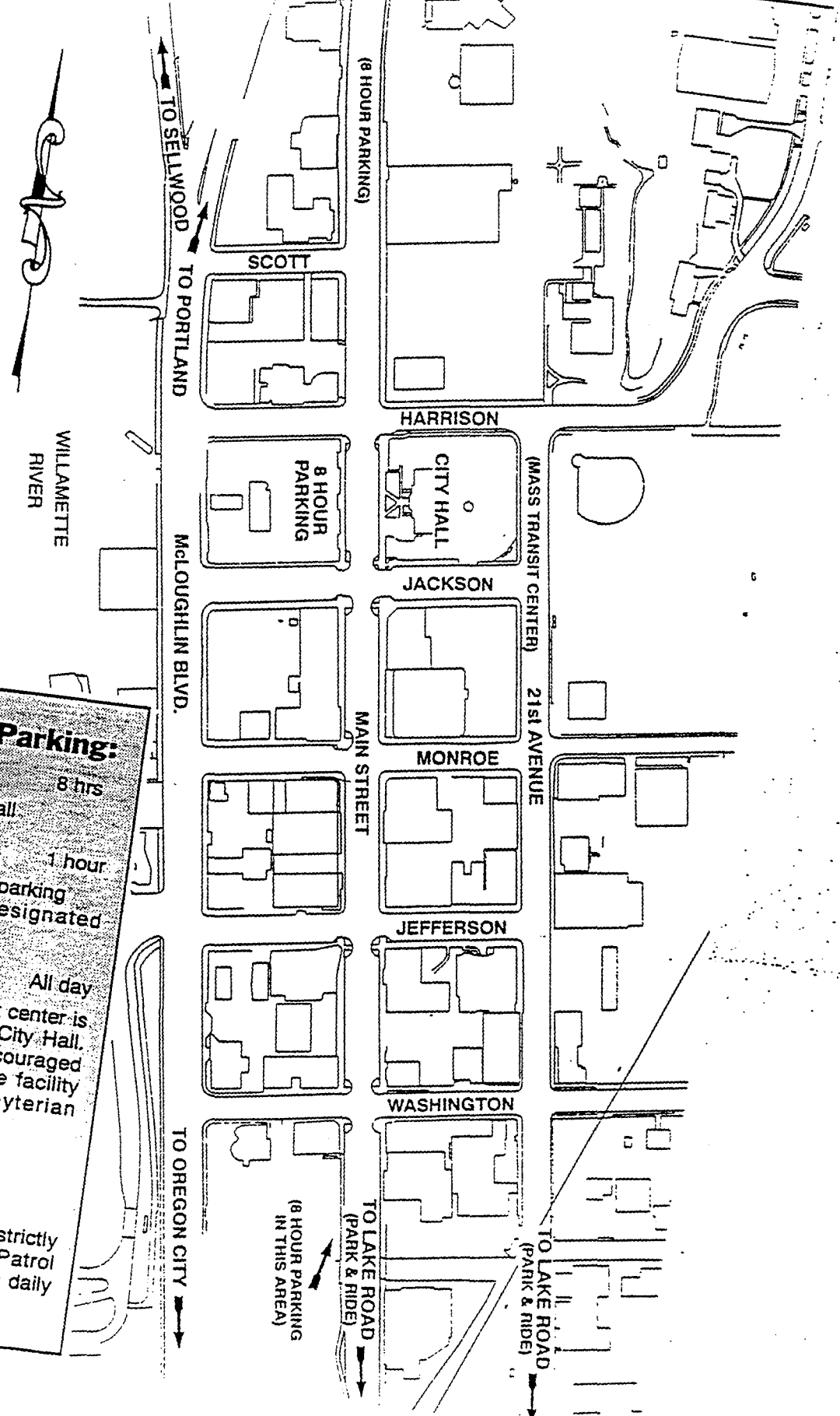
A waiting list will be established, on a first come, first serve basis to determine eligibility for available permits after the first permits are sold.

AVAILABILITY OF CITY LOTS AND SPACE:

- \* Permit parking is limited to weekdays and not enforced on City observed holidays.
- \* Spaces will be on a first come, first serve basis. Permits do not guarantee spaces in a specific lot.
- \* The City may temporarily close any lot for maintenance or City approved events during any portion of the permit period.
- \* The City will limit the number of permits sold, however, purchase of a permit does not guarantee space availability.



# Where To Park In Downtown Milwaukie



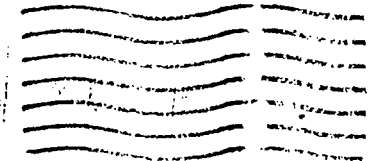
**Downtown Parking:**

- City Parking Lot** 8 hrs  
Across from City Hall
- Street Parking** 1 hour  
8 hour or 15 minute parking is available at designated areas.
- Park and Ride** All day  
Tri-Met mass transit center is located just south of City Hall. Tri-Met riders are encouraged to use the park & ride facility located in the Presbyterian church lot on Lake Rd.

**Parking Patrol:**

Limitations will be strictly enforced. The Parking Patrol inspects vehicles two times daily during intervals.

10888 SE main St.  
Milwaukie, OR 97222



Pat Duval  
City of Milwaukie  
10722 SE Main St.  
Milwaukie, OR 97222