



**Regular Session**

**RS**

**Milwaukie City Council**



MILWAUKIE CITY COUNCIL  
REGULAR SESSION

City Hall Council Chambers  
10722 SE Main Street  
www.milwaukieoregon.gov

**REVISED AGENDA**  
**DECEMBER 6, 2016**  
(Revised December 2, 2016)

2,235<sup>h</sup> Meeting

- |  | Page # |
|--|--------|
| <b>1. CALL TO ORDER – 6:00 p.m.</b><br>Pledge of Allegiance  |        |
| <b>2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS</b>  |        |
| <b>A. Milwaukie High School (MHS) Outstanding Student Achievement Award for December 2016 Presented to Lenorah Stott</b><br>Presenter: Mark Pinder, MHS Principal  |        |
| <b>B. Christmas Ships Proclamation 2016</b><br>Presenter: Mayor Mark Gamba   | 2      |
| <b>3. CONSENT AGENDA</b><br>These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the "Consent" agenda for discussion by requesting such action prior to consideration of that part of the agenda.  |        |
| <b>A. City Council Meeting Minutes</b><br>1. November 1, 2016, Work Session;<br>2. November 1, 2016, Regular Session; and<br>3. November 10, 2016, Study Session.  | 4      |
| <b>B. Highway 99E / McLoughlin Boulevard Utility Relocation – Resolution</b>   | 15     |
| <b>C. Certify November 2016 Election Results – Resolution</b>  | 19     |
| <b>D. Board, Committee, and Commission Appointments – Resolutions (3)</b><br>1. Appointing John Henry Burns to the Planning Commission;<br>2. Appointing Kim Travis to the Planning Commission; and<br>3. Appointing Heather Ray to the Public Safety Advisory Committee.  | 31     |
| <b>4. AUDIENCE PARTICIPATION</b><br>The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and submit it to the City Recorder. Pursuant to MMC Section 2.04.360, "all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The presiding officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak. |        |
| <b>5. PUBLIC HEARING</b><br>Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.  |        |
| <b>A. Adoption of Findings in Support of Alternative Contracting – Resolution</b><br>Staff: Charles Eaton, Engineering Director  | 39     |

**6. OTHER BUSINESS**

These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.

**A. ~~Ledding Library Architectural Design Team Selection~~**

~~Staff: Katie Newell, Library Director  
(Removed from the Agenda on December 2, 2016)~~

**B. Ledding Library Construction Selection Committee Vacancy**

Staff: Ann Ober, City Manager

**C. Expedited Annexation of 5806 SE Cedar Street – Ordinance (File #A-2016-007) 54**

Staff: Denny Egner, Planning Director

**D. TriMet Bus Route 152 Discussion 86**

Staff: Denny Egner, Planning Director

**E. Department of Environmental Quality (DEQ) Air Update**

Staff: Clare Fuchs, Sustainability Director  
(Added to the Agenda on December 2, 2016)

**F. Council Reports**

(Moved Down the Agenda on December 2, 2016)

**7. INFORMATION**

**8. ADJOURNMENT**

**Americans with Disabilities Act (ADA) Notice**

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**Executive Sessions**

The City Council may meet in Executive Session pursuant to ORS 192.660(2); all discussions are confidential and may not be disclosed; news media representatives may attend but may not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and are closed to the public.

**Meeting Information**

Times listed for each Agenda Item are approximate; actual times for each item may vary. Council may not take formal action in Study or Work Sessions. Please silence mobile devices during the meeting.



**MINUTES**  
**MILWAUKIE CITY COUNCIL**  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

**REGULAR SESSION**  
 DECEMBER 6, 2016  
 City Hall Council Chambers

**Mayor Mark Gamba called the 2,235<sup>th</sup> meeting of the Council to order at 6:01 p.m.**

**Council Present:** Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

**Staff Present:** City Manager Ann Ober, City Recorder Scott Stauffer, Assistant to the City Manager Mitch Nieman, Engineering Director Charles Eaton, Civil Engineer Rick Buen, Planning Director Denny Egner, and Sustainability Director Clare Fuchs

### 1. CALL TO ORDER

Pledge of Allegiance.

### 2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

#### A. Milwaukie High School (MHS) Outstanding Student Achievement Award for December 2016 Presented to Lenorah Stott

**Mr. Pinder** introduced Ms. Stott and Council congratulated her on her academic and extra-curricular achievements.

#### B. Christmas Ships Proclamation

**Dave Ridley**, Christmas Ships representative, provided the 2016 Christmas Ships schedule information and **Mayor Gamba** proclaimed Christmas Ships Parade Days in Milwaukie.

### 3. CONSENT AGENDA

It was moved by Councilor Power and seconded by Council President Batey to approve the consent agenda as presented.

#### A. City Council Meeting Minutes:

1. November 1, 2016, Work Session;
2. November 1, 2016, Regular Session; and
3. November 10, 2016, Study Session.

**B. Resolution 118-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Award of a Contract for the Construction of the 99E Highway / McLoughlin Blvd Utility Relocation to Wildish Standard Paving Co.**

**C. Resolution 119-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, Certifying the Results of the November 8, 2016, General Election.**

#### D. Appointments to Boards, Commissions, and Committees (BCCs):

1. **Resolution 120-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing John Henry Burns to the Planning Commission.**
2. **Resolution 121-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Kim Travis to the Planning Commission.**

3. **Resolution 122-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Heather Ray to the Public Safety Advisory Committee (PSAC).**

**Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey, and Mayor Gamba voting "aye." [5:0]**

#### **4. AUDIENCE PARTICIPATION**

**Mayor Gamba** reviewed the Audience Participation procedures, and **Ms. Ober** provided an update on traffic signal changes at 21<sup>st</sup> Avenue and Washington Street which had been inquired about at a previous meeting.

**Council President Batey** and **Ms. Ober** noted that the construction work on 17<sup>th</sup> Avenue was expected to be finished by mid-December 2016 and that the City had received a grant to install wayfinding signage around Downtown Milwaukie.

**Greg Hemer**, Milwaukie Historical Society Communications Chair, thanked Council and staff for supporting the Historical Society and Museum, he reviewed the Society's 2016 and 2017 goals, and noted upcoming holiday events at the Museum.

#### **5. PUBLIC HEARING**

##### **A. Adoption of Findings in Support of Alternative Contracting - Resolution**

###### Opening:

**Mayor Gamba** called the public hearing on the Resolution to adopt findings to allow the use of Design/Build (DB) alternative contracting method for the Kellogg Creek Bridge replacement project in Riverfront Park, initiated by the City, to order at 6:24 p.m.

###### Purpose:

**Mayor Gamba** announced that the purpose of the hearing was to consider a resolution to adopt findings that would allow the use of DB alternative contracting for the Kellogg Creek Bridge replacement project in Riverfront Park.

###### Staff Presentation:

**Ms. Eaton** introduced and reviewed the findings in support of using the DB process listed in the Staff Report. He explained that the Federal Emergency Management Administration's (FEMA) requirement that the new bridge be ready in 2 years, and uncertainty about project costs, were reasons to utilize the DB process.

**Council President Batey**, **Mr. Eaton**, and **Councilor Churchill** discussed the differences between the DB process and the Contract Manager / General Contractor (CM/GC) process and the limited in-water timeframe for the bridge replacement project.

**Councilor Parks** and **Mr. Eaton** noted the estimated project cost savings under the DB process and discussed the FEMA-required steps for approving engineering work.

**Mr. Eaton** explained that the project was complicated by the location of the bridge being in a park near the Kellogg Creek Treatment Plant and because it was connected to the Hwy 99E bridge maintained by the Oregon Department of Transportation (ODOT). He reported that FEMA had combined the bridge replacement with the Kellogg Creek bank repair project which involved the added complication of dealing with an exposed manhole on the creek bank. He confirmed that the new bridge would be double the length of the existing bridge and remarked that FEMA would require the City to make progress towards completing the bridge within 2 years.

###### Conduct of Hearing:

**Mayor Gamba** reported that no speaker registration cards had been received.

Correspondence:

Staff reported that no correspondence had been received on the topic.

Questions from Council to Staff:

**Mayor Gamba** noted that there were no questions requiring staff response.

Close Public Hearing:

It was moved by **Council President Batey** and seconded by **Councilor Parks** to close the public hearing. Motion passed with the following vote: **Councilors Parks, Power, Churchill, and Batey, and Mayor Gamba** voting "aye." [5:0]

**Mayor Gamba** closed the public hearing at 6:33 p.m.

Council Discussion:

**Councilor Churchill, Councilor Power, and Mayor Gamba** remarked that utilizing the DB process was a good option for the bridge replacement project.

Decision by Council:

It was moved by **Councilor Power** and seconded by **Councilor Parks** to approve the Resolution Acting as the Local Contract Review Board, Adopting Findings to Allow Alternative Contracting for the Kellogg Creek Bridge (#22142) Replacement Project. Motion passed with the following vote: **Councilors Parks, Power, Churchill, and Batey, and Mayor Gamba** voting "aye." [5:0]

## Resolution 123-2016:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS TO ALLOW ALTERNATIVE CONTRACTING FOR THE KELLOGG CREEK BRIDGE (#22142) REPLACEMENT PROJECT.

**OTHER BUSINESS**

**A. ~~Ledding Library Architectural Design Team Selection~~ (Removed from the Agenda on December 2, 2016)**

**B. Ledding Library Construction Selection Committee Vacancy**

**Ms. Ober** reported that there was an open position on the Library Construction Selection Committee for a member of Council to fill. She noted that Councilor Churchill was also serving on the Selection Committee and that Council would make appointments to the separate Library Construction Task Force (LCTF) in January 2017.

The group discussed which member of Council should serve on the Selection Committee and it was the Council consensus that Mayor Gamba would serve.

**C. Expedited Annexation of 5806 SE Cedar Street – Ordinance**

**Mr. Egner** introduced the proposed annexation and reported that staff recommended Council approve the proposed annexation ordinance.

**Council President Batey** and **Mr. Egner** noted that the size of the property would not allow it to be subdivided.

**Councilor Power** and **Mr. Egner** discussed the cost of an annexation application.

It was moved by **Councilor Parks** and seconded by **Councilor Power** to approve the first and second reading by title only and adoption of the Ordinance Annexing Tracts of Land Identified as Tax Lot 1S2E30DA 04400 and Located at 5806 SE Cedar St into the City Limits of the City of Milwaukie. (File #A-2016-007). Motion

passed with the following vote: Councilors Parks, Power, Churchill, and Batey, and Mayor Gamba voting “aye.” [5:0]

Ms. Ober read the ordinance two times by title only.

Mr. Stauffer polled the Council with Councilors Churchill, Batey, Parks, and Power, and Mayor Gamba voting “aye.” [5:0]

**ORDINANCE 2138:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX LOT 1S2E30DA 04400 AND LOCATED AT 5806 SE CEDAR ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2016-007)**

**D. TriMet Bus Route 152 Discussion**

Mr. Egner reported that the City had been notified about a proposed rerouting of Bus Route 152 and that Council had asked staff to invite TriMet, the Milwaukie Center, and the North Clackamas Parks and Recreation District (NCPRD) to discuss the proposed route change. He introduced Marty Hanley, Milwaukie Center Supervisor; Vanessa Vissar, TriMet Planner; and Clay Thompson, TriMet Outreach Services Coordinator.

Mr. Thompson noted that the route change was only a proposal being considered by TriMet. Ms. Vissar reviewed the current bus line 152 route map and explained that the proposed change was based on outreach and aimed at improving bus service regionally and in particular along International Way. She added that the current route to the Milwaukie Center sees very few riders and that the Center maintains a shuttle service.

Councilor Churchill asked Ms. Vissar to quantify the savings of the proposed change and Ms. Vissar reported she would follow-up on that information.

Council President Batey and Ms. Vissar noted that ridership to the Milwaukie Center averaged 0 to 1 persons a day and that there were no seasonal increases in ridership. Mr. Thompson confirmed that there was no weekend service to the Center.

Councilor Parks and Council President Batey remarked on the limited number of daily bus trips to the Center and reported receiving comments from the public in support of keeping a bus route traveling to the Center.

Mr. Hanley explained that the Milwaukie Center’s shuttle service was a dial-in door-to-door service for senior citizens and disabled individuals. He suggested that bus line 152 provided a service for individuals unable to use other transportation services. He confirmed that NCPRD owned and operated the shuttle service that covered the entire district.

Councilor Parks and Mr. Hanley remarked that the Milwaukie Center provided services for the entire community, not just senior citizens, and they expressed concerns about safe transportation to the Center if bus line 152 were to be rerouted. Councilor Parks asked what the chances would be of bringing bus service back to the Center if line 152 were rerouted. Mr. Thompson replied that if line 152 were rerouted, returning bus service to the Center would be possible but not likely for a long time.

Councilor Parks noted safety and traffic concerns regarding intersections around the Milwaukie Center and pointed out that Clackamas Community College (CCC) maintained a shuttle service between its campuses in the region. Ms. Vissar remarked that the proposal would benefit CCC’s Harmony Road campus but was not a primary factor in the route changes, and that increasing service along International Way had been made a priority based on City input. Councilor Parks commented on the importance of increasing International Way service and maintaining service to the Center.

**Councilor Churchill** asked about the proposed changes along International Way and Hwy 224 that would cut out stops around the Milwaukie Marketplace. **Ms. Vissar** explained that TriMet was considering adding stops at Hwy 224 and Oak Street and that the proposed changes would double weekday service on International Way. **Mayor Gamba** and **Councilor Parks** remarked on the need to expand service hours to accommodate shift schedules on International Way. **Mr. Thompson** noted that if the proposed changes were implemented TriMet would look at peak demand hours.

The group reviewed the current route of bus line 29, noted that the last trip to the Milwaukie Center currently made by line 152 was around 4:00 p.m., and discussed efforts to increase ridership on line 152. **Mr. Thompson** reported that ridership on line 152 around Alder Creek Middle School (ACMS) was not significantly higher than the Center.

**Councilor Power** noted the potential development of residential housing on the property next to the Milwaukie Center and remarked that the proposed bus line 152 route change would maintain a stop at Exceed Enterprises. **Mr. Thompson** and **Councilor Power** discussed TriMet's proposal to maintain service to an employer while eliminating service to a recreational facility.

The group discussed the possibility of maintaining a bus line 152 stop at the Milwaukie Center or adding bus line 29 stops at the Center and ACMS. **Ms. Vissar** reported that they would look into adding stops to line 29.

**Councilor Parks** and **Mr. Thompson** discussed reaching out to those who use the Milwaukie Center regarding their current and possible use of bus services.

**Council President Batey** remarked on timing and frequency concerns regarding the current bus line 152 schedule and suggested that the bus did not come by enough to be practical for Milwaukie Center or Deerfield Village visitors.

**Councilor Power** expressed concern about losing bus service to the Milwaukie Center and the process for reinstating service once service was dropped. **Councilor Parks** and **Councilor Power** suggested looking at connecting the Center with the Orange Line light rail line. **Mr. Thompson** remarked that he would work with Mr. Hanley to reach out to the patrons of the Center regarding their transportation needs.

**Council President Batey** suggested that a public meeting could not be held at the Milwaukie Center due to a lack of public transportation to the area and **Councilor Parks** remarked on the importance of using the City's community center.

**Mr. Thompson** reviewed TriMet's outreach efforts regarding the proposed bus route and other regional service changes and noted that route change information was available online at [www.trimet.org/busplan](http://www.trimet.org/busplan). He provided an overview of the multi-phase process used by TriMet to consider proposed route changes.

The group discussed the process for exploring the possibility of adding stops to bus line 29's route and noted the importance of submitting public comments to TriMet. The group noted there would be follow-up discussions regarding the proposed route changes with the Council and City staff in the future, and remarked on the importance of including CCC and the Milwaukie Center in route and timing change discussions.

**Councilor Churchill** expressed concern about bus stops being added on Hwy 224.

The group remarked on the need to increase service to large parts of the City not currently served by public transportation.

#### **E. Department of Environmental Quality (DEQ) Air Update (Added to the Agenda on December 2, 2016)**

**Ms. Fuchs** introduced Nina DeConcini, DEQ Northwest Regional Administrator, and **Ms. DeConcini** reported she had several topics to go over. **Mayor Gamba** suggested she begin with an update on air quality monitoring.



**Ms. DeConcini** noted that several content experts from DEQ and the Oregon Health Authority (OHA) were present to help present information and she provided an overview of the events around Bullseye Glass Company that had instigated the DEQ air quality monitoring in Southeast Portland and Milwaukie. She noted the DEQ monitors had validated the findings of a moss study conducted by the United States Forest Service (USFS) that had shown elevated levels of cadmium and arsenic. She briefly commented on the State's health-based goals.

**Mayor Gamba** and **Ms. DeConcini** discussed the air quality monitors in place around the area and how DEQ's current air quality permitting program worked with manufacturers to address air toxins. They noted that DEQ could catch companies in the act of polluting but that companies self-report when they have violated permitted pollution emissions.

**Council President Batey** and **Ms. DeConcini** noted that the air quality monitoring had replicated the results of the USFS moss study.

**Ms. DeConcini** explained that air quality monitors had been installed around Precision Castparts Corporation's (PCC) Southeast Portland / Milwaukie campus per company and public requests, and that PCC's air quality permit renewal had been paused until the results of the monitoring were known. She reported that enough data had been collected around PCC and that the monitors would be deployed to other areas. She commented that DEQ did not think a private corporation should pay for public air quality monitors as they were public property but suggested that DEQ would support private partnerships that conduct air quality monitoring.

**Tom Roick**, DEQ Air Quality Manager, reviewed DEQ's work to monitor the air around PCC from March to October 2016. He reported that 7 of the 10 metals detected were below long-term ambient metal benchmarks and that 3 metals had exceeded the benchmarks. He explained that they saw a significant decrease in arsenic and nickel after PCC had installed additional emission control equipment. **Mayor Gamba**, **Council President Batey**, and **Mr. Roick** discussed concentration levels of the metals detected and **Ms. DeConcini** remarked that the air samples around PCC were consistent with levels detected in other urban parts of the Portland metropolitan area.

**Council President Batey**, **Mr. Roick**, and **Ms. DeConcini** noted that the weather can impact the distance a chemical in the air can travel.

The group noted that metal levels had decreased once additional pollution controls had been installed at PCC although the levels were still beyond the long-term benchmarks.

**Susannah Wagner**, OHA Toxicologist, discussed why DEQ and OHA were concerned about the elevated levels of hexavalent chromium and **Mr. Roick** noted that arsenic is a naturally occurring chemical in Oregon.

**Mr. Roick** reported that the OHA had received enough data to complete a health risk assessment for the air around PCC and that the hexavalent chromium around PCC had remained consistent throughout the DEQ monitoring. He explained that the Cleaner Air Oregon program sought to identify sources of chemicals through increased inspections and better understanding about processes used by manufacturers.

**Michael Orman**, DEQ Northwest Regional Air Quality Manager, provided information on how the Clean Air Oregon program addressed sources of pollution to inform State standards and permitting processes.

**Councilor Churchill** and **Ms. DeConcini** discussed DEQ's efforts to secure short-term funding for additional air quality monitors from the Federal Environmental Protection Agency (EPA) and through the State budgeting process. **Mr. Roick** reported that DEQ asked for funding for install 50 more particulate monitors to be deployed statewide and **Ms. DeConcini** suggested they would be deployed in areas with known concentrations of pollution and elsewhere to collect baseline data.

**Mr. Roick** reported that in addition to the enhanced monitoring around PCC, other chemicals had been monitored for a full year.

**Councilor Churchill** expressed concern about volatile organic compounds (VOCs) and asked what the City could do to pressure the State Legislature to focus on VOC monitoring. **Ms. DeConcini** noted several ways the City could support DEQ's work.

**Council President Batey, Mr. Roick, and Ms. DeConcini** discussed how VOCs are detected and noted that the data collected had not yet been analyzed. It was noted that DEQ would be working with the USFS and Portland State University (PSU) to conduct further research and ongoing monitoring activities.

**Council President Batey, Ms. DeConcini, and Keith Johnson**, DEQ Northwest Region Clean-Up Manager, discussed the value of moss and soil studies and the ability of community groups to conduct sampling. **Mr. Johnson** reported that soil sampling in general was less expensive than air sampling and that previous samples around PCC had not shown any impacts in the soils from historical chemical emissions. He confirmed that samples from around PCC had not yielded any real concerns for parents or children in the area.

**Councilor Churchill** encouraged DEQ to look into VOC monitoring.

**Mayor Gamba** asked for an update on recent DEQ activities with Blount International, Inc., and at an old landfill just east of Milwaukie City Limits. **Ms. DeConcini** and **Mr. Orman** provided an overview of enforcement activities at Blount due to increased emissions of hexavalent chromium noted by the company during performance testing of new processes in March 2016. They noted that Blount had instituted additional emission control equipment since the violations had been reported and that later tests had demonstrated compliance with DEQ standards. **Mr. Roick** noted that the monitors around PCC had not yet been installed when the Blount violation occurred.

**Councilor Churchill** asked what had caused Blount to change its processes and **Mr. Orman** explained that Blount was attempting to increase production. **Mr. Orman** and **Ms. DeConcini** confirmed that process changes such as the one instituted by Blount are supposed to be self-reported to DEQ by the company. They noted that site inspections occur on an announced multi-year cycle or if complaints are received. **Councilor Churchill** and **Mr. Orman** discussed the impact of increased production on the amount of pollution emitted.

The group discussed that DEQ can and does make unannounced inspections if complaints are received and it was noted that all businesses in the City's industrial areas should have been inspected within the last decade regardless of complaints.

**Councilor Power** asked if any workers had been exposed during the Blount incident and **Ms. DeConcini** reported that any employee exposures would be reported to OHA.

**Ms. DeConcini** provided a report on hazardous waste inspections conducted at the McClure Industries facility located on Johnson Creek Boulevard. She reported that no violations had been found in January 2016, that a stormwater permit had been terminated in 2012, and that a number of odor pollution reports had been received regarding the site. She added that DEQ had notified McClure of the odor complaints and that no site inspection had been conducted based on the complaints.

The group discussed the emission of styrene in the area around McClure, whether the air quality monitoring around PCC had detected styrene in the air, and they noted the influence of the wind and air flow on monitoring.

**Ms. DeConcini** reported that McClure had installed devices to dissipate odors and that the company's air pollution permit would be due for renewal soon.

The group discussed recent site inspections and the impact of complaints on DEQ conducting site inspections at the McClure facility. It was noted that complaints could be submitted to the DEQ hotline at 1-888-997-7888.

**Mayor Gamba** asked about the health risks of styrene and **Ms. Wagner** and **Ms. DeConcini** reported they would provide additional information to Council.

**Mr. Johnson** provided an overview and historical information on the Johnson Creek Landfill located outside City Limits that had operated between the 1950s and 1973 and had been a recreational vehicle (RV) show room since the 1990s. He reported that the EPA and DEQ had worked with the property owners to monitor contaminants coming off the site since the 1980s and that several samples had shown elevated metal levels that had caused subsequent testing and pollution mitigation work. He said he was not aware of any radioactive material on the property and that PCC had at some point dumped sand-like casting debris on the site. He explained that groundwater testing in the 1990s had rated the site a low-priority for DEQ and due to a lack of resources further testing had not occurred until a recent newspaper article about the site spurred the agency to review the landfill's record. He summarized that DEQ's recent review of the site did not find any new information that would change the property's prioritization.

The group discussed whether or not additional testing of the site was warranted and the impact of contamination from the site infiltrating the groundwater. **Mr. Johnson** reported that there were 3 wells near the site and remarked that it was unlikely that that contamination from the landfill would have an impact on the groundwater.

**Council President Batey** commented that NCPRD may contact DEQ regarding the landfill as a property near the site had been purchased for development into a park. **Ms. DeConcini** replied that DEQ would be happy to work with NCPRD.

**Councilor Churchill** encouraged the public to contact DEQ regarding concerns related to the impacts of styrene.

**Council President Batey** asked about water quality around PCC. **Ms. DeConcini** reported that recent sampling had shown poor water quality in Johnson Creek and she reviewed DEQ's long-term water quality monitoring programs. **Council President Batey** and **Ms. DeConcini** noted that the DEQ maintained a fixed testing gauge at the mouth of Johnson Creek on the Willamette River and that the 10-year data trend from that gauge showed consistently poor water quality. **Mr. Johnson** noted that the Johnson Creek Watershed Council (JCWC) conducted studies and collect data beyond what DEQ otherwise required.

The group remarked on funding sources for local urban watershed councils and the City's participation in water quality mitigation infrastructure and projects. **Mr. Johnson** cited the City of Portland's water supply restoration work.

**Council President Batey** asked if there had been any downstream water testing since PCC conducted water treatment efforts. **Mr. Johnson** commented that he was looking forward to reviewing PCC's test results and reported that there had been no post-treatment testing. **Councilor Power** remarked that the technology installed by PCC was similar to what was being used in off-site control systems in Washington state. She asked for follow-up information to be routed to Council through Ms. Ober.

**Mr. Johnson** discussed his involvement in an ongoing DEQ groundwater clean-up situation on International Way and offered to provide a follow-up report in the future.

**Mayor Gamba** and **Ms. DeConcini** discussed the public notification system used during incidents like the one that occurred at Blount in March 2016. **Ms. DeConcini** reviewed the necessary legal delays, investigative phases, and media release timelines related to reported violations.

**Councilor Power** commented that Clackamas County did not currently have a toxic right to know requirement and **Council President Batey** and **Ms. DeConcini** noted that the EPA maintained a toxic release inventory compiled from private self-reported sources.

**Councilor Churchill** and **Mayor Gamba** thanked **Ms. DeConcini** for providing Council updates on DEQ's ongoing pollution control work in the City.

**Council President Batey** asked that DEQ provide a more formal meeting notice to Council for future meetings.

#### **F. Council Reports**

**Council President Batey** announced the upcoming Winter Solstice and Christmas Ships event and Milwaukie Historical Society holiday event on December 17, 2016.

**Councilor Parks** reported that the Milwaukie Liquor Store would be holding a grand re-opening event on December 15, 2016.

**Councilor Churchill** noted the dates, times, and location of the City's leaf drop event.

**Council President Batey** thanked the Downtown Milwaukie businesses that had participated in the holiday decorating competition sponsored by Celebrate Milwaukie, Inc. (CMI) and reviewed the businesses that had received the top awards. **Ms. Ober** remarked on the high attendance at the Umbrella Parade and Christmas Tree Lighting event and thanked staff and volunteers for their work in putting on the event.

**Council President Batey** noted that holiday concerts at Milwaukie High School (MHS) and in the community would be occurring in the coming days.

#### **ADJOURNMENT**

**It was moved by Councilor Parks and seconded by Councilor Churchill to adjourn the Regular Session. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey, and Mayor Gamba voting "aye." [5:0]**

**Mayor Gamba moved to adjourn the regular session at 9:07 p.m.**

Respectfully submitted,



\_\_\_\_\_  
Scott S. Stauffer, City Recorder

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**MILWAUKIE CITY COUNCIL**  
*Office of the City Recorder*

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## Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

**Name:** Milwaukie Historical

Organization:

Society

**Address:** 3737 SE Adams St.

**Phone:**

**Email:** milwaukiemuseum@grail.com

**Meeting Date:** 12/6/16 **Topic:** \_\_\_\_\_

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing, Topic:
- #6 Other Business, Topic:

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

**Comments:**

12/6/16



## Milwaukie Historical Society

3737 SE Adams St. Milwaukie, OR 97222

[www.milwaukiehistoricalsociety.com](http://www.milwaukiehistoricalsociety.com)

milwaukiemuseum@gmail.com

Dear City of Milwaukie,

December 6, 2016

Milwaukie Historical Society would like to thank you for your membership in 2017. Thanks to your support Milwaukie Historical Society and Milwaukie Museum have accomplished many of the wonderful goals we set in 2016.

- Catalogued, stored, and organized Museum artifacts, photos, and written documents
- Dedicated *Clair Kuppenbender Research Library*
- Created *Perry's Pharmacy Exhibit*
- Reorganized *Front Room Exhibit* to include *Quilts, Toys, and Jewelry*
- Worked with City of Milwaukie *Throw Back Thursday Photos, Lot Whitcomb History Speech* for Visioning Town Hall, *Historic Pilot Articles*, and other projects
- Worked with First Friday with *Historic Walking Tour*
- Replaced Milwaukie Museum Furnace

As you can see, it has been a very exciting and fruitful year for the Milwaukie Historical Society and Milwaukie Museum. We expect 2017 to reach even greater heights. With your support Milwaukie Historical Society and Milwaukie Museum will continue growing and being a positive image for our community. Milwaukie Historical Society is looking forward to accomplishing some of these goals in 2017

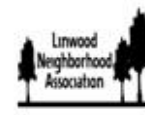
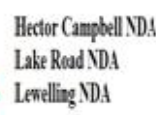
- Create new Upstairs Exhibit: *How It Once Was*
- Completing *Women of Milwaukie Study* culminating with a book and event
- Hosting events: *Lantern Walk of Trolley Trail, Picture with Santa, Milwaukie Garden Club Plant Sale*, and others
- Refreshing and updating content and format of Milwaukie Museum Website
- Repairing the outside of Museum to preserve it for the future
- Working with the City of Milwaukie, communities, and other like minded organizations to advance awareness of Milwaukie's history and it's Museum
- Continuing outreach and involvement with our community
- Increasing membership and volunteerism for the Society and Museum

Together we can continue the long standing tradition of Milwaukie Museum being a part of our community and *preserving Milwaukie's history for future generations.*

Thank you again,  
David Aschenbrenner

President – Milwaukie Historical Society 2016

## Thank You 2016 Corporate Sponsors



Preserving Milwaukie's history for future generations



**Regular Session  
Agenda Item No.**

**2**

**Proclamations,  
Commendations,  
Special Reports,  
& Awards**





CITY OF MILWAUKIE  
*"Dogwood City of the West"*

**PROCLAMATION**

**WHEREAS**, the Christmas Ships Parade is a 62 year-old tradition; and

**WHEREAS**, the Christmas Ships will sail to destinations on the Columbia and Willamette Rivers between December 2<sup>nd</sup> and December 18<sup>th</sup>, 2016; and

**WHEREAS**, the Christmas Ships will sail to Milwaukie Bay on December 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 14<sup>h</sup>, and 16<sup>th</sup>, 2016; and

**WHEREAS**, the City of Milwaukie's Winter Solstice and Christmas Ships Viewing event at Milwaukie Riverfront Park will be held on Saturday December 17<sup>th</sup>, 2016.

**NOW, THEREFORE**, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim December 2<sup>nd</sup> through December 18<sup>th</sup>, 2016, as **Christmas Ships Parade Days** in the *Dogwood City of the West*.

**IN WITNESS WHEREOF**, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 6<sup>th</sup> day of December, 2016.

---

Mark Gamba, Mayor

ATTEST:

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Scott S. Stauffer, City Recorder





**Regular Session  
Agenda Item No.**

**3**

# **Consent Agenda**



**MINUTES**  
MILWAUKIE CITY COUNCIL  
www.milwaukieoregon.gov

**WORK SESSION**  
NOVEMBER 1, 2016  
City Hall Conference Room

**Mayor Mark Gamba called the Work Session to order at 4:07 p.m.**

Council Present: Council President Lisa Batey (via phone) and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Ann Ober, City Recorder Scott Stauffer, Engineering Director Charles Eaton, Planning Director Denny Egner, Community Development Director Alma Flores, and City Attorney Peter Watts

**South Downtown Plaza Concept Plan**

**Ms. Flores** introduced the topic and noted that the Adams Street Connector had not been built as the Concept Plan originally envisioned. She explained that the Concept Plan would need to be refined to a 30% design in order to go out to bid for the project. She also discussed the right-of-way (ROW) in relation to private property. She noted she was receiving preliminary quotes on the project and asked Council if staff should continue to move forward with the plan as previously presented, with some refinements. She discussed additional input from the community regarding the refinements and noted that the plan for the South Downtown Plaza would need to accommodate the Milwaukie Sunday Farmer's Market.

**Ms. Flores** discussed the collaboration with the Engineering Department on the project.

**Councilor Churchill** asked about the slope of the Adams Street Connector related to the Farmer's Market. **Ms. Flores** said that would be evaluated during the 30% design stage. **Mr. Eaton** clarified that the 30% design would be Design Development (DD).

**Ms. Flores** and **Councilor Parks** discussed the layout of the plaza space in relation to the Farmer's Market and its operations. **Councilor Churchill** and **Ms. Flores** discussed access to the Post Office.

**Mr. Eaton** explained TriMet's plan to reconfigure parts of Main Street underneath the bridges, which included moving the curb lines north by 3 feet. The group discussed how that would impact the Concept Plan, and **Mayor Gamba** reported on his discussions with Farmer's Market staff regarding the feasibility of moving the Farmer's Market to the South Downtown area.

The group discussed plaza-style streets and the design constraints of the area. **Ms. Flores** summarized that the City could ask the consultants to consider more than one plan, and she discussed the stakeholders the City would work with on the project.

**Milwaukie Municipal Code (MMC) Chapter 3.15 Additions**

**Ms. Flores** introduced the topic and discussed the importance of factoring in MMC Chapter 3.15 and the public/private partnerships involved in the disposition and development of the City's opportunity sites. She also discussed the importance of accounting for urban renewal and explained the proposed changes to the Code, which included revised language dealing with real property acquisition and disposition.

The group discussed the involvement of the urban renewal agency (URA) and the Milwaukie Redevelopment Commission (MRC) in the Council hearing process.

**Councilor Churchill** expressed concern that the URA would not have to follow the same procedures and structure as outlined in MMC 3.15. **Ms. Flores** noted the URA could have its own procedures and **Mr. Egner** discussed the pros and cons of Chapter 3.15 being used in regard to a URA. **Councilor Churchill** questioned what the process would look like and expressed concern that he was unable to comment on the proposed language.

**Councilor Power** and **Mayor Gamba** proposed establishing the rules of the URA before adopting the Chapter 3.15 additions. **Councilor Churchill** agreed and noted the importance of transparency. The group discussed the role and structure of the URA.

**Ms. Flores** explained that the Chapter 3.15 process could be used for the properties the City currently owns and **Mr. Egner** remarked on the clumsiness of some steps referenced in Chapter 3.15 that Council may want to modify. **Ms. Flores** noted that she would look at how other cities with URAs acquire and dispose of land.

The group discussed the next steps to revise Chapter 3.15 and adopt rules for the URA.

### **County Wastewater Ordinance Amendments Discussion**

**Ms. Ober** introduced the topic and **Councilor Power** explained that there was a proposed ordinance to be considered by the Clackamas Board of County Commissioners (BCC) to merge Clackamas County Service District #1 (CCSD#1) and the Tri-Cities Service District. **Councilor Power** clarified that the City of Milwaukie would not be affected since the City had a separate intergovernmental agreement (IGA) as a wholesale customer of CCSD#1. She provided additional background information on the current regional wastewater situation.

**Mr. Watts** explained statutory Metro processes for merging special districts. He also discussed boundaries and steps moving forward.

The group discussed the possibility of the merger being referred to a vote of the people and the possibility of lawsuits. The group further discussed the current regional wastewater situation.

**Councilor Power** clarified that the City was not being forcibly incorporated into the partnership. She proposed that she represent the Council to the BCC by saying the Council was generally supportive of regionalization, with the understanding that there would be discussions on details.

### **Council Schedule Discussion**

**Councilor Parks** noted a meeting at Turning Point Church regarding the housing development being considered near North Clackamas Park.

**Ms. Ober** asked for Council input regarding the December 22, 2016, Study Session, which was scheduled to be a joint meeting with the Budget Committee. It was Council consensus to move the joint meeting with the Budget Committee to the December 15, 2016, Study Session.

**Mayor Gamba** proposed that Council think about what Study Sessions would look like in 2017.

**Mayor Gamba adjourned the Work Session at 5:26 p.m.**

Respectfully submitted,

---

Amy Aschenbrenner, Administrative Specialist II



**MINUTES**  
MILWAUKIE CITY COUNCIL  
www.milwaukieoregon.gov

**REGULAR SESSION**  
NOVEMBER 1, 2016  
City Hall Council Chambers

**Mayor Mark Gamba called the 2,233<sup>rd</sup> meeting of the Council to order at 6:00 p.m.**

Council Present: Council President Lisa Batey (via phone) and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Ann Ober, City Recorder Scott Stauffer, City Attorney Peter Watts, Engineering Director Charles Eaton, Library Director Katie Newell, and Planning Director Denny Egner

**1. CALL TO ORDER**

Pledge of Allegiance.

**2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Veterans Day Proclamation**

**Jerry Craig**, American Legion Post 180 First Vice Commander, introduced the proclamation and **Mayor Gamba** proclaimed November 11, 2016, to be *Veterans Day*.

**B. Planned Parenthood 100<sup>th</sup> Anniversary Commemoration – Resolution**

**Councilor Power** introduced the resolution commemorating Planned Parenthood's 100<sup>th</sup> anniversary and Council remarked on the organization's years of service.

**It was moved by Councilor Power and seconded by Mayor Gamba to approve the Resolution Commemorating 100 Years of Health Care Services Provided by Planned Parenthood. Motion passed with the following vote: Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting "aye." [5:0]**

**RESOLUTION No. 112-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, COMMEMORATING 100 YEARS OF HEALTH CARE SERVICES PROVIDED BY PLANNED PARENTHOOD.**

**3. CONSENT AGENDA**

**It was moved by Councilor Parks and seconded by Councilor Power to approve the consent agenda as presented.**

**A. City Council Meeting Minutes:**

**1. October 4, 2016, Regular Session.**

**Motion passed with the following vote: Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting "aye." [5:0]**

**4. AUDIENCE PARTICIPATION**

**Mayor Gamba** reviewed the Audience Participation procedures and **Ms. Ober** reported that there was no follow-up report from the October 18, 2016, Audience Participation.

**Ed Zumwalt**, Milwaukie resident, asked for clarification about Council's November 1, 2016, Work Session conversation regarding Milwaukie Municipal Code (MMC) Chapter 3.15. **Mayor Gamba** explained that Council had discussed adjusting how the City disposed of property and established rules to govern the City's urban renewal agency. **Mr. Zumwalt** requested that any Council discussion regarding City property be public.

Mayor Gamba announced that Items 6. A. and 6. B. would be moved up the agenda.

## **6. OTHER BUSINESS [moved up the agenda]**

### **A. Expedited Annexation of the Property Located at 5802 SE Westfork Street (File #A-2016-004) – Ordinance [moved up the agenda]**

Mr. Egner reported the property had recently connected to the City's sewer system.

It was moved by Councilor Parks and seconded by Councilor Power to approve the first and second readings by title only and adoption of the Ordinance Annexing a Tract of Land Identified as Tax Lot 1S2E30AA06500 and Located at 5802 SE Westfork Street into the City Limits of the City of Milwaukie. (File #A-2016-004). Motion passed with the following vote: Councilors Churchill, Parks, and Power and Mayor Gamba voting "aye." [4:0]

It was noted that Council President Batey was absent from the vote on Ordinance No. 2136 due to phone connectivity issues and that the motion was approved unanimously among the Council members present.

Ms. Ober read the ordinance two times by title only.

Mr. Stauffer polled the Council with Councilors Churchill, Parks, and Power and Mayor Gamba voting "aye." [4:0]

#### **ORDINANCE No. 2136:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AA06500 AND LOCATED AT 5802 SE WESTFORK ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2016-004)**

### **B. Expedited Annexation of the Property Located at 10284 SE Wichita Avenue (File #A-2016-005) – Ordinance [moved up the agenda]**

Mr. Egner explained that there were 2 tax lots in the proposed annexation and that neither was connected to the City's sewer system. He noted that the staff report had listed the property as zoned residential 7 (R7) when it was actually zoned R10.

It was moved by Councilor Parks and seconded by Councilor Power to approve the first and second readings by title only and adoption of the Ordinance Annexing a Tract of Land Identified as Tax Lots 1S2E30DD 02100 and 02200 and Located at 10284 SE Wichita Avenue into the City Limits of the City of Milwaukie. (File #A-2016-005). Motion passed with the following vote: Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting "aye." [5:0]

Ms. Ober read the ordinance two times by title only.

Mr. Stauffer polled the Council with Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting "aye." [5:0]

#### **ORDINANCE No. 2137:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOTS 1S2E30DD 02100 AND 02200 AND LOCATED AT 10284 SE WICHITA AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2016-005)**

## **5. PUBLIC HEARING**

### **A. Adoption of Contract Manager/General Contractor (CM/GC) Findings – Resolution**

Ms. Newell introduced Dan Naughton, Project Manager with Shiels Oblatz Johnsen (SOJ), the firm hired by the City to manage the Ledding Library construction project.

Opening:

**Mayor Gamba called the Public Hearing on the Resolution to adopt Contract Manager/General Contract (CM/GC) Findings to order at 6:26 p.m.**

Purpose:

**Mayor Gamba** announced that the purpose of the hearing was to consider a resolution to adopt the CM/GC findings.

Staff presentation:

**Ms. Newell** explained that findings in support of utilizing alternative contracting methods had been identified per Oregon Revised Statute (ORS) 296C.335 (1) (2) and public contracting rule 10.105A. She reported that the proposed contract would provide cost savings and value engineering opportunities, and remarked on the importance of hiring qualified firms. She asked Council to adopt the project findings.

**Councilor Churchill** remarked on timeline differences between the current Ledding Library project and a traditional design and build processes.

Conduct of Hearing:

**Mayor Gamba** reported that no audience members wished to speak on the topic.

Correspondence:

Staff reported that no correspondence had been received on the topic.

Close Public Hearing:

**It was moved by Councilor Power and seconded by Councilor Parks to close the Public Hearing. Motion passed with the following vote: Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting “aye.” [5:0]**

**Mayor Gamba closed the Public Hearing at 6:31 p.m.**

Decision by Council:

**Mayor Gamba** asked if there would be legal issues if the library did not operate on-site during construction. **Mr. Watts** replied that there were plenty of findings that would allow the City to make the determination that this type of contract was appropriate.

The group noted that SOJ had worked under the same contracting method on the City of Oregon City’s library project and remarked on the benefits of utilizing alternative contracting. **Mr. Naughton** noted that SOJ’s goal was to keep costs down and make timely decisions.

**It was moved by Councilor Power and seconded by Councilor Churchill to approve the Resolution Acting as the Local Contract Review Board, Adopting Findings to Allow Alternative Contracting for the Ledding Library Renovation and Expansion Project. Motion passed with the following vote: Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting “aye.” [5:0]**

**RESOLUTION No. 113-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS TO ALLOW ALTERNATIVE CONTRACTING FOR THE LEDDING LIBRARY RENOVATION AND EXPANSION PROJECT.**

**B. Safe Access For Everyone (SAFE) Fee Adoption – Resolution**

Opening:

**Mayor Gamba called the public hearing on the Resolution to establish fees for the bicycle and pedestrian accessibility program and updating the Master Fees schedule of the City of Milwaukie to order at 6:38 p.m.**

### Purpose:

**Mayor Gamba** explained that the purpose of the hearing was to consider a resolution establishing fees for the bicycle and pedestrian accessibility program and updating the Master Fees Schedule of the City of Milwaukie.

### Staff Presentation:

**Mr. Eaton** introduced Angel Falconer, Chair of the Public Safety Advisory Committee (PSAC), and Vince Alvarez, Chair of the Citizens Utility Advisory Board (CUAB). He reviewed information about the proposed SAFE fee and described how the fee would benefit the City's existing Street Surface Maintenance Program (SSMP). He discussed how projects had been selected for inclusion in the bicycle and pedestrian accessibility program and explained that the City was required to create a program to comply with Americans with Disabilities Act (ADA) standards.

**Ms. Falconer** provided an overview of PSAC's involvement in the development of the bicycle and pedestrian accessibility program and explained that the program prioritized ADA, Safe Routes to Schools (SRS), and other accessibility projects around the City.

**Mr. Eaton** and **Ms. Falconer** discussed the number of projects to be covered by the SAFE fee and the estimated project costs.

**Mr. Alvarez** reviewed the projected program funding breakdown which included the potential use of urban renewal and grant funds, and explained CUAB's involvement in developing the SAFE fee. He noted that the current SSMP fee would remain unchanged, discussed how the commercial fee was calculated using a per-trip formula, and reported that CUAB recommended that the full plan with all identified projects be adopted. **Mr. Eaton** and **Mr. Alvarez** remarked on Council's prior direction to address the fee inequity between schools and businesses by proposing that a fee cap for commercial users be included in the program. They noted that a cap would reduce the amount of funding available for the program.

**Mr. Eaton** noted that the SAFE program existed under MMC Chapter 3.26 and that Council was responsible for determining specific fee and funding policies.

**Councilor Churchill** and **Mr. Eaton** discussed how trip generation was calculated by the Institute of Transportation Engineers (ITE) as the recognized industry standard for calculating the average number of trips taken by different types of traffic sources. **Mayor Gamba** and **Mr. Eaton** confirmed that the fee for single family residences would be set at \$4.60 per month regardless of the number of trips a family takes.

**Mr. Eaton** summarized the decisions for Council to consider, including whether the City should initiate a SAFE fee charge, what amount the SAFE fee should be, if there should be a fee cap, and what amount the cap should be.

**Councilor Churchill** and **Mr. Eaton** discussed the accuracy of the ITE trip generation standards and the factors used to develop an average number of trips for a type of user.

The group discussed the City's outreach efforts to the community, neighborhood district associations (NDAs), and businesses to solicit feedback on the bike and pedestrian accessibility program, projects, and fee.

### Conduct of Hearing:

**Mayor Gamba** reviewed the hearing conduct procedures.

### Correspondence:

Staff reported that no additional correspondence had been received.

### TESTIMONY:

**Celeste LeDuke**, Milwaukie business owner, expressed concern about the SAFE fee's financial burden on small businesses. **Mayor Gamba**, **Councilor Churchill**, and **Ms. LeDuke** noted that the fee would include different rates for different business entities.



**Elvis Clark**, Milwaukie resident, explained that he did not oppose the fee and understood the need for sidewalks. He encouraged Council to refer the fee to a vote of the citizens and remarked on the need for a larger sample size to gauge public support of the fee. He expressed concern about financial risks of bonding and suggested that the fee should be periodically voted on by the people to hold the program accountable.

**Trey Niggemann**, Milwaukie resident, expressed support for SRS projects and the SAFE fee. **Councilor Parks** and **Mr. Niggeman** noted the heavy pedestrian and vehicle traffic on Linwood Avenue on weekday mornings.

**Janet Cartmill**, Milwaukie resident, expressed concern about the lack of sidewalks in the City and encouraged Council to adopt the fee to fund pedestrian safety projects.

**Nicole Perry**, Milwaukie resident, cited concerns about bicycle and pedestrian safety around schools and described the SRS and NDA work to promote safety around Linwood Elementary School. She encouraged Council to adopt the SAFE fee and to bond against that projected revenue to complete projects as soon as possible.

**LeeAnne Ferguson**, SRS Campaign Director for the Bicycle Transportation Alliance (BTA), reported that the BTA supported the adoption of the SAFE fee and she encouraged Council to adopt the fee for the safety of Milwaukie families.

**Howie Oakes**, Milwaukie resident, expressed support for the SAFE fee and suggested that a lack of sidewalks led to a more isolated and dangerous community.

**Greg Baartz-Bowman**, Milwaukie resident, expressed support for the SAFE fee and suggested the fee was important for creating safe sidewalks and routes to school.

**Jason Rambo**, Milwaukie resident, reported that his family and neighbors were terrified of walking along 43<sup>rd</sup> Avenue due to a lack of protected pedestrian areas and described his annual effort to re-gravel the street in front of his home. He encouraged local businesses to make changes to reduce the number of cars used on local streets.

**Vince Alvarez**, Lake Road NDA Chair, expressed concerns about safety and ADA accessibility on existing sidewalks. He encouraged Council to approve the SAFE fee and consider bonding the cost of the projects to get them done in his lifetime.

**Angel Falconer**, Milwaukie resident, expressed concern about pedestrian safety and suggested that safe access routes were a top priority for the community. She noted that the program included a low income exemption and that the projects were spread out across the City. She commented and that the fee would be in the middle range of similar fees in other cities and encouraged Council to adopt the SAFE fee.

#### Staff Response:

**Mr. Eaton** addressed concerns about how the SAFE fee for businesses would be calculated, and reported that whoever was listed on the business account with the City would see the fee on their bill. He noted that the fee with a business cap was set-up so that businesses would pay 50% and residential customers would pay 50% of project costs; had added that without the cap businesses would pay 53% of project costs.

**Councilor Parks** and **Mr. Eaton** discussed the income levels used to calculate the fee amount and noted potential impacts of future annexations on the accessibility program.

**Councilor Churchill** and **Mr. Eaton** talked about how the ITE calculated the average number of trips taken per month by different categories of commercial entities and if there was flexibility on calculating trips per commercial category. **Mr. Eaton** noted that facility size was part of the ITE trip calculation and suggested Council could create different fee amounts for different businesses within an ITE category.

**Councilor Churchill** and **Mr. Eaton** commented on the impact of an urban versus suburban or rural setting and the possibility of subdividing a lot on the average number of trips taken from a property. **Mr. Eaton** reported that the MMC allowed for property owners to request a reevaluation of the ITE category.

**Councilor Parks, Mr. Eaton, and Councilor Churchill** noted examples of commercial spaces being repurposed or subdivided into different types of businesses, and the challenges of tracking how commercial spaces were used. **Mr. Eaton** confirmed that there were processes in place for businesses to request a review of their ITE category.

#### **Close Public Hearing:**

**It was moved by Councilor Power and seconded by Councilor Parks to close the public hearing. Motion passed with the following vote: Councilors Churchill, Parks, and Power and Mayor Gamba voting “aye.” [4:0]**

It was noted that Council President Batey was absent from the vote due to phone connectivity issues and that the motion was approved unanimously among the Council members present.

**Mayor Gamba closed the public hearing at 7:50 p.m.**

#### **Council Discussion:**

It was noted that Council President Batey had re-established her phone connection.

**Council President Batey** remarked she had a question for staff and asked if the hearing could be re-opened.

**It was moved by Councilor Parks and seconded by Councilor Power to reopen the public hearing. Motion passed with the following vote: Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting “aye.” [5:0]**

**Mayor Gamba reopened the public hearing at 7:52 p.m.**

**Council President Batey and Mr. Eaton** noted that specialty retail shops would be under the same ITE category for the SAFE fee as they were for the SSMP.

**It was moved by Councilor Power and seconded by Councilor Parks to close the public hearing. Motion passed with the following vote: Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting “aye.” [5:0]**

**Mayor Gamba closed the public hearing at 7:53 p.m.**

#### **Decision by Council**

**Councilor Churchill** remarked on the need to reach out to businesses about the SAFE fee. He cited financial pressures on businesses in Downtown Milwaukie and suggested there be an appeal process for businesses to have their ITE category reconsidered. **Mayor Gamba** commented on the importance of providing safe routes to businesses.

**Councilor Parks** expressed empathy for local businesses under financial strain and appreciation for the City’s outreach effort regarding the proposed SAFE fee.

**Council President Batey** remarked that she supported an overall fee cap for institutions and businesses and she supported the proposed program fee as presented.

**Councilor Parks** commented that accessibility projects had been a community priority for a long time. She suggested that the financial plight of small businesses should be addressed and expressed opposition to a cap on the fee for businesses.

**Councilor Power** explained her support for adding and improving sidewalks and thanked businesses for partnering with residents to pay for the infrastructure improvements. She expressed support for identifying a mechanism for businesses to appeal their ITE categorization and for the City bonding against the fee revenue.

**Mayor Gamba** remarked on the historical significance of adopting the proposed SAFE fee and noted that the fee would include caps for smaller businesses and institutions.

**Councilor Power** discussed the City’s ongoing visioning process and the importance of helping people stay in the community and succeed, and she encouraged the public to see if they were eligible to participate in the City’s low income assistance programs.

**Councilor Churchill** noted he supported the accessibility program, expressed concern about the impact of the fee on businesses, and suggested that an ITE category appeal process be identified for small businesses. **Councilor Power** commented that she did not want to create another process or drive businesses out of operation and that the accessibility program should be fine-tuned as needed. **Mr. Eaton** reported that an appeal process existed under MMC Chapter 3.26 that did not involve a fee and would begin with an appeal to staff and could be escalated for Council to consider.

**Mayor Gamba** requested that information about the low income assistance program be included in multiple languages in the first billing statements that include the SAFE fee.

**It was moved by Councilor Power and seconded by Councilor Parks to approve the Resolution Establishing Fees for the Bicycle and Pedestrian Accessibility Program and Updating the Master Fees Schedule of the City of Milwaukie. Motion passed with the following vote: Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting “aye.” [5:0]**

**RESOLUTION No. 114-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING FEES FOR THE BICYCLE AND PEDESTRIAN ACCESSIBILITY PROGRAM AND UPDATING THE MASTER FEES SCHEDULE OF THE CITY OF MILWAUKIE.**

**Councilor Power** and **Ms. Falconer** thanked the CUAB and PSAC for their work on the development of the SAFE fee and accessibility program.

**Councilor Churchill** asked Mr. Eaton to reach out to the Downtown Milwaukie Business Association (DMBA) to inform them of the appeal process.

The group remarked on the importance and potential benefits of passing the accessibility program and encouraged the public to visit local businesses.

## **6. OTHER BUSINESS (Continued)**

### **C. Council Reports**

**Mayor Gamba** thanked those who had participated in the North Milwaukie Industrial Area (NMIA) discussions and those who had volunteered at the Homewood Park ivy pull day, and he invited the public to attend the Visioning Town Hall on November 2, 2016. He announced upcoming events including Saturday leaf drops, the ribbon cutting for new outdoor fitness equipment at the Milwaukie Center, and Veterans Day and holiday events around the region. **Councilor Parks** remarked on the uniqueness of the new outdoor fitness equipment at the Milwaukie Center. **Councilor Parks** and **Ms. Ober** thanked the DMBA for organizing the recent trick-or-treating event.

**Ms. Ober** congratulated City Attorney Tim Ramis on the birth of a son.

**Council President Batey** encouraged voters to consider the budgetary pressures on local governments when casting their ballots.

### **ADJOURNMENT**

**It was moved by Councilor Parks and seconded by Councilor Power to adjourn the Regular Session. Motion passed with the following vote: Councilors Churchill, Batey, Parks, and Power and Mayor Gamba voting “aye.” [5:0]**

**Mayor Gamba moved to adjourn the regular session at 8:28 p.m.**

Respectfully submitted,

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Scott S. Stauffer, City Recorder



**MINUTES**  
MILWAUKIE CITY COUNCIL  
www.milwaukieoregon.gov

**STUDY SESSION**  
NOVEMBER 10, 2016  
City Hall Conference Room

**Mayor Mark Gamba called the Study Session to order at 6:01 p.m.**

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Ann Ober, City Recorder Scott Stauffer, Assistant to the City Manager Mitch Nieman, Planning Director Denny Egner, Senior Planner David Levitan, and Program Services Specialist Jason Wachs

**Boil Water Order Announcement**

**Ms. Ober** announced that the City had issued a boil water order until further notice. She explained that the public was asked to boil water for at least one minute prior to ingesting water from the City's system and that updates would be sent when available.

**Neighborhood District Association (NDA) Update**

**Mr. Wachs** introduced the NDA members present: Howie Oakes, Lewelling NDA; Milo Denham, Island Station NDA Chair; Yvonne Tyler, Island Station NDA Vice Chair; Charles Bird, Island Station NDA Secretary; Vince Alvarez, Lake Road NDA Chair/Treasurer; Jeff Davis, Ardenwald-Johnson Creek NDA Chair; Zac Perry, Linwood NDA Chair; Ray Bryan, Historic Milwaukie NDA Chair; and he noted David Aschenbrenner from the Hector Campbell NDA was unable to attend.

**Mr. Wachs** discussed his staff report and summarized that overall, the NDAs were seen as a consistent forum that fostered partnerships and created free family-friendly entertainment and unique experiences. **Councilor Power** thanked the NDAs for doing a good job welcoming new neighbors and serving as role models for the community.

The group discussed NDA successes and various community events. The group also noted potential upcoming projects in the neighborhoods.

**Mr. Bryan, Mr. Davis, Councilor Power, and Mr. Oakes** discussed how some of the NDAs had been able to change their meeting locations to local restaurants, which had been well received. The group noted helpful changes to the format of NDA meetings.

**Mr. Wachs** explained five challenges facing the NDAs: attendance at meetings; leadership development and training; keeping up with current topics; keeping up with communication trends; and seeing tangible results. The group discussed how to help overcome these challenges.

**Mr. Bird** asked about the status of the Walk Safely Milwaukie (WSM) program and **Mayor Gamba** explained that WSM projects had been incorporated into the City's bicycle and pedestrian accessibility program.

**Mr. Perry** noted the missing presence of City staff members at NDA meetings, and **Mr. Oakes** agreed it did not need to be at every meeting, but it was appreciated. The group discussed the importance of the City-neighborhood partnership.

The group discussed the online and social media presence of the NDAs.

**Councilor Power** suggested a different method to track neighborhood requests submitted by the NDA chairs.

**Mr. Wachs** talked about the importance of defining success, and the group noted different methods to help define success.

### **Community Vision Status Update (moved up the agenda)**

**Mr. Levitan** discussed the community visioning event and noted the high attendance at that event. He reported that since the event, consultants and staff had been working on a summarization of the major topics addressed. He passed out the summary document to Council and talked about the next steps in the process. He commented on the work of the Vision Advisory Committee (VAC).

**Councilor Power**, **Councilor Parks**, and **Mr. Levitan** discussed the visioning event and noted positive moments as well as what could have been improved. **Mayor Gamba** noted the diversity in event attendees.

### **Bulky Waste Event Debrief (moved down the agenda)**

**Mr. Nieman** summarized the community clean-up event that took place on Saturday, September 17, 2016. He showed photos of various items that were left curbside for pickup. He reviewed the total amount of waste collected and total cost of the event. He discussed lessons learned, outreach, and public response.

**Mr. Nieman** discussed different options moving forward. He noted pros and cons of holding a similar event or a modified event in the future. He summarized that the City needed to be better at providing education and outreach to citizens about recycling and bulky waste.

The group discussed the pros and cons of the types of events that could be held in the future. **Councilor Power** liked the idea of a voucher system.

The group discussed the level of involvement of volunteers, City staff, and garbage hauler staff in past and future events.

**Mr. Nieman** explained the total cost of the event this year and discussed the potential prices for a similar event next year. **Council President Batey** thought it was important that the City decide if it was comfortable with the costs moving forward.

The group wanted to learn more about the voucher system and how bulky waste items were measured in regards to costs. **Council President Batey** noted it may be helpful to hear other cities' experiences with bulky waste days. The group noted the possibility of having the event occur in the spring or summer.

### **Boil Water Order Update**

**Ms. Ober** encouraged citizens to register for the CodeRed emergency alert system on the City's website to receive updates on situations like the boil water order in the future. She thanked everyone for their patience.

### **Post-Election Statement Discussion**

**Councilor Power** suggested that a post-election message about the importance of maintaining an inclusive and respectful community be drafted and published. **Ms. Ober** agreed to draft a statement for Council to consider.

**Mayor Gamba adjourned the Study Session at 8:30 p.m.**

Respectfully submitted,

---

Amy Aschenbrenner, Administrative Specialist II



**MILWAUKIE CITY COUNCIL  
STAFF REPORT**

Agenda Item: **RS 3. B.**  
Meeting Date: **12/6/16**

To: Mayor and City Council

Through: Ann Ober, City Manager  
Charles Eaton, Engineering Director

Subject: **99E Highway / McLoughlin Blvd – Utility Relocation**

From: Roderick Buen, Civil Engineer

Date: December 6, 2016

**ACTION REQUESTED**

Adopt a resolution authorizing the City Manager to sign a contract for the construction of the 99E Highway / McLoughlin Blvd – Utility Relocation with Wildish Standard Paving Co. in the amount of \$813,853.00.

**BACKGROUND**

The scope of the project is for the reconstruction of the utilities in Highway 99E prior to ODOT's reconstruction of the roadway and includes the following:

- Realignment of the sanitary sewer line on Highway 99E from SE Ochoco Street to SE Clatsop Street.
- Abandon the water line on Highway 99E from SE Milport Road to SE Beta Street and install a new water line on SE Main Street from SE Mailwell Drive to SE Beta Street.
- Upsize the storm sewer pipe on SE Main Street and SE Milport Port from 18" to 36" PVC Pipe.

The project went through a competitive bidding process per Chapter 30 of the City's Public Contracting Rules (PCR). Five (5) bids were received by the city before the November 10<sup>th</sup>, 2016, 2:00 P.M. bid opening. The following table is a summarization of all bid amounts:

	<b>Contractor</b>	<b>Bid Amount</b>
1	Wildish Standard Paving Co.	\$813,853.00
2	Brown Contracting, Inc.	\$868,716.00
3	Emery and Sons	\$1,042,157.00
4	James W. Fowler Co.	\$1,125,000.00
5	Interlaken, Inc.	\$1,214,847.00

Selection of the Contractor was based on the lowest responsive and responsible bid submitted in conformance with the Public Improvement Contract Documents. The lowest responsive bid was submitted by Wildish Standard Paving Co., a construction firm out of Eugene, Oregon.

Construction is expected to begin in early January 2017. All work is to be completed by ninety (90) days or April 1, 2017 whichever comes the earlier.

The Engineer's Cost Estimate was in the amount of \$591,402.00. The difference between the bids and the engineer's cost estimate is due to the ODOT requirement for a nighttime construction schedule and with the Jack and Bore pricing that was based on ODOT Weighted Average Prices from 2015.

### **CONCURRENCE**

Engineering staff coordinated with Public Works Water and Wastewater staff on both the concept and the design phases of the project.

### **FISCAL IMPACTS**

The project is funded within the FY 16-18 budget but is insufficient to cover all costs. Funding includes the following:

- \$160,000.00 from Water Fund
- \$400,000.00 from Wastewater Fund
- \$250,000.00 from Stormwater Fund

Additional funds are required and available within the current water and sewer budget to cover the increased project authorization. Increasing the budget authorization will delay the I & I work in the wastewater budget for 1 year and the remaining 2017 Water Replacement Projects in the water budget for 2 years.

### **WORK LOAD IMPACTS**

Except for the night work, no additional impact is anticipated since the project is scheduled for this fiscal year.

### **ALTERNATIVES**

1. Award the project as presented.
2. Reject all bids in the public interest and direct staff to revise and rebid the project during a more favorable period.

Rejection of bids will delay the 99E Highway / Se McLoughlin Blvd – Utility Relocation project and will miss the opportunity of relocating these utilities before the paving of Highway 99E by ODOT in early March 2017.

### **RECOMMENDATION**

Staff is recommending award of the 99E Highway / McLoughlin Boulevard-Utility Relocation Project to Wildish Standard Paving Co. with a project authorization of \$895,300.00

### **ATTACHMENTS**

1. Resolution
2. 99E Highway / SE McLoughlin Blvd – Utility Relocation Map



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE 99E HIGHWAY / MCLOUGHLIN BLVD. UTILITY RELOCATION TO WILDISH STANDARD PAVING CO.**

**WHEREAS**, the City of Milwaukie has identified utility relocation needs within the highway 99E / Mcloughlin Blvd corridor, and

**WHEREAS**, these improvements are contained within the 2016-2018 biannual budget and

**WHEREAS**, Wildish Standard Paving Co. was the lowest responsive and responsible bidder; and

**Now, Therefore, be it Resolved** that the City of Milwaukie authorizes the City Manager to execute a contract with Wildish Standard Paving Co. for the construction of the 99E Highway/McLoughlin Blvd. Utility Relocation project, and authorize the Engineering Director to administer the project in accordance with the project specifications with a project authorization of \$895,300.

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

This resolution is effective on \_\_\_\_\_.

\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

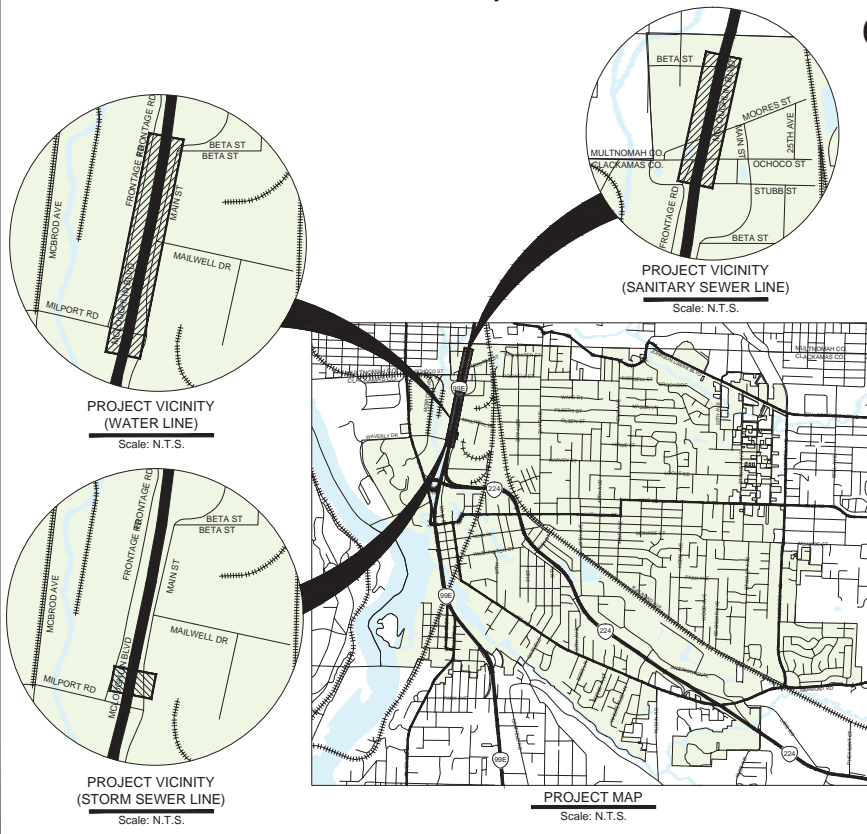
\_\_\_\_\_  
Scott Stauffer, City Recorder

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



# CITY OF MILWAUKIE, OREGON

## 99E HIGHWAY / SE MCLOUGHLIN BLVD UTILITY RELOCATION CIP2016-Y13



**RS18**

**PROJECT DESCRIPTION**  
 The project generally consists of relocating water and sanitary sewer sewer out of 99E Hwy / SE McLoughlin Blvd and upsizing storm sewer pipe to improve drainage on SE Main Street and SE Millport Road.

**PROJECT MANAGER**  
 Name: Rick Buen  
 Title: Civil Engineer  
 Phone Number: (503) 786-7602  
 Email Address: buenr@milwaukieoregon.gov

**PROJECT INSPECTOR**  
 Name: Alex Roller  
 Title: Engineering Technician II  
 Phone Number: (503) 786-7695  
 Cell Number: (503) 502-6570  
 Email Address: rollera@milwaukieoregon.gov

**MILWAUKIE OPERATIONS**  
 Name: Emergency On-Call  
 Phone Number: (503) 348-8833

**PORTLAND GENERAL ELECTRIC**  
 Name: Toby Anderson  
 Phone Number (Emergency): (503) 464-7777  
 Phone Number (Service): (503) 736-8280

**NORTHWEST NATURAL**  
 Name: Raymond Stauss  
 Phone Number: (503) 226-4211 ext. 6746

**CENTURY LINK**  
 Name: Kenneth Sciuilli  
 Phone Number: (503) 242-0304

**COMCAST**  
 Name: Kenneth Wills  
 Phone Number: (503) 596-3767



**CITY OF MILWAUKIE  
 ENGINEERING DEPARTMENT**  
 6101 SE JOHNSON CREEK BLVD  
 MILWAUKIE, OR 97206  
 PHONE (503) 786-7600  
 FAX (503) 774-8236



Oregon law requires Contractors to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through 952-001-0090. Contractors may obtain copies of the rules by calling the Oregon Utility Notification Center at 503-232-1987.

NO.	DATE	BY	REVISIONS

LO DESIGNED	07/07/2016
DATE	
LO DRAFTED	07/07/2016
DATE	
CLE CHECKED	07/07/2016
DATE	
RB APPROVED	07/07/2016
DATE	



**MILWAUKIE**  
*Dogwood City of the West*

6101 SE JOHNSON CREEK BLVD.  
 MILWAUKIE, OR 97206

PHONE: 503-786-7600  
 FAX: 503-774-8236

99E HWY / MCLOUGHLIN BOULEVARD		UTILITY RELOCATION		COVER SHEET	
PROJECT NO.:	C2016-Y13	CONTRACT NO.:		DATE:	
			SHEET NO.: CV1		



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: **RS 3. C.**  
Meeting Date: **12/6/16**

To: Mayor and City Council  
Through: Ann Ober, City Manager

Subject: **Certify November 2016 General Election Results**

From: Scott Stauffer, City Recorder

Date: November 29, 2016

**ACTION REQUESTED**

Acknowledge and certify the official election results of the General Election held on Tuesday November 8, 2016, as reported by the Office of the Clackamas County Clerk and the Multnomah County Elections Division.

**STAFF RECOMMENDATION**

Staff recommends that Council accept and certify the official results of the November 8, 2016, General Election by resolution.

**BACKGROUND**

Pursuant to Milwaukie City Charter Chapter IV. Section 13. Election Returns, election results “shall be made a matter of record in the record of the proceedings of the Council”, accordingly the Office of the City Recorder (OCR) requests that the Council adopt a resolution acknowledging and certifying the results of the November 8, 2016, General Election. For election result details from precincts located within the City of Milwaukie, please see the attached Clackamas County Canvass Report and Multnomah County Abstract of Votes.

Further, the City Charter (Chapter IV. Section 13.) directs that Certificates of Election be issued by the City to each elected person. Therefore, the OCR will issue the attached certificates to the individuals elected to the Council at the November 8, 2016, General Election.

**FISCAL IMPACTS**

None.

**WORK LOAD IMPACTS**

None.

**ATTACHMENTS**

1. Resolution
2. Election Results
3. Certificates of Election



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
CERTIFYING THE RESULTS OF THE NOVEMBER 8, 2016, GENERAL ELECTION.**

**WHEREAS**, Chapter IV. Section 13. of the Milwaukie City Charter requires election results to be made a matter of record in the proceedings of the City Council; and

**WHEREAS**, the election results from the November 8, 2016, General Election have been certified by the Office of the Clackamas County Clerk and the Multnomah County Elections Division.

**Now, Therefore, be it Resolved by the City Council of the City of Milwaukie that:**

Section 1: The certified election results, attached incorporated herein as "Exhibit A" and, are hereby made a part of the record of proceedings of the City Council.

Section 2: This Council Resolution is effective immediately upon adoption.

Introduced and adopted by the City Council on **December 6, 2016.**

This resolution is effective immediately.

---

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

---

Scott S. Stauffer, City Recorder

---

City Attorney



# CLACKAMAS COUNTY

Attachment 2  
Exhibit A

Office of County Clerk

SHERRY HALL  
CLERK

1710 Red Soils Ct. Ste 100  
OREGON CITY, OR 97045  
03.722.6086

November 28, 2016

City of Milwaukie  
Attn: Scott Stauffer  
10722 SE Main Street  
Milwaukie, OR 97222

**BY US MAIL AND EMAIL**

Dear Scott:

Enclosed please find the precinct results for the November, 2016 General Election.

Let us know of any questions. I can be reached at [skindred@co.clackamas.or.us](mailto:skindred@co.clackamas.or.us) or by phone at 503.722.6089.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve".

Steve Kindred, Deputy Clerk, Elections Manager

Board of Property Tax Appeals  
1710 Red Soils Court, Ste 100  
Oregon City, OR 97045  
503.655.8662  
FAX 503.650.5687

Elections Division  
1710 Red Soils Court, Ste 100  
Oregon City, OR 97045  
503.655.8510  
FAX 503.655.8461

Recording Division  
1710 Red Soils Court Ste 110  
Oregon City, OR 97045  
503.655.8551  
FAX 503.650.5688

Records Management Division  
1810 Red Soils Court, Ste 120  
Oregon City, OR 97045  
503.655.8323  
FAX 503.655.8195

**RS21**

Canvass Results Report

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

Clackamas County

General Election

11/8/2016

Page 109

Official results

Registered Voters

217760 of 269156 = 80.90 %

Precincts Reporting

119 of 119 = 100.00 %

City of Milwaukie,  
Council Position 1 - Vote for One

Precinct	Angel Falconer	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
051	1457	1457	0	993	37	2487	2487	3137	79.28 %
052	1474	1474	0	1087	55	2616	2616	3233	80.92 %
053	1201	1201	0	870	28	2099	2099	2711	77.43 %
054	1241	1241	0	876	34	2151	2151	2624	81.97 %
055	1306	1306	0	941	36	2283	2283	2844	80.27 %
<b>Totals</b>	<b>6679</b>	<b>6679</b>	<b>0</b>	<b>4767</b>	<b>190</b>	<b>11636</b>	<b>11636</b>	<b>14549</b>	<b>79.98 %</b>

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

BY: *Sherry Hall*

RS22

**Canvass Results Report**

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

**Clackamas County**

General Election

11/8/2016

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**Official results**

Registered Voters  
217760 of 269156 = 80.90 %

Precincts Reporting  
119 of 119 = 100.00 %

**City of Milwaukie,  
Council Position 3 - Vote for One**

Precinct	Robert (Elvis) Clark	Wilda A Parks	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
051	715	1078	1793	0	681	13	2487	2487	3137	79.28 %
052	810	1088	1898	0	686	32	2616	2616	3233	80.92 %
053	692	808	1500	0	588	11	2099	2099	2711	77.43 %
054	639	916	1555	0	582	14	2151	2151	2624	81.97 %
055	718	910	1628	1	638	16	2283	2283	2844	80.27 %
<b>Totals</b>	<b>3574</b>	<b>4800</b>	<b>8374</b>	<b>1</b>	<b>3175</b>	<b>86</b>	<b>11636</b>	<b>11636</b>	<b>14549</b>	<b>79.98 %</b>

CERTIFIED COPY OF THE ORIGINAL  
EMERY HALL, COUNTY CLERK

*Sherry Hall*

**RS23**

**Canvass Results Report**

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

**Clackamas County**

General Election

11/8/2016

Page 220

**Official results**

Registered Voters  
217760 of 269156 = 80.90 %

Precincts Reporting  
119 of 119 = 100.00 %

**Measure 3-495, City of Milwaukie**

Precinct	YES	NO	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
051	1547	790	2337	0	150	0	2487	2487	3137	79.28 %
052	1602	877	2479	0	137	0	2616	2616	3233	80.92 %
053	1273	715	1988	0	111	0	2099	2099	2711	77.43 %
054	1410	628	2038	0	113	0	2151	2151	2624	81.97 %
055	1483	686	2169	0	114	0	2283	2283	2844	80.27 %
<b>Totals</b>	<b>7315</b>	<b>3696</b>	<b>11011</b>	<b>0</b>	<b>625</b>	<b>0</b>	<b>11636</b>	<b>11636</b>	<b>14549</b>	<b>79.98 %</b>

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

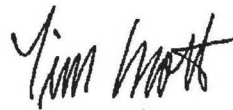
BY: 

**CERTIFICATION OF ABSTRACT OF VOTES**

**GENERAL ELECTION  
November 8, 2016**

I hereby certify that the votes recorded on the attached abstract correctly summarize the tally of votes cast in Multnomah County at the General Election held November 8, 2016.

WITNESS MY HAND and SEAL THIS 28<sup>th</sup> day of November, 2016.



TIM SCOTT  
Director of Elections  
Multnomah County, Oregon





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November 2016 General Election Official Precinct Results  
Final Official Precinct Results - Multnomah County, Oregon  
All Precincts, All Districts, City of Milwaukie Councilor Position 1, City of Milwaukie Councilor Position 3  
Released November 28, 2016  
Total Ballots Cast: 0, Registered Voters: 505145, Overall Turnout: 0.00%

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Page: 1  
2016-11-28  
14:11:35

**City of Milwaukie Councilor Position 1 (Vote for 1)**

Precinct	Ballots Cast	Reg. Voters	Total Votes	Angel Falconer	Write-In	Over Voted Ballots	Under Votes
Precinct 4102	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0

official precinct results

November 2016 General Election Official Precinct Results  
 Final Official Precinct Results - Multnomah County, Oregon  
 All Precincts, All Districts, City of Milwaukie Councilor Position 1, City of Milwaukie Councilor Position 3  
 Released November 28, 2016  
 Total Ballots Cast: 0, Registered Voters: 505145, Overall Turnout: 0.00%

Page: 2  
 2016-11-28  
 14:11:35

**City of Milwaukie Councilor Position 3 (Vote for 1)**

Precinct	Ballots Cast	Reg. Voters	Total Votes	Robert (Elvis) Clark	Wilda A Parks	Write-in	Over Voted Ballots	Under Votes
Precinct 4102	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

official precinct results

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November 2016 General Election Official Precinct Results  
Final Official Precinct Results - Multnomah County, Oregon  
All Precincts, All Districts, Measure 3-495  
Released November 28, 2016

Page: 1  
2016-11-28  
14:42:12

Total Ballots Cast: 0, Registered Voters: 505145, Overall Turnout: 0.00%

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**Measure 3-495 (Vote for 1)**

Precinct	Ballots Cast	Reg. Voters	Total Votes	Yes	No	Over Voted Ballots	Under Votes
Precinct 4102	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0

official precinct results

# Certificate of Election



This is to Certify that at the General Election held on  
**November 8, 2016**

in the City of Milwaukie, County of Clackamas, State of Oregon,

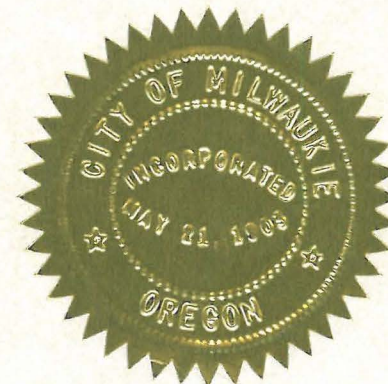
## Angelene G. Falconer

was duly and properly elected to the **Office of City Council Position No. 1**  
for a term of office ending **December 31, 2020.**

In Witness Whereof, I have hereunto set my hand  
and affixed the seal of the City of Milwaukie, on  
this 6<sup>th</sup> day of **December, 2016.**

A handwritten signature in black ink, reading "Scott S. Stauffer".

\_\_\_\_\_  
Scott S. Stauffer, City Recorder



# Certificate of Election



This is to Certify that at the General Election held on  
**November 8, 2016**  
in the City of Milwaukie, County of Clackamas, State of Oregon,

**Wilda A. Parks**

was duly and properly elected to the **Office of City Council Position No. 3**  
for a term of office ending **December 31, 2020.**

In Witness Whereof, I have hereunto set my hand  
and affixed the seal of the City of Milwaukie, on  
this 6<sup>th</sup> day of **December, 2016.**

A handwritten signature in cursive script, appearing to read "Scott S. Stauffer".

Scott S. Stauffer, City Recorder





MILWAUKIE CITY COUNCIL  
**AGENDA ITEM SUMMARY**

Agenda Item: **RS 3. D.**

Meeting Date: **12/06/16**

Title: **Appointments to Boards, Commissions, and Committees**

Prepared By: Jason Wachs, Community Programs Coordinator

Department Approval: Mitch Nieman, Assistant to City Manager

City Manager Approval: Ann Ober, City Manager

Approval Date:

**ISSUES BEFORE COUNCIL**

Recommendation to appoint two new members to the Planning Commission and one new member to the Public Safety Advisory Committee (PSAC).

**STAFF RECOMMENDATION**

Appoint the following new members to the Planning Commission as a result of interviews conducted on Monday, November 7, 2016 with Mayor Gamba, Councilor Batey, and Denny Egner:

- Planning Commission – Appoint John Henry Burns (Position #8)
- Planning Commission – Appoint Kim Travis (Position #10)

Appoint the following new member to the Public Safety Advisory Committee (PSAC) as a result of the Hector Campbell Neighborhood District Association's vote at their November 14, 2016 meeting (Minutes attached):

- Hector Campbell NDA's Representative on the Public Safety Advisory Committee (PSAC) – Heather Ray (Position #8)

**KEY FACTS & INFORMATION SUMMARY**

Refer to staff recommendations.

**OTHER ALTERNATIVES CONSIDERED**

NA

**CITY COUNCIL GOALS**

NA

**FISCAL NOTES**

NA

**ATTACHMENTS**

Resolutions for appointments and the meeting minutes from the Hector Campbell NDA's November 14, 2016 meeting.



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A resolution of the City Council of the City of Milwaukie, Oregon appointing John Henry Burns to the Planning Commission.**

**WHEREAS,** A vacancy currently exists on the Planning Commission; and

**WHEREAS,** Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

**WHEREAS,** John Henry Burns possesses the necessary qualifications to serve on the Planning Commission.

**Now, therefore, the City of Milwaukie, Oregon resolves as follows:**

SECTION 1: That John Henry Burns is appointed to the Planning Commission position #6.

SECTION 2: That his term of appointment shall commence December 7, 2016 and shall expire March 31, 2020.

Introduced and adopted by the City Council on **December 6, 2016.**

This resolution is effective immediately.

---

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

---

Scott Stauffer, City Recorder

---

City Attorney



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A resolution of the City Council of the City of Milwaukie, Oregon appointing Kim Travis to the Planning Commission.**

**WHEREAS,** A vacancy currently exists on the Planning Commission; and

**WHEREAS,** Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

**WHEREAS,** Kim Travis possesses the necessary qualifications to serve on the Planning Commission.

**Now, therefore, the City of Milwaukie, Oregon resolves as follows:**

SECTION 1: That Kim Travis is appointed to the Planning Commission position #7.

SECTION 2: That her term of appointment shall commence December 7, 2016 and shall expire March 31, 2020.

Introduced and adopted by the City Council on **December 6, 2016**.

This resolution is effective immediately.

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Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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Scott Stauffer, City Recorder

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City Attorney





**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A resolution of the City Council of the City of Milwaukie, Oregon appointing Heather Ray to the Public Safety Advisory Committee.**

**WHEREAS,** A vacancy currently exists on the Public Safety Advisory Committee; and

**WHEREAS,** Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

**WHEREAS,** Heather Ray possesses the necessary qualifications to serve on the Public Safety Advisory Committee.

**Now, therefore, the City of Milwaukie, Oregon resolves as follows:**

SECTION 1: That Heather Ray is appointed to the Public Safety Advisory Committee position #8.

SECTION 2: That her term of appointment shall commence December 7, 2016 and shall expire June 30, 2018.

Introduced and adopted by the City Council on **December 6, 2016.**

This resolution is effective immediately.

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Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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Scott Stauffer, City Recorder

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City Attorney



**11/14/2016**

**Meeting Location: Public Safety Building 6:30 PM  
32<sup>th</sup> and Harrison St**

**Introductions and Welcome:** David Aschenbrenner, Chair

In attendance: Sarah Smith Park and Gardens Director, Darin Smith, Linda Hedges Sec-Treas, Brian Bell, Wally Bischoff, Heather Ray, Shirley Geiter, Ruby Inman, Darlene Albertson, Steve and Bonnie Rand, Melody Bocek, Bernie Stout and Rebeccah Bufford

**Public Safety** Chief Bartol attended and reminded neighbors that this time of year, when packages are being delivered and thieves are out and about, to arrange for packages to be delivered to work addresses or to neighbors or to arrange for delivery at specific times. Lock your vehicles and don't leave anything of value in the car. A number of questions were asked, including about street parking and registration for the CodeRed (reverse 9-1-1) program. Discussed various code compliance issues. A neighbor pointed out the very dangerous 37<sup>th</sup> and International Way intersection. The Chief suggested that if someone sees something that concerns them they can either call the **non-emergency dispatch number 503-786-7500** or of course 9-1-1 if something is going on right now.

**Public Safety Advisory Committee:**

Heather Ray volunteered. Sarah Smith moved and Brian Bell seconded to elect Heather to represent our NDA. She was elected unanimously. Another neighbor, Rebeccah Bufford, was also interested. She was encouraged to apply for one of the at-large positions.

**City Staff: Friday Memo is being** sent via Email each week.

**Past Meeting Minutes and Treasurer's Report:** Linda Hedges asked if there were any corrections or additions to the October meeting minutes. There were none. She reported that the financial account was CCG \$1633.73; checking \$201.55; savings \$7004.55.

**New Neighborhood Items:** none

**Grants:**

Milwaukie Public Safety Foundation – Police Officer of the Year Award Dinner. Darlene Albertson moved and Wally Bischoff seconded \$300 grant. Approved unanimously.

Wichita Center – holiday support grant. Heather Ray moved and Sarah Smith seconded a \$300 grant. Approved unanimously.

**Land Use:** the 14 lot division proposed for 51<sup>st</sup> and King Road will be to the Planning Commission November 22nd. Chair Aschenbrenner will attend to represent the several issues the neighborhood has. A suggestion was made that we request a FILOC contribution toward a pedestrian-activated flashing crossing to mitigate for the additional vehicular congestion at

Home and King Road. Information on this subdivision can be found at <http://www.milwaukieoregon.gov/planning/s-2016-001>

### **Milwaukie Park and Recreation Board Report:**

Lynn Sharp, a member of the Board, attended to report on the projects the Board has been working on this year.

- a) Milwaukie Historical Society has submitted a proposal to change the name of Riverfront Park to Milwaukie Bay Park. This request is finding its way through the process. Milwaukie Bay is the historical name for the part of the river fronted by the park.
- b) Wichita Park received funding to complete the planning process. The source of the \$250,000 needed to build the park has not been identified.
- c) New trails have been built at Spring Park which reduce the impact there and increasing safety.
- d) A \$1.2 million grant has been received for engineering/permitting and bidding for the trail that will lead from the light rail pedestrian bridge through the park to the light at River Road.
- e) The new Tree Ordinance for public property, including the right of way is in effect. Three of the four requirements for Tree City USA status have now been satisfied and the city is currently working on documenting the \$2 per capita spending on trees last year.
- f) The beginning of an annual Arbor Day celebration was held this year.
- g) The PARB is working with city staff to create a 501©3 to create a Milwaukie Parks Foundation so funds can be donated for parks projects.
- h) The Park Board looks for public input on park and recreation issues. The Park Board meets the fourth Tuesday of the month. There is currently one position open.  
<http://www.milwaukieoregon.gov/communityservices/park-and-recreation-board>.  
Contact Lynn Sharp at [lynn-sharp@outlook.com](mailto:lynn-sharp@outlook.com).

### **Projects Update:**

Bench Project – Linda reported that we’re still waiting for the local company to provide the project quote and invoice. The School District has approved the installation and location of the bench.

**Parks & Garden Report:** Sarah Smith reported the Garden has started the installation of a 225 gallon rainwater harvesting tank. She thanked Brian Bell for hauling and helping to spread gravel. The Parks District operated an ivy pulling event on Saturday Oct 29<sup>th</sup> 9-noon; 600 lbs of ivy was pulled. Plots are available in the garden for \$30 or \$40. Gardeners have requested a porta potty be made available. See below disc golf discussion; a porta potty might be included in that project.

The Little Library needs to be reconstructed. It had an ant invasion. Bernie Stout and Brian Bell have volunteered labor and materials. There was discussion of including a seed library as well.

Sarah mentioned a Nike community grant that encourages community active living that we may want to pursue next year. In particular we may want to see if a disc golf course could be installed in the upper field of the school. If anyone has an interest in working on this please contact Sarah.

The Parks district is considering removing a few cherry trees on the south side of Homewood Park. There are plans to plant native plants in the winter.

**Monroe Greenway County hearing** – Bernie Stout will attend the November 15<sup>th</sup> meeting at Clackamas County. The County is also considering several projects around the county, including the two sections of the Monroe Greenway, for funding. Citizens can go on-line to vote on their preferred project. <http://www.milwaukieoregon.gov/planning/monroe-street-neighborhood-greenway-concept-plan>

[http://blog.oregonlive.com/my-oregon-city/2016/10/public\\_invited\\_to\\_comment\\_on\\_s.html](http://blog.oregonlive.com/my-oregon-city/2016/10/public_invited_to_comment_on_s.html)

**Vice Chair position:** Lars Campbell, who has served the NDA for several years, plans to move soon. We will be considering candidates for the position at our December meeting. The Vice Chair serves as the NDA's Chairman of the Land Use Committee and runs NDA meetings in the absence of the Chair. S/he undertakes other tasks as requested by the Chair or at the request of the NDA.

**City Manager Ann Ober** attended to introduce herself to the neighbors. She and her family will be living in our neighborhood.

**Boil Water Notice and Disaster Preparedness:** Linda Hedges reminded neighbors about planning ahead to have water on hand along with other water, food and survival supplies for at least two weeks. A water contamination issue is just one of the reasons why everyone should make preparations for at least two weeks. She displayed a water filtration system as an example of one way to assure clean drinking water, but many are on the market. As well ¼ tsp of bleach per gallon of water also disinfects water for drinking.

**Upcoming events:** <http://www.hectorcampbellnda.org/2016/11/holiday-events.html>

Holiday Farmers Market November 20<sup>th</sup> downtown

Umbrella Parade and Downtown Tree Lighting December 3<sup>rd</sup>

Operation Santa Claus December 4<sup>th</sup> and 5<sup>th</sup> in our neighborhood. See the route, dates and times on: <http://www.clackamasfire.com/operationsanta.html>

Winter Solstice event and Christmas Ships event – December 17<sup>th</sup> 5-8pm at Boat Ramp

Please pass this information on to your neighbors.

If you cannot make the meeting and you have questions, Please send an e-mail to [info@HectorCampbellNDA.org](mailto:info@HectorCampbellNDA.org)

Draft dated November 15, 2016

Linda M. Hedges, Secretary/Treasurer



**Regular Session  
Agenda Item No.**

**5**

# **Public Hearing**



**MILWAUKIE CITY COUNCIL  
STAFF REPORT**

To: Mayor and City Council  
Through: Ann Ober, City Manager  
Alma Flores, Community Development Director  
Subject: **Resolution to Adopt Findings in support of  
Alternative Contracting**  
From: Chuck Eaton, Engineering Director  
Date: November 9, 2016

**ACTION REQUESTED**

Adopt a resolution with findings to allow the use of Design/Build (DB) alternative contracting method for the Kellogg Creek Bridge replacement project in Riverfront Park.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

Staff reported on the investigation into the extent of the damage to the access bridge and roadway and the boat dock area of Riverfront Park on December 15, 2015, January 5, 2016, January 19, 2016, and February 2, 2016.

At the February 2<sup>nd</sup> meeting it was approved by council to proceed with the replacement of the bridge under an emergency declaration. Council also authorized use of the Design-Build (DB) alternative contracting procedure for the project to assist with the complexities of maintaining access to Riverfront Park and the boat dock while constructing the new bridge, reinforcing the existing sewer line, and stabilizing the streambanks.

**BACKGROUND**

Staff discovered serious erosion around and under the southerly approach to the access bridge to the boat dock area of Riverfront Park on December 7, 2015 during a severe storm event and closed the bridge to traffic. During follow-up observations the erosion had increased in size and severity requiring the closure of the bridge to both pedestrian and vehicular traffic on December 15, 2015 permanently closing the boat ramp at Riverfront Park.

Following the February City Council meeting staff has been working with FEMA to obtain the "notice to proceed" with the emergency bridge replacement. The status of the project as of October 28, 2016 is that we have verbal approval with final approval pending FEMA environmental review. The structure had temporary repairs that were completed on May 23, 2016 and the bridge was reopened to traffic. These repairs were not designed for prolonged use or severe storms. The Design/Build (DB) process is a unique method used to accelerate project delivery. In the DB process the project owner hires a construction team to perform both the design and construction for a guaranteed maximum price.

In order to proceed with this process, City Council is asked to adopt the findings in support of the alternative contracting method Design-Build (DB) for the Kellogg Creek Bridge (#22142) Replacement Project.

#### **CONCURRENCE**

The Engineering Director, Community Development Director and Finance Director concur with the adoption of these findings.

#### **FISCAL IMPACTS**

This project has been included in the current budget.

#### **WORK LOAD IMPACTS**

Staff will need to utilize private consultants and manage the construction contract for this project. We would hire private construction management and inspection services to assist the additional staff resource needed.

#### **ALTERNATIVES**

Do not adopt findings and proceed with traditional Design, Bid, Build process.

#### **ATTACHMENTS**

1. Resolution



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS TO ALLOW ALTERNATIVE CONTRACTING FOR THE KELLOGG CREEK BRIDGE (#22142) REPLACEMENT PROJECT.**

**WHEREAS**, the City of Milwaukie adopted Public Contracting Rules by Resolution 101-2011 and amended by Resolution 82-2013; and

**WHEREAS**, the Construction Manager/General Contractor form of alternative contracting is allowed per Public Contracting Rule 10.105.A; and

**WHEREAS**, the use of Design-Build for the Kellogg Creek Bridge (#22142) Replacement Project complies with Public Contracting Rule 10.105.A; and

**WHEREAS**, pursuant to ORS 279C.335(1) and Public Contracting Rule 10.110, a local contract review board may exempt specific contracts from traditional, competitive bidding by showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in cost savings and other substantial benefits to the public agency; and

**WHEREAS**, pursuant to ORS 279C.335(2), a local contract review board must adopt certain findings in order to exempt the public improvement contract from competitive bidding; and

**WHEREAS**, a public hearing has been noticed, pursuant to Public Contracting Rule 10.110.D and ORS 279C.335(5), and held wherein an opportunity was offered for any interested party to appear and comment on the draft findings,

**Now, Therefore, be it Resolved** that the City Council, acting as the Local Contract Review Board for the City of Milwaukie hereby adopts findings attached as Exhibit A, pursuant to the authority granted the Board by Milwaukie Municipal Code Chapter 3.05, Local Contract Review Board, to allow the use of the Design-Build alternative contracting method for the Kellogg Creek Bridge (#22142) Replacement project.

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

This resolution is effective on \_\_\_\_\_.

\_\_\_\_\_  
Mark Gamba, Mayor



ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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Scott Stauffer, City Recorder

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City Attorney

**EXHIBIT A**  
**FINDINGS FOR AN EXEMPTION FROM COMPETITIVE BIDDING**  
**CITY OF MILWAUKIE, OREGON**  
**KELLOGG BRIDGE REPLACEMENT**

Oregon Revised Statute (ORS) 279C.300 requires competitive bidding of public works improvement contracts unless specifically excepted or exempted from competitive bidding under Oregon Revised Statute (ORS) 279C.335. The City of Milwaukie Local Contract Review Board may exempt a contract from competitive bidding under ORS 279C.335 based on two findings:

1. The exemption is unlikely to encourage favoritism in the awarding of the public improvement contract or substantially diminish competition for the public improvement contract.
2. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the City of Milwaukie.

Under City of Milwaukie Public Contracting Rule (Rule) 10.110, the City may exempt a particular contract from formal competitive requirements and shall consider:

1. The nature of the project.
2. Estimated cost of the project, if applicable.
3. Narrative description of the cost saving anticipated and reasons formal competitive would be inappropriate.
4. Alternative contracting practice to be employed.
5. Estimated date by which it would be necessary to let the contract, if applicable.

In exempting the public works improvement from competitive bidding under ORS 279C.335(2)(b), the Local Contract Review Board must consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract, all 14 items under ORS 279C.335(2)(b)(A-N).

This document presents information the City of Milwaukie Local Contract Review Board will consider in its finding to exempt the Kellogg Bridge Replacement Project (Project) from competitive bidding and to use a Design-Build (DB) method of delivery.

**I. BACKGROUND / NATURE OF THE PROJECT**

In November and December 2015, weather events caused severe damage to the existing Kellogg Bridge. Heavy rain caused damage to the footings of the bridge. The bridge, under an emergency exemption, was temporarily fixed to allow traffic. The bridge acts as the exit for the nearby waste treatment plant. The Milwaukie Riverfront Park, including the local boat ramp, was temporarily closed due to flood damage to the footing of the bridge. While temporary repairs have been made, the bridge cannot be repaired in a manner that makes economic sense. The bridge at the southern approach suffered major damage in the undermining of the wing walls and approach structures. The bridge that was built in the 1950's had no support other than spread footings, and an ODOT report indicated up to 31 inches of scour putting the footings 31 inches

above the streambed. The bridge was not designed to seismic standards and the soil is sensitive to seismic events. Bridges typically are designed for a 75 year life and a limited in-water-work-window exists.

The old bridge will be replaced. The construction will need to be coordinated with the main sewage line transporting sewage to the Kellogg sewage treatment facility due to its proximate location. The South bank of the river needs to be stabilized. The Project is currently permitted and those permits require a removal/fill permit to remove the existing bridge and temporary riprap within a 2-year period of which 18 months remains to complete all of the required work. To achieve this deadline will require the project to be fast tracked in order that plans are in place to allow the necessary in-water work to occur during the allowed in-water work window.

The Project is scheduled for completion in the next 18 months, has an estimated construction cost of \$2,550,000, and generally includes the following work:

1. Build a new Kellogg Bridge.
2. Stabilize the South bank.
3. Demolition of the old bridge
4. Removal of all temporary stabilization materials.
5. Reconstruction of the sewer facility within the area.

Pursuant to City of Milwaukie Public Contracting Rule 10.105B, a design-build contract is one in which a single entity designs and constructs a public improvement. Design-build contracts shall only be used if City staff has the expertise and experience to administer a design-build contract. It is believed that City staff and its consultants have the necessary experience and expertise to successfully utilize this contracting method. The design-build process is used to:

- a. Obtain through a design-build team, engineering design, plan preparation, value engineering, construction engineering, construction, quality control and required documentation as a fully integrated function with a single point of responsibility.
- b. Integrate value engineering suggestions into the design phase, as the construction contractor joins the project team early with design responsibilities under a team approach, with the potential of reducing contract changes.
- c. Reduce the risk of design flaws, misunderstandings and conflicts inherent in construction contractors building from designs in which they have had no opportunity for input, with the potential of reducing contract claims.
- d. Shorten project time as construction activity (early submittals, mobilization, subcontracting and advance work) commences prior to completion of a "biddable" design, or where a design solution is still required (as in complex projects); or
- e. Obtain innovative design solutions through the collaboration of the contractor and design team, which would not otherwise be possible if the contractor had not yet been selected.

The City plans to select a Design-Builder for the Project through a two-step process, consisting of reviewing responses to a Request for Proposals (RFP) followed by interviews of top ranked Proposers.

The City plans to advertise the RFP for selection of a DB firm in late 2016 with the Design-Builder being under contract by the end of January 2017. This is a public improvement project and, as such, design-builders must be a licensed Contractor in good standing in the state of Oregon.

## II. SUMMARY OF FINDINGS

With regard to ORS 279C.335, the City of Milwaukie Local Contract Review Board has considered the following in its decision to exempt the Project from competitive bidding and use the DB method of delivery:

**1. The exemption is unlikely to encourage favoritism in the awarding of the public improvement contract or substantially diminish competition for the public improvement contract.**

Analysis: The City will select the Design-Builder through a competitive process that fosters competition and focuses on qualifications and delivering best value to the City with disregard to favoritism. The City will issue a RFP in a manner that will attract competition from qualified firms through advertisement in the Daily Journal of Commerce and local newspaper, and posting on the City's web site.

The RFP will attract Proposers having the specialized knowledge, capacity, and skills for the Project from within the state and Pacific Northwest. A sufficient number of design-build firms are available to respond to the RFP.

With respect to favoritism, the City will take prescriptive measures to assure an open competition. Strict adherence to pre-defined scoring criteria that are included in the RFP will be followed. Scoring criteria will be based on experience of the design-build firm and project personnel; understanding of the technical and work requirements for the Project; approach for managing and minimizing Project risks; approach to safety; and consideration of professional design and construction costs or fees. Review of proposals and scoring will be performed by City staff with an outside reviewer sitting on the panel. All reviewers shall follow the pre-defined scoring criteria.

Finding: The process used by the City to select the Design-Builder and the availability of multiple firms to propose makes the exemption unlikely to encourage favoritism in the awarding of the public improvement project or substantially diminish competition for the public improvement contract.

**2. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the City of Milwaukie.**

Analysis: The Project includes construction of a new bridge during a narrow in-water work window, under a tight budget, all while working in proximity to the main sewer line into the treatment facility and maintain a critical access to the treatment facility and boat launch. A reduction in design costs and a reduction in construction costs are likely and

the exemption provides other substantial benefits to the City in regard to meeting the 18 month schedule and completing necessary work within the narrow in-water work window.

Awarding the Project under the exemption allows the construction team members of the Design-Builder to participate during design to conduct exploratory investigations required, embed construction work and sequencing into the documents, and develop contingency plans that adequately address risks. The work can be conducted in collaboration with the designer and City staff to assure the City's interests are addressed. Work by the contractor during design may have similar costs to the additional engineering effort required under competitive bidding. However, the benefits to the City are substantially greater under the DB delivery method the exemption provides. The benefits include reduced changed condition claims, reduced risk of sewage treatment disruption, and lower construction cost contingencies.

The exemption from competitive bidding and use of the DB delivery method allows the City to have the contractor identify logistics and costs for staging and sequencing for the evaluation, and the benefit of real-time construction costing. The DB method promotes better collaboration with the contractor during design that will result in increased public and City staff safety through increased vetting of construction means and methods. This will also reduce the risk of treatment plant disruptions that could result in discharge permit violations that endanger public health, significant fines, and economic losses to the business community if closing a reach of the river to recreation and fishing is required. While the cost of these benefits was not quantified, they are considered to be substantial.

Use of design-build delivery has not only substantially reduced the overall project implementation schedules, which provides cost savings under escalating market conditions, but it also provides cost savings related to overall professional engineering services. Historically, engineering design services for a similar type project as that of the City's ranges from 10 to 11% of the construction cost. In a design-build delivery, final bidding documents and bidding support services are not required, and the levels of design details and specifications are greatly reduced as a result of close coordination between the designer and contractor. As a result, design-build projects have realized engineering design services in the range of 7 to 9% of the construction cost.

Finding: Awarding the project under the exemption provides opportunity for cost savings and provides other substantial benefits to the City. The exemption provides a collaborative work approach under the DB delivery method to be used with the contractor involved in the Project design. This provides opportunity to prepare well-planned work sequences that reduce the risk of treatment plant and/or park disruptions. This benefit could result in substantial cost savings associated with economic losses to the business community if a disruption due to construction work resulted in a treatment plant disruption or closing a reach of the river to recreation and fishing. In addition, the DB delivery method will facilitate meeting the aggressive scheduling constraints created by the permits and the in-water work window.

Additionally, substantial benefits of using the DB delivery method include increased safety of the public and City staff and better ability to control the impact that current market conditions have on construction costs.

### **III. RESPONSE TO ITEMS UNDER ORS 279C.335(2)(b)**

In approving the finding under ORS 279C.335(2)(b), the Local Contracting Review Board must consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract 14 items outlined in ORS 279C.335(2)(b)(A-N). Information considered by the Local Contract Review Board related to each of these requirements follows:

(A) How many persons are available to bid:

Information considered by the Local Contract Review Board: The RFP will attract Design-Builders having the specialized knowledge, capacity, and skills for the Project from within the state, and the Pacific Northwest. A sufficient number of DB firms are available to respond to the RFP.

(B) The construction budget and the projected operating costs for the completed public improvement:

Information considered by the Local Contract Review Board: The estimated construction cost for the project is \$2.55 million.

(C) Public benefits that may result from granting the exemption:

Information considered by the Local Contract Review Board: Benefits to the public will result from the collaborative work approach under the DB delivery method. The project is expected to cost less due to value engineering. It will be safer in that the DB firm will address the best manner in working near the main sewage line, and, since wastewater treatment plays a significant role in protecting public health and aquatic life in the Kellogg Creek and the Willamette River, it will protect these resources of the City, thereby maintaining significant public benefits as a source of recreation and fishery.

The collaborative approach to design and construction under the DB delivery method better assures that uninterrupted treatment is provided throughout construction. This better assures that the benefits to the public provided by reliable wastewater treatment are maintained.

(D) Whether value engineering techniques may decrease the cost of the public improvement:

Information considered by the Local Contract Review Board: The DB delivery method builds in innovation, constructability, and real-time cost estimating during development of the design; all of which are core parts of value engineering techniques. In an effort to decrease cost of the Project, value engineering will be conducted at the point of about

30% design development. The review will be led by City staff, outside experts (as needed), and with the DB firm participating. The DB team can provide realistic determination of costs and constructability issues that will allow cost-benefit decisions to be made by a team of City staff, design engineer, and contractor working in a partnership to decrease the cost of the project.

(E) The cost and availability of specialized expertise that is necessary for the public improvement

Information considered by the Local Contract Review Board: Construction of the Project requires specialized designers and contractors who have experience designing and building bridges and who understand the importance of minimizing disruptions to the treatment plant process and compliance with all existing permits. Construction firms and subcontractors with this expertise are highly available in the Pacific Northwest.

The cost and availability of specialized expertise necessary for public improvement is not impacted by an exemption from competitive bidding and use of the DB method of delivery. However, procurement of the DB firm based on qualifications, understanding of the project, and approach leads to the City retaining the most qualified firm for the project.

(F) Any likely increases in public safety

Information considered by the Local Contract Review Board: It is important to construct the Project in a manner to ensure safe working conditions for the contractor, neighbors, and public that could be affected by the Project.

The DB procurement method allows historical safety performance and commissioning work on similar projects to be considered as a selection criteria. It also permits the City to work closely with the contractor to ensure that the design and work sequences include appropriate safety measures, that the contractor understands the City's safety concerns, and that the contractor will take appropriate steps to address them. The DB method promotes better collaboration with the Contractor during design to result in increased public and City staff safety through increased vetting of construction means and methods, and reduced risk of discharge permit violations that could endanger public health.

(G) Whether granting the exemption may reduce risks to the contracting agency or the public that are related to the public improvement

Information considered by the Local Contract Review Board: In a traditional design-bid-build approach, the engineer develops the work plan, however, communicating the information to the contractors during the bid phase can be challenging due to the level of detail needed. However, the use of the DB method enables the contractor to fully understand the project during the design phase, develop a work plan with the engineer and City staff, and mitigate risk associated with bridge building while avoiding plant interruption when implementing the improvements. Furthermore, the reduction in project

uncertainty with having the contractor involved during design translates into cost savings to the City in the form of reduced contingency.

The partnering relationship provided through DB delivery will provide opportunity for the City to work with the Contractor to ensure safety measures are followed and revised if needed to reduce risks to the public.

(H) Whether granting the exemption will affect project funding sources

Information considered by the Local Contract Review Board: The Project funding source will not be impacted by an exemption from competitive bidding and use of the DB method of delivery.

(I) Whether granting the exemption will better enable the City to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement

Information considered by the Local Contract Review Board: Recently, the bidding market for public works projects has been impacted significantly as a result of increased commercial construction across the country and specifically in the Pacific Northwest. A shortage of skilled craftsmen and laborers and a demand for building materials has equated to a substantial (30% to 40%) rise in construction costs. Even when historical cost data and reliable sources are used, engineering and pre-construction cost estimates for building trades and labor have proven to be inaccurate in a traditional delivery method without real time construction pricing. Using a DB method, benefit-cost decisions can be made using real-time construction costs to keep the Project within budget. Both suppliers and sub-trade work can be procured early to eliminate price uncertainty and lessen the impact of price escalation during the construction period. In addition, under DB an owner is afforded the flexibility of awarding early construction work packages (e.g., site/civil work, foundation work, etc.) prior to design completion of the overall project. Furthermore, DB affords the ability and time to adjust the project budget during design when true pricing is understood such that the Project is designed at or below budget.

The DB method provides flexibility to reduce the impact of market conditions, specifically through schedule acceleration. This savings in time lessens the impact of the price increases occurring in the current market conditions. For these reasons, granting an exemption to competitive bidding will better enable the City to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement.

(J) Whether granting the exemption will better enable the City to address the size and technical complexity of the public improvement

Information considered by the Local Contract Review Board: At least four characteristics of the project lead to its technical complexity and the requirement for a Design-Builder with adequate capacity: 1) building a new bridge across Kellogg Creek, 2) working in proximity to the existing main sewage line into the plant 3) the limited 18 months



available to complete the work 4) the limited access and staging area available 5) the limited availability of access to existing facilities and the need to maintain those accesses 6) and the limited in-water work window.

The technical complexity of the project requires a Design-Builder that can manage all aspects of work. The DB process will allow the City to acquire a highly qualified contractor with adequate staffing for the site supervision needed as opposed to a minimally staffed contractor secured through award to the lowest responsive, responsible competitive bidder. As a result, it is more likely that the DB firm can address the technical complexities and schedule limitations of the project more effectively, in part because of its qualifications and in part because it will have the opportunity to propose a project approach with adequate staff.

(K) Whether the public improvement involves new construction or renovates or remodels an existing structure

Information considered by the Local Contract Review Board: The Project involves construction of a new bridge near existing City infrastructure. Using a DB method, the construction contractor is part of the Project team early on, involved in field investigation and design coordination; thereby reducing the risk of discovering unknown conditions and damaging existing infrastructure.

(L) Whether the public improvement will be occupied or unoccupied during construction

Information considered by the Local Contract Review Board: During construction the nearby facilities will be occupied. The DB method provides adequate time to plan the work and staging areas for construction to avoid issues with work in the nearby facility.

(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions

Information considered by the Local Contract Review Board: Construction will most likely be completed in a single phase. However, the work involves several elements, which will require well-planned work sequences, including the in-water work. The DB delivery method facilitates selection of these key team members early in the process and allows the contractor an opportunity to develop a work plan that provides the best value to the City.

(N) Whether the City has, or has retained under contract, and will use city personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the City will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract

Information considered by the Local Contract Review Board: The City has experience using design-build delivery, will use specialized advisor services when necessary and the law firm of Jordan Ramis for legal counsel support for the Project.

Possible areas where specialized advisors with specific expertise may be hired or utilized include for exempting the Project from competitive bidding, for preparing the RFP, for securing the DB firm through a competitive process, for overseeing the work of the DB firm during initial design and guaranteed maximum price development, and for providing assistance during negotiation of the terms, conditions, scope, and pricing for final design, permitting, and construction.

In addition, Jordan Ramis, PC's attorneys act as general and special counsel for local governments (counties, cities, and special purpose districts) throughout Oregon. They provide advice on public contracting, design and construction litigation, property issues (including negotiation, acquisition, and condemnation), insurance coverage and defense, public meetings, public records, finance, system development charges, utility ratemaking, telecommunications, environmental and natural resources, energy, government ethics for public officials, franchise fees and privilege taxes, and other matters associated with conducting government affairs. They have provided legal counsel to municipal clients on a number alternative delivery projects including the use of design-build and CM/GC.

## **II. SUMMARY OF DESIGN-BUILD BENEFITS TO THE CITY**

The City is seeking to utilize the DB delivery model to realize cost savings and other project delivery benefits as stated within this findings document. These savings and benefits are expected to be significant. The use of DB will promulgate the following benefits for the City:

- Will allow the City a simple and inexpensive procurement process that can be completed in a relatively short timeframe, thus allowing the City to expedite contracting with both a designer and contractor to immediately begin project implementation.
- Will allow schedule acceleration while leveraging the collaboration advantages (e.g., early contractor involvement, value engineering and value construction) provided by DB, thereby reducing project costs.
- Will allow the City to more effectively manage the Project through one contract administration with the Design-Builder.
- Will allow the City to allocate errors, omissions, and performance risks to one entity (i.e., the Design-Builder) rather than incurring risk responsibility through traditional design-bid-build.
- Will allow the City to remain directly involved in both the design and construction processes for enhanced coordination.
- Will allow the City more effective input into scope, features, and operational aspects of the design.
- Will allow the City flexibility to complete the Project at or below the City's budget (i.e., design and construct to-budget).

- Will allow the City to utilize both negotiated and competitive selection of key suppliers and subcontractors through “open book” GMP to deliver best-value for the City (both in terms of Project construction costs and long-term operating costs).



**Regular Session  
Agenda Item No.**

**6**

**Other Business**



MILWAUKIE CITY COUNCIL  
**AGENDA ITEM SUMMARY**

Agenda Item: **RS 6. C.**

Meeting Date: **12/06/16**

Title: **Expedited Annexation of 5806 SE Cedar Street**

Prepared By: Vera Koliass, Associate Planner

Department Approval: Denny Egner, Planning Director

City Manager Approval: Ann Ober, City Manager

Approval Date: 11/28/16

**ISSUES BEFORE COUNCIL**

Consideration of an expedited annexation for the property at 5806 SE Cedar Street (File #A-2016-007)

**STAFF RECOMMENDATION**

Approval of application #A-2016-007

**KEY FACTS & INFORMATION SUMMARY**

The property at 5806 SE Cedar St is within the Northeast Sewer Extension (NESE) area. The site consists of one legal lot of record and is developed with a single-family house and a detached accessory structure. The existing house is served by a private septic system, and the owner is interested in connecting to the City's sewer system.

Upon annexation, the subject property will be zoned Residential R-10. The existing primary structure on the site is a single-family home, which is allowed outright in the R-10 zone. Staff does not believe there are any adverse impacts to annexing this property into the City.

**OTHER ALTERNATIVES CONSIDERED**

Council can approve or deny the requested annexation.

**CITY COUNCIL GOALS**

n/a

**FISCAL NOTES**

Minimal fiscal impact is expected. It is expected that property taxes received by the City for this property will be roughly offset by the cost of providing services to the property.

**ATTACHMENTS**

1. Annexation Ordinance
  - Exhibit A. Findings in Support of Approval
  - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 6. C.**  
Meeting Date: 12/06/16

To: Mayor and City Council  
Through: Ann Ober, City Manager

Subject: **Expedited Annexation of 5806 SE Cedar St**

From: Vera Koliass, Associate Planner

Date: 11/23/16

### **ACTION REQUESTED**

Approve application A-2016-007, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of 5806 SE Cedar St (Tax Lot 1S2E30DA 04400), the “Annexation Property,” into the City.
- Application of a Low Density (LD) Comprehensive Plan land use designation and a Residential (R-10) zoning designation to the Annexation Property.
- Amendments to the City’s Comprehensive Plan Land Use Map and Zoning Map to reflect the City’s new boundary and the Annexation Property’s new land use and zoning designations.
- Withdrawal of the Annexation Property from the following urban service districts:
  - Clackamas County Service District for Enhanced Law Enforcement
  - Clackamas County Service District No. 5 for Street Lights

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**October 2016:** The property owner at 5806 SE Cedar St approached the City’s Community Development Department to initiate the expedited annexation process along with a request for an emergency connection to the City’s public sewer system in Cedar Street.

**June 2010:** Council approved the first annexation of property in the Northeast Sewer Extension (NESE) Project Area, at 5840 SE Morris St (Ordinance #2016, Land use file #A-10-01). Since then, Council has approved the annexation of approximately 150 additional properties in the NESE area.

**January 2010:** Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance #2010).

**July 1990:** Clackamas County Order No 90-726 established an Urban Growth Management Agreement in which the City and County agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County. With respect to Dual Interest Area “A,” the agreement states: *“The City shall assume a lead role in providing urbanizing services.”*

## **BACKGROUND**

### **Proposal**

The owner of the Annexation Property wishes to annex to the City to access City sewer service. The Annexation Property consists of one developable legal lot of record, which is developed with a single-family house served by a private septic system and includes a detached accessory structure. In October 2016, the owner requested approval to make an emergency connection to the City sewer service for 5806 SE Cedar St. The City issued the necessary Land Use Compatibility Statement (LUCS) to allow the owner to obtain a plumbing permit from Clackamas County and make the sewer connection for 5806 SE Cedar St.

The Annexation Property has residential County land use and zoning designations and will receive equivalent residential City land use and zoning designations. Upon annexation, the existing residential use of the site will be a conforming use, subject to the City's zoning ordinance for review and approval of any proposed alterations.

### **Site and Vicinity**

The Annexation Property is contiguous to the existing city limits as a result of the NESE right-of-way annexation in 2010, which included the right-of-way in Cedar St. The Annexation Property is within the City's urban growth management area (UGMA) and the NESE project area. The surrounding area consists primarily of single-family dwellings.

### **Annexation Petition**

The petition is being processed as an expedited annexation at the request of the Annexation Property's owner. Under the expedited process, a City land use and zoning designation is automatically applied to the Annexation Property upon annexation. Any property that is within the UGMA and contiguous to the city boundary may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation. Clackamas County has certified that these thresholds are met for the Annexation Property.

As set forth in Milwaukie Municipal Code (MMC) Table 19.1104.1.E, the expedited annexation process automatically assigns City land use and zoning designations to the Annexation Property based on the existing Clackamas County land use and zoning designations. The existing County Comprehensive Plan land use designation for the Annexation Property is Urban Low Density Residential (LDR), which would assign the City's Low Density Residential (LD) Comprehensive Plan designation upon annexation. The current County zoning designation for the Annexation Property is Residential R10, which would assign a City zoning designation of Residential Zone R-10 upon annexation.

Pursuant to City, regional, and State regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified of these proceedings, under MMC Subsection 19.1103.4.1.C. A public hearing is not required for an expedited annexation; however, Council must adopt an ordinance to implement the annexation.

### **Expedited Annexation Approval Criteria**

Expedited annexations must meet the approval criteria of MMC Subsection 19.1102.3. Compliance with the applicable criteria is detailed in Attachment 1 (Exhibit A, Findings).

### **Utilities, Service Providers, and Service Districts**

The City is authorized by ORS Section 222.120(5) to withdraw the Annexation Property from non-City service providers and districts upon annexation to the City. This allows for a more unified and efficient delivery of urban services to newly annexed property and is in keeping with the City's Comprehensive Plan policies relating to annexation.

- Wastewater: The Annexation Property is within the City's sewer service area and served by the City's 8-in sewer line accessible in SE Cedar St.
- Water: The Annexation Property is currently served by Clackamas River Water.
- Storm: The Annexation Property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The Annexation Property is currently served by Clackamas Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.
- Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.
- Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an IGA between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area. The Annexation Property will be withdrawn from the District upon annexation.
- Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, including TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

### **CONCURRENCE**

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Property were notified of these annexation proceedings as required by City, regional, and State regulations. The Lewelling Neighborhood District Association and the Southgate Planning Association also received notice of the annexation petition and meeting.

The City did not receive comments from any necessary parties with objections to the proposed annexation.



## **FISCAL IMPACTS**

The annexation of the Annexation Property will have minimal fiscal impact on the City. As with most annexations of residential properties, the costs of providing governmental services will likely be off-set by the collection of property taxes. Per Clackamas County Assessor data, the total assessed value of the Annexation Property in 2016 was \$115,335. Based on the latest information available (from the Clackamas County Rate Book for 2016), total annual property tax collection of approximately \$1,882 is anticipated for the Annexation Property; the City will receive approximately \$538 of this total.

## **WORK LOAD IMPACTS**

Work load impacts will be minimal and will likely include, but are not limited to, the following: utility billing, provision of general governmental services, and the setting up and maintenance of property records.

## **ALTERNATIVES**

The application is subject to Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Oregon Revised Statutes Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

The City Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial.

## **ATTACHMENTS**

1. Annexation Ordinance
  - Exhibit A. Findings in Support of Approval
  - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application



**CITY OF MILWAUKIE**

*"Dogwood City of the West"*

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX LOT 1S2E30DA 04400 AND LOCATED AT 5806 SE CEDAR ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2016-007)**

**WHEREAS**, the territory proposed for annexation is contiguous to the City's boundary and is within the City's urban growth management area; and

**WHEREAS**, the requirements of the Oregon Revised Statutes for initiation of the annexation were met by providing written consent from all owners of land in the territory proposed for annexation; and

**WHEREAS**, the requirements of the Oregon Revised Statutes for initiation of the annexation are further satisfied in that written consent from a majority of electors is not required given that there are no electors residing on the property; and

**WHEREAS**, the territory proposed for annexation lies within the territory of the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights; and

**WHEREAS**, the annexation and withdrawals are not contested by any necessary party; and

**WHEREAS**, the annexation will promote the timely, orderly, and economic provision of public facilities and services; and

**WHEREAS**, Table 19.1104.1.E of the Milwaukie Municipal Code provides for the automatic application of City zoning and Comprehensive Plan land use designations; and

**WHEREAS**, the City conducted a public meeting and mailed notice of the public meeting as required by law; and

**WHEREAS**, the City prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tracts of land and withdrawal from all applicable districts based on findings and conclusions attached hereto as Exhibit A;

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. The Findings in Support of Approval and attached as Exhibit A are hereby adopted.

Section 2. The tract of land described and depicted in Exhibit B is hereby annexed to the City of Milwaukie.

Section 3. The tract of land annexed by this ordinance and described in Section 2 is hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.

Section 4. The tract of land annexed by this ordinance and described in Section 2 is hereby assigned a Comprehensive Plan land use designation of Low Density Residential and a Municipal Code zoning designation of Residential Zone R-10.

Section 5. The City shall immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030 and ORS 222.005 and 222.177. The annexation and withdrawal shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

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 \_\_\_\_\_.

---

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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Scott Stauffer, City Recorder

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City Attorney

## EXHIBIT A

### FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 5806 SE Cedar St, the “Annexation Property,” the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising a total of 0.23 acres (Tax Lots 1S2E30DA 04400). The Annexation Property is contiguous to the existing City limits via the adjacent public right-of-way in Cedar St to the north. The Annexation Property is within the regional urban growth boundary and also within the City’s urban growth management area (UGMA).  
  
The Annexation Property is developed with a single-family detached dwelling unit. The surrounding area consists primarily of single-family dwellings.
2. The property owner seeks annexation to the City to access City services for future development.
3. The annexation petition was initiated by Consent of All Owners of Land on October 18, 2016, with an application for annexation submitted to the City on the same day (October 18, 2016). It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC 19.1104.
6. The expedited annexation process provides for automatic application of City Comprehensive Plan land use and zoning designations to the Annexation Property based on its existing Comprehensive Plan land use and zoning designations in the County, which are Low Density Residential and Residential R10, respectively. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use and zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-10, respectively.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
  - A. The subject site must be located within the City’s urban growth management area (UGMA);  
  
*The Annexation Property is within the City’s UGMA.*
  - B. The subject site must be contiguous to the existing city limits;  
  
*The Annexation Property is contiguous to the existing city limits via the adjacent public right-of-way in Cedar Street to the north.*

- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

*George Donnerberg, owner of the Annexation Property, consented to the annexation by signing the petition. There are a total of two registered voters for the Annexation Property, and both of them signed the petition. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing in the Annexation Area.*

- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;

*Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City sewer service is available to the Annexation Property in Cedar Street. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

- E. The proposal must comply with the criteria of Metro Code Sections 3.09.045(d) and, if applicable, (e).

*The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.*

8. Prior to approving an expedited annexation, the City must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

- A. Find that the change is consistent with expressly applicable provisions in:

- (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;

*There are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. The City has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City completed construction of a public sewer system in this area. The proposed annexation is in keeping with the City's policy of requiring properties to annex to the City in order to connect to City services such as the new sewer line.*

- (2) Any applicable annexation plan adopted pursuant to ORS 195.205;

*There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.*

- (3) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

*There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.*

- (4) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

*Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission for coordination of adequate public facilities and services. The City subsequently adopted this plan as an ancillary Comprehensive Plan document. The plan contains four elements:*

- *Sanitary Sewerage Services*
- *Storm Drainage*
- *Transportation Element*
- *Water Systems*

*The proposed annexation is consistent with the four elements of this plan as follows:*

*Sewer: The City is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the Annexation Property.*

*Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.*

*Transportation: The City may require public street improvements along the Annexation Property's frontage when new development occurs.*

*Water: Clackamas River Water (CRW) is the identified water service provider in this plan. The City's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW.*

- (5) Any applicable comprehensive plan.

*The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. The comprehensive plans, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation*

*as being within the City's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the Cedar Street right-of-way adjacent to the Annexation Property.*

B. Consider whether the boundary change would:

- (1) Promote the timely, orderly, and economic provision of public facilities and services;

*The City is the identified urban service provider in the area of the proposed annexation, and the proposed annexation will facilitate the timely, orderly, and economic provision of urban services to the Annexation Property.*

*The City has public sewer service in this area via Cedar Street.*

- (2) Affect the quality and quantity of urban services; and

*The Annexation Property consists of one tax lot. The site is developed with a single-family residence. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.*

- (3) Eliminate or avoid unnecessary duplication of facilities and services.

*The Annexation Property will be served by the Milwaukie Police Department upon annexation. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.*

9. The City is authorized by ORS Section 222.120 (5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the City. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Property is within the City's sewer service area and is served by the City's 8-in sewer line accessible in Cedar Street.

Water: The Annexation Property is currently served by Clackamas River Water.

Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Fire: The Annexation Property is currently served by Clackamas Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.

Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an IGA between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area. The Annexation Property will be withdrawn from the District upon annexation.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.



Exhibit A  
Annexation to the City of Milwaukie  
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-2016-007

Property Address: 5806 SE Cedar St., Milwaukie, OR 97222

Tax Lot Description: 12E30DA 04400

Legal Description: Lot 2, Block 4, HOLLYWOOD PARK, in the County of Clackamas and State of Oregon

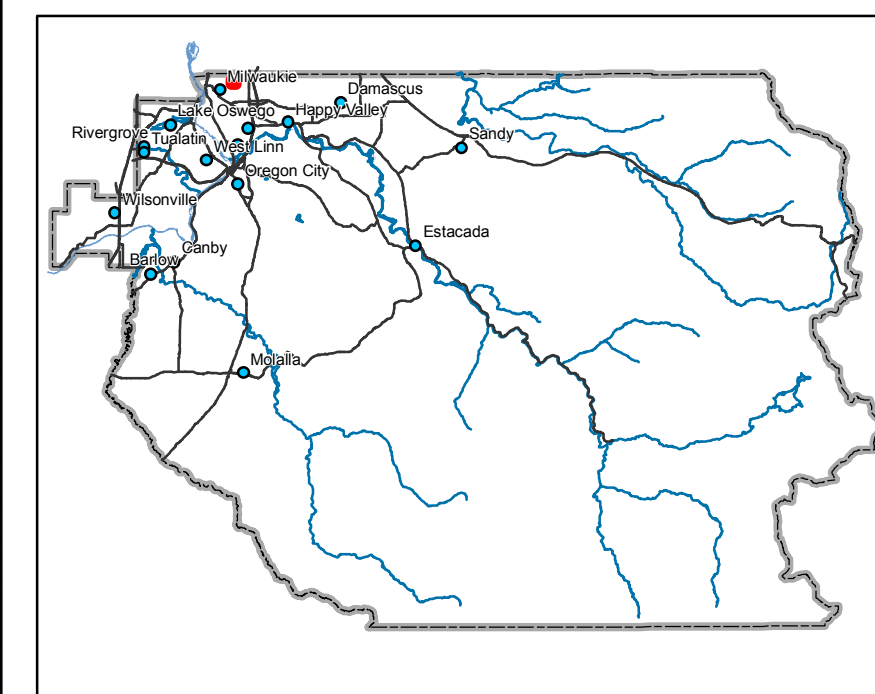
N.E. 1/4 S.E. 1/4 SEC. 30 T. 1S. R. 2E. W.M.  
CLACKAMAS COUNTY  
1" = 100'

D. L. C.  
HECTOR CAMPBELL NO. 41

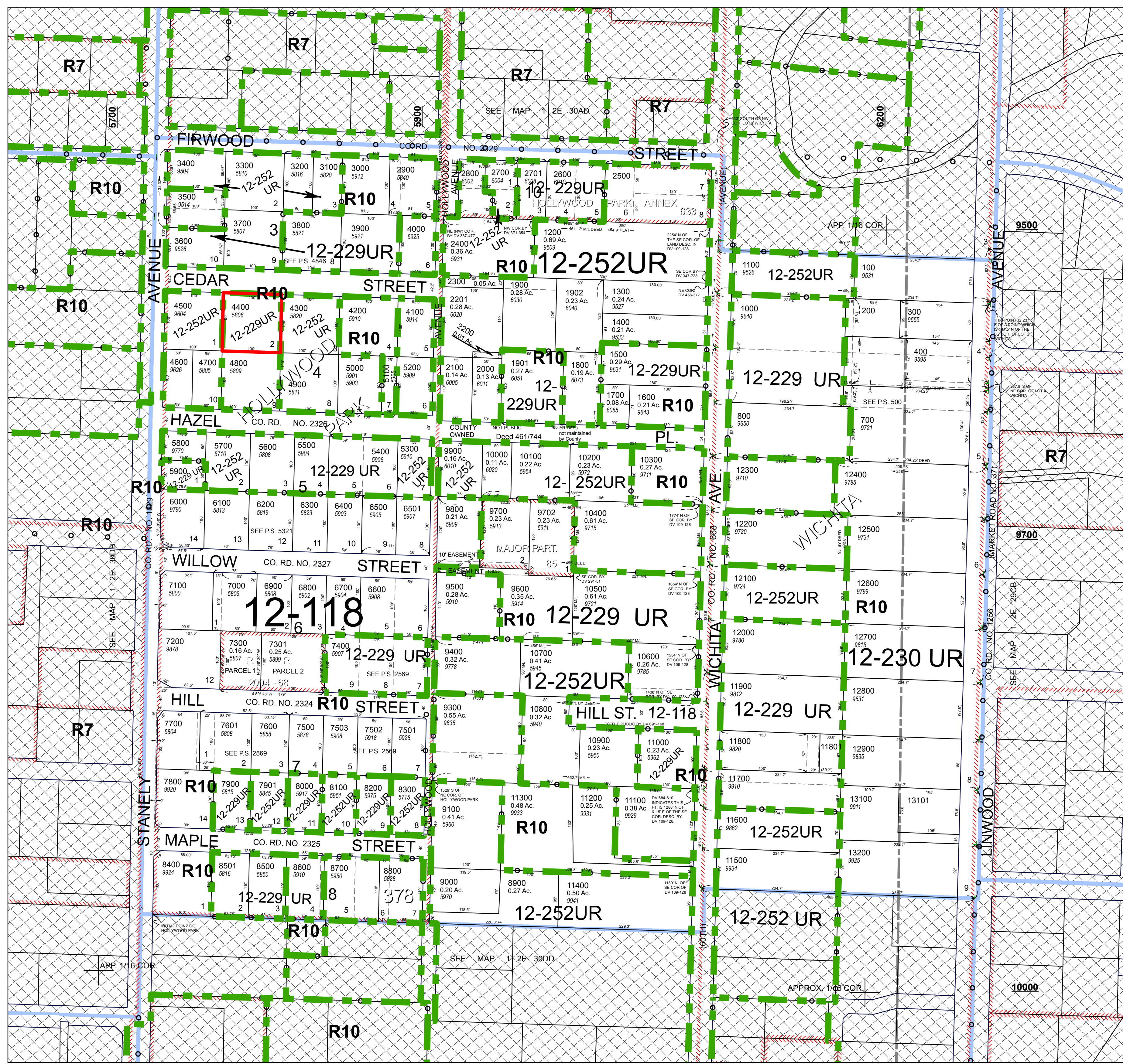
Cancelled Taxlots

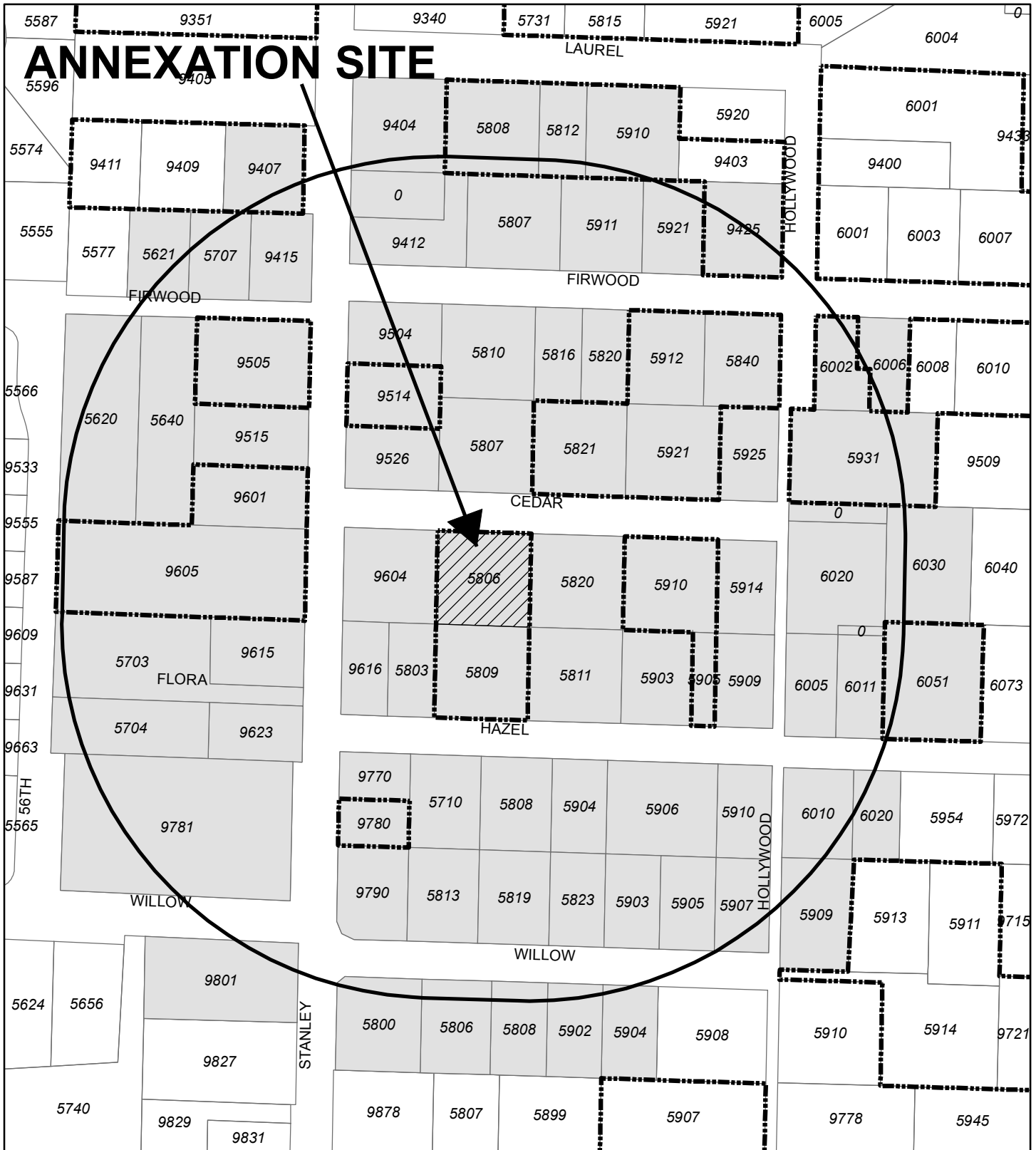
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- 7801
- 8401
- 9200
- 9701
- 13000

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'







THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

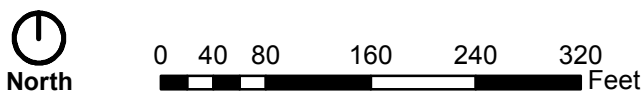




**Site Map**  
**5806 SE Cedar St**  
**(12E30DA04400 )**  
**File# A-2016-007**

**Legend**

-  A-2016-007 site
-  400-ft public notice boundary
-  Properties receiving notice
-  City Limit



**RS68**



PLANNING DEPARTMENT  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206

PHONE: 503-786-7630  
FAX: 503-774-8236  
E-MAIL: [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov)  
WEB: [www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

# Expedited Annexation Application

File #: A-2016-007

**RESPONSIBLE PARTIES:**

APPLICANT (owner or other eligible applicant): <u>George Donnerberg</u>	
Mailing address: <u>17809 NE Marine Dr A13 Portland OR</u>	Zip: <u>97230</u>
Phone(s): <u>503 407-7108</u>	E-mail: <u>george@donnerberg.com</u>
APPLICANT'S REPRESENTATIVE (if different than above):	
Mailing address:	Zip:
Phone(s):	E-mail:

**SITE INFORMATION:**

Address(es): <u>5806 SE Cedar</u>	Map & Tax Lot(s): <u>1-2E-30DA 04400</u>	Property size: <u>10,000 sq</u>
Existing County zoning: <u>R-10</u>	Proposed City zoning:	
Existing County land use designation:	Proposed City land use designation:	

**PROPOSAL (describe briefly):**

<u>Annex To allow sewer connection</u>
--

**LIST OF ALL CURRENT UTILITY PROVIDERS:**

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone:	<input type="checkbox"/> Comcast	<input type="checkbox"/> CenturyLink (formerly Qwest)
Energy:	<input checked="" type="checkbox"/> PGE	<input checked="" type="checkbox"/> NW Natural Gas
Garbage hauler:	<input checked="" type="checkbox"/> Waste Management	<input type="checkbox"/> Mel Deines
	<input type="checkbox"/> Wichita Sanitary	<input type="checkbox"/> Oak Grove Disposal
<input type="checkbox"/> Hoodview Disposal and Recycling <input type="checkbox"/> Clackamas Garbage		
<input type="checkbox"/> Other (please list):		

**SIGNATURE:**

**ATTEST:** I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: George Donnerberg Date: 10-18-16

CONTINUED ON REVERSE

**THIS SECTION FOR OFFICE USE ONLY:**

File #:	Fee: \$	Receipt #:	Rcd. by:	Date stamp:
<b>Associated application file #'s:</b>				
<b>Neighborhood District Association(s):</b>				
<b>Notes</b> (include discount if any):				

## CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E30DA) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name DJ Storm  
Title GIS Cartographer 2  
Department Assessment & Tax  
County of Clatsop  
Date 10-18-16



LOT 2, BLOCK 4, HOLLYWOOD PARK, in the County of Clackamas and State of Oregon



12/13



RECORDED IN CLACKAMAS COUNTY  
ARDIS STEVENSON, COUNTY CLERK  
2002-067974  
\$26.00  
8832468428820867974001001  
07/23/2002 03:02:34 PM  
D-D Cnt=1 Stn=3 MIKE  
\$5.00 \$11.00 \$10.00

After recording return to:  
George W Donnerberg  
5806 SE Cedar Street  
Milwaukie, OR 97222

Until a change is requested all tax statements shall be sent to the following address:  
George W Donnerberg  
5806 SE Cedar Street  
Milwaukie, OR 97222

Escrow No. 02140817  
Title No. 963156

STATUTORY WARRANTY DEED

Jasper Hickey and Dorothy Hickey (also known as K.D. Hickey), Grantor, conveys and warrants to George W Donnerberg and Linda A Donnerberg, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Lot 2, Block 4, Hollywood Park, in the County of Clackamas and State of Oregon

This property is free of liens and encumbrances, EXCEPT:  
2002/2003 property taxes- a lien not yet due and payable, Easements, Covenants, Conditions and Restrictions of record, if any.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

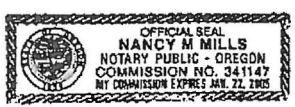
The true consideration for this conveyance is \$105,500.00 (Here comply with the requirements of ORS 93.130)

Dated this 22 day of July, 2002.

Jasper Hickey Dorothy Hickey  
Jasper Hickey Dorothy Hickey

STATE OF OREGON } ss.  
County of Deschutes

This instrument was acknowledged before me on this 22 day of July, 2002 by Jasper Hickey and Dorothy Hickey



Nancy M. Mills  
Notary Public for Oregon

My commission expires: 1-22-2005

Notarized by First American Title Insurance Company of Oregon No. 963156 SS

12E30DA 04400 00080968



**CERTIFICATION OF PROPERTY OWNERSHIP OF  
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners<sup>1</sup> (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

Name DS Storm  
Title GIS Cartographer Z  
Department Assessment & TAX  
County of Clatsop  
Date 10-18-2016



<sup>1</sup> Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

**EXPEDITED ANNEXATION  
PETITION OF OWNERS OF 100% OF LAND AREA  
AND PETITION OF AT LEAST 50% OF REGISTERED VOTERS**

**TO:** The Council of the City of Milwaukie, Oregon

**RE:** Petition for Annexation to the City of Milwaukie, Oregon

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

The territory to be annexed is described as follows:

*(Insert legal description below OR attach it as Exhibit "A")*

Lot 2, Block 4, Hollywood Park

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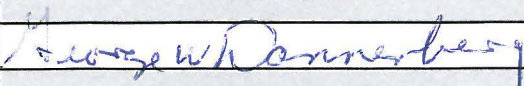
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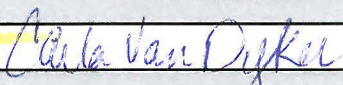
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## PETITION SIGNERS

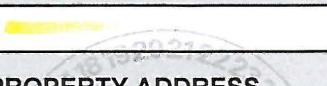

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

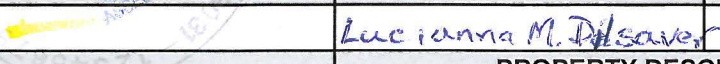

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	George W. Donnerberg	<input checked="" type="checkbox"/>			10-18-16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5806 SE Cedar ST	1S	2E	30DA	4400	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Linda Donnerberg	<input checked="" type="checkbox"/>			10-18-16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5806 SE Cedar ST	1S	2E	30DA	4400	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Carla R Van Dyken		<input checked="" type="checkbox"/>		10/18/16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5806 SE Cedar ST	1S	2E	30DA	4400	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Dennis G Van Dyken		<input checked="" type="checkbox"/>		10-17-16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5806 SE Cedar ST	1S	2E	30DA	4400	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Colin C Owens				
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5806 SE Cedar ST	1S	2E	30DA	4400	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Luciana M. Dilsover				
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5806 SE Cedar ST	1S	2E	30DA	4400	

\*PO = Property Owner    RV = Registered Voter    OV = Owner and Registered Voter

## CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.

Name Rebekah Stoll  
Title Deputy Clerk  
Department Clackamas County Elections  
County of Clackamas  
Date 10/19/2016



**NOTICE LIST**

(This form is NOT the petition)

**LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.**

	Name of Owner/Voter	Mailing Street Address	Property Address
		Mailing City/State/Zip	Property Description (township, range, ¼ section, and tax lot)
1	George Donnerberg	17809 NE Marine Dr A 13	1-2E-30DA 4400
		Portland OR 97230	5806 SE Cedar ST
2	Linda Donnerberg	17809 NE Marine Dr A13	1-2E-30DA 4400
		Portland OR 97230	5806 SE Cedar ST
3	Carla R. VanDyken	5806 SE Cedar ST	1-2E-30DA 4400
		Milwaukie OR 97222	5806 SE Cedar ST
4	Dennis G Van Dyken	5806 SE Cedar ST	1-2E-30DA 4400
		Milwaukie OR 97222	5806 SE Cedar ST
5	Colin C Christopher	5806 SE Cedar ST	1-2E-30DA 4400
		Milwaukie OR 97222	5806 SE Cedar ST
6	Lucianna M Dalsaver	5806 SE Cedar ST	1-2E-30DA 4400
		Milwaukie OR <sup>97222</sup>	5806 SE Cedar ST
7			
8			
9			
10			

Name of Owner/Voter	Mailing Street Address	Property Address
	Mailing City/State/Zip	Property Description <small>(township, range, ¼ section, and tax lot)</small>
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		

Voter List

Print Screen Help

Voter List for Address Range

Voter ID	Name	Address
16823577	VAN DYKEN, CARLA RACHELLE	5806 SE CEDAR ST, MILWAUKIE OR 97222
100769385	VAN DYKEN, DENNIS GORDON	5806 SE CEDAR ST, MILWAUKIE OR 97222
100501431	OWENS, COLIN CHRISTOPHER	5806 SE CEDAR ST, MILWAUKIE OR 97222
17642202	DILSAVER, LUCIANNA M	5806 SE CEDAR ST, MILWAUKIE OR 97222

View Summary | Select Voter

Close

# CONFIDENTIAL

## Census Form

Date 10-18-16

Use one form per housing unit

CITY OF MILWAUKIE, OREGON

ADDRESS 5806 SE Cedar ST

### HOUSING TYPE:

- Single Unit Structure   
Multiple Unit Structure   
Trailer or Mobile Home

### TENURE:

- Owner Occupied   
Renter Occupied   
Vacant   
Seasonal

### RESIDENTS:

Last Name

First Name

Respondent \_\_\_\_\_

2) ~~Carla R VanDyken~~ Carla  
3) VanDyken Dennis  
4) Owens Colin  
5) Dilsaver Lucianna  
6) \_\_\_\_\_  
7) \_\_\_\_\_  
8) \_\_\_\_\_  
9) \_\_\_\_\_  
10) \_\_\_\_\_

POPULATION RESEARCH CENTER

PORTLAND STATE  
UNIVERSITY

(503) 725-3922



**AFTER RECORDING RETURN TO:**  
**Planning Director**  
**City of Milwaukie**  
**6101 SE Johnson Creek Blvd.**  
**Milwaukie, OR 97206**

*This Space For County Recording Use Only*

<p><b><u>FOR OFFICE USE ONLY</u></b></p> <p>Annexation File No. _____</p> <p>Date Received _____</p>
--

**CITY OF MILWAUKIE**  
**CONSENT TO ANNEXATION &**  
**AGREEMENT NOT TO CONTEST ANNEXATION**

---

In consideration for the City of Milwaukie for the property described below:

All owners of the property listed below, and their successors and assigns, consent to annex the following described real property into the City of Milwaukie by preparing and signing all relevant annexation documents that the City of Milwaukie desires, including but not limited to a "Petition" for annexation and/or a "Covenant of Waiver of Rights and Remedies," so that the following described real property located in Clackamas County, Oregon, and within the Urban Growth Management Area of the City of Milwaukie, can be annexed into the City of Milwaukie.

All owners of the property listed below further agree that they, their successors and assigns, will not oppose, in any manner, requests or attempts to annex the following described real property into the City of Milwaukie:

**PROPERTY DESCRIPTION**

Street Address: 5806 SE Cedar St  
City: Milwaukie State: OR Zip Code: 97222  
Tax Map ID: Township 1S Range 2E Section 30DA Tax Lot(s) 04400

\*\*\*\*\*

I/WE, THE UNDERSIGNED PROPERTY OWNER(S), AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THIS DOCUMENT AND ASSOCIATED SUBMISSIONS IS TRUE AND CORRECT.

Property Owner George W Donnerberg Date: 10-20-16  
Signature  
George W Donnerberg  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

**Each property owner's signature must be notarized. Submit additional sheets as necessary.**

STATE OF OREGON )  
 ) ss.

Personally appeared the above named George W. Donnerberg  
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this  
20<sup>th</sup> day of October, 2016.



Joyce B Stahly  
Notary Public of Oregon  
My Commission Expires: Sept 25, 2020

STATE OF OREGON )  
 ) ss.

Personally appeared the above named \_\_\_\_\_  
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON )  
 ) ss.

Personally appeared the above named \_\_\_\_\_  
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon  
My Commission Expires: \_\_\_\_\_



# Transaction Receipt

Record Number: 601-16-000085-PLNG

Receipt Number: 11805

MILWAUKIE  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206  
Phone: 503-786-7613

www.milwaukieoregon.gov

building@milwaukieoregon.gov

Address: 5806 SE CEDAR ST, MILWAUKIE, OR 97222  
Parcel Number: 12E30DA04400

Receipt Date: 10/20/16

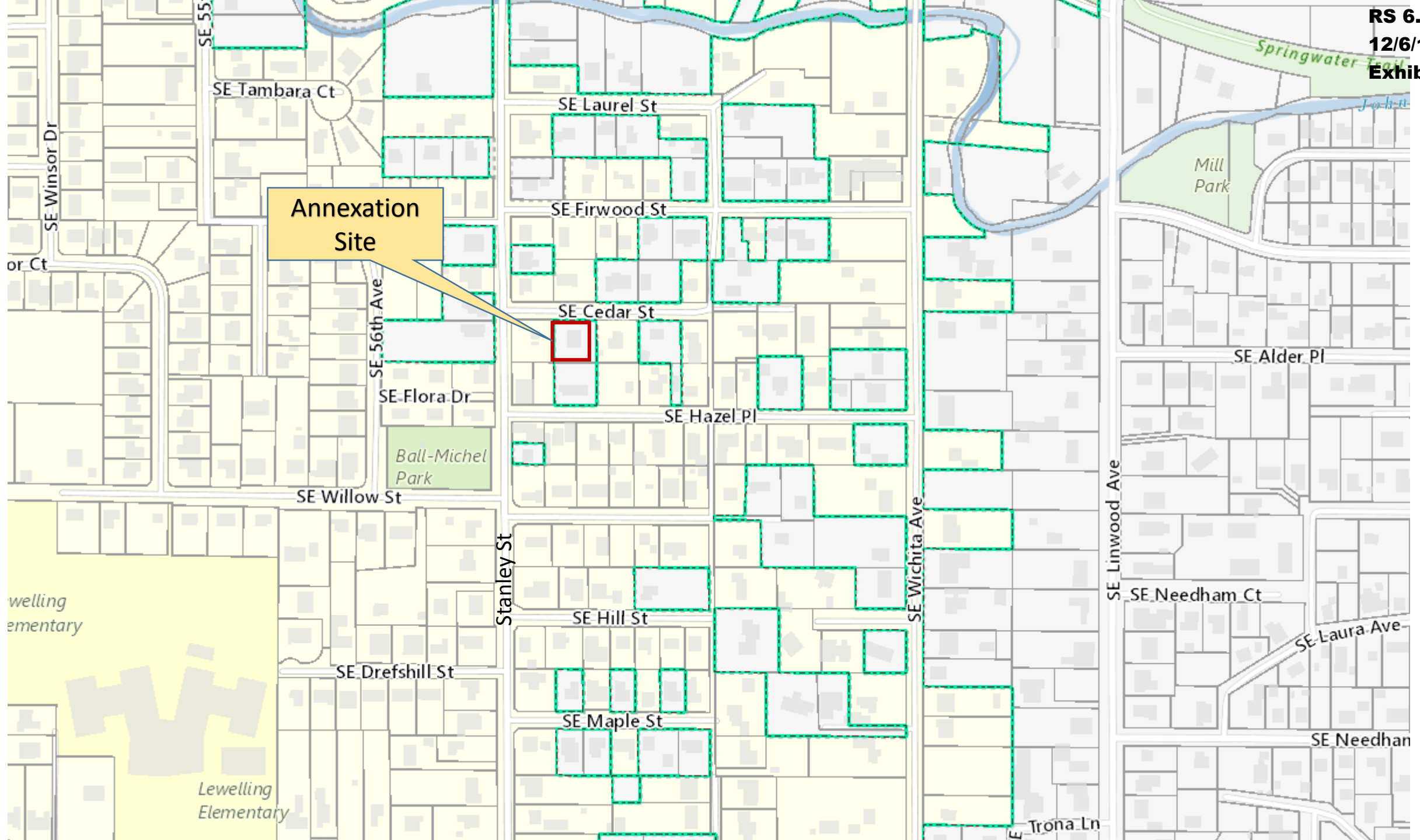
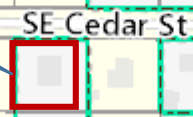
## Fee Items Paid

DESCRIPTION	ACCOUNT CODE	AMOUNT PAID
Annexation Expedited	110-000-4480-0000	\$150.00
		<b>\$150.00</b>

## Payment Summary

PAYMENT METHOD	PAYER	COMMENTS	AMOUNT PAID
Check- Check Nbr: 1470	GEORGE DONNERBERG	A-2016-007 ANNEXATION	\$150.00
			<b>\$150.00</b>

Annexation  
Site





**MILWAUKIE CITY COUNCIL  
STAFF REPORT**

To: Mayor and City Council  
Through: Ann Ober, City Manager

Subject: **TriMet Bus Line 152 Potential Rerouting**

From: Denny Egner, Planning Director

Date: December 6, 2016

**ACTION REQUESTED**

Hear from TriMet and interested parties regarding the potential rerouting of Bus Line 152 and provide comments to TriMet regarding the proposal.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

On November 15, 2016, planning staff provided a brief update regarding TriMet's proposal to reroute the Line 152 bus. Council expressed concern about the elimination of service to the Milwaukie Center and requested that TriMet officials be invited to the December 6 Council meeting.

In April of 2015, TriMet staff attended a Council meeting to discuss the proposed SE Service Enhancement Plan. In response, the City of Milwaukie recommended that TriMet develop plans to increase service to businesses along International Way. The current proposal by TriMet implements that concept.

**BACKGROUND/DISCUSSION**

TriMet has requested that the City of Milwaukie provide comments on the proposed rerouting of Line 152 by December 15, 2016. Line 152 connects downtown Milwaukie with the Clackamas Town Center and currently serves Milwaukie Market Place, International Way, the Milwaukie Center, Alder Creek Middle School, and residences and businesses along SE Lake and SE 82nd Ave. The current proposal is to increase frequency and efficiency by rerouting Line 152 on Harmony to better serve Clackamas Community College and the businesses along International Way. The rerouting would eliminate a stop at the Milwaukie Center and stops within the Milwaukie Market Place. The new routing is expected to effectively allow a doubling of service frequency so that buses run about every 40 minutes during the midday and about every 30 minutes during the peak service hours. A map of the proposed route is attached.

Planning staff has been in contact with TriMet Planner Vanessa Vissar and TriMet Outreach Services Coordinator Clay Thompson. Both have stated that they are available to attend the Council meeting on December 6. In addition, Marty Hanley, the Milwaukie Center Supervisor, has agreed to attend the meeting. We are still in the process of reaching out to the North Clackamas Parks and Recreation Department. Recently, TriMet staff had an informational meeting with Milwaukie Center staff and representatives from Deerfield Village and Ride Connection regarding the proposed service change.

Line 152 buses currently run from about 6 AM to 6 PM with 12 buses eastbound and 15 buses westbound each weekday. Service to the Milwaukie Center is limited to midday with only eight stops per day (four in each direction). TriMet staff members have noted that based on average ridership data, only one person per day uses Line 152 to access the Milwaukie Center. Low ridership to the Milwaukie Center is a reason TriMet is considering elimination of this stop. In

addition, the rerouting will allow TriMet to significantly increase frequency and speed along the new line thereby allowing for more efficient overall service.

At the November 15<sup>th</sup> Council meeting, a question was raised about seasonal changes in ridership. TriMet staff report that overall bus ridership along Line 152 is slightly lower in the summer than at other times during the year. TriMet staff will be able to provide additional ridership data at the Council meeting.

According to TriMet staff, they are currently in the first stage of their review process for a package of six line changes including the changes to Line 152. The initial comments will be collected through December. Following adjustments, a second round of comments will be collected through February. TriMet will then hold open houses and hearings on the changes. The TriMet Board is expected to make a final decision on the line changes in April or May.

Prior to the November 15, 2016 Council meeting, Kristen Messing of Providence Milwaukie Hospital sent an email to Mayor Gamba and Councilor Parks stressing the need to maintain service to the Milwaukie Center. That email was distributed to the full Council electronically and is included as an attachment to this report.

### **CONCURRENCE**

The Community Development Director reviewed this report. No other departments reviewed the draft report prior to it being issued.

### **FISCAL IMPACTS**

There are no known fiscal impacts to the City.

### **WORK LOAD IMPACTS**

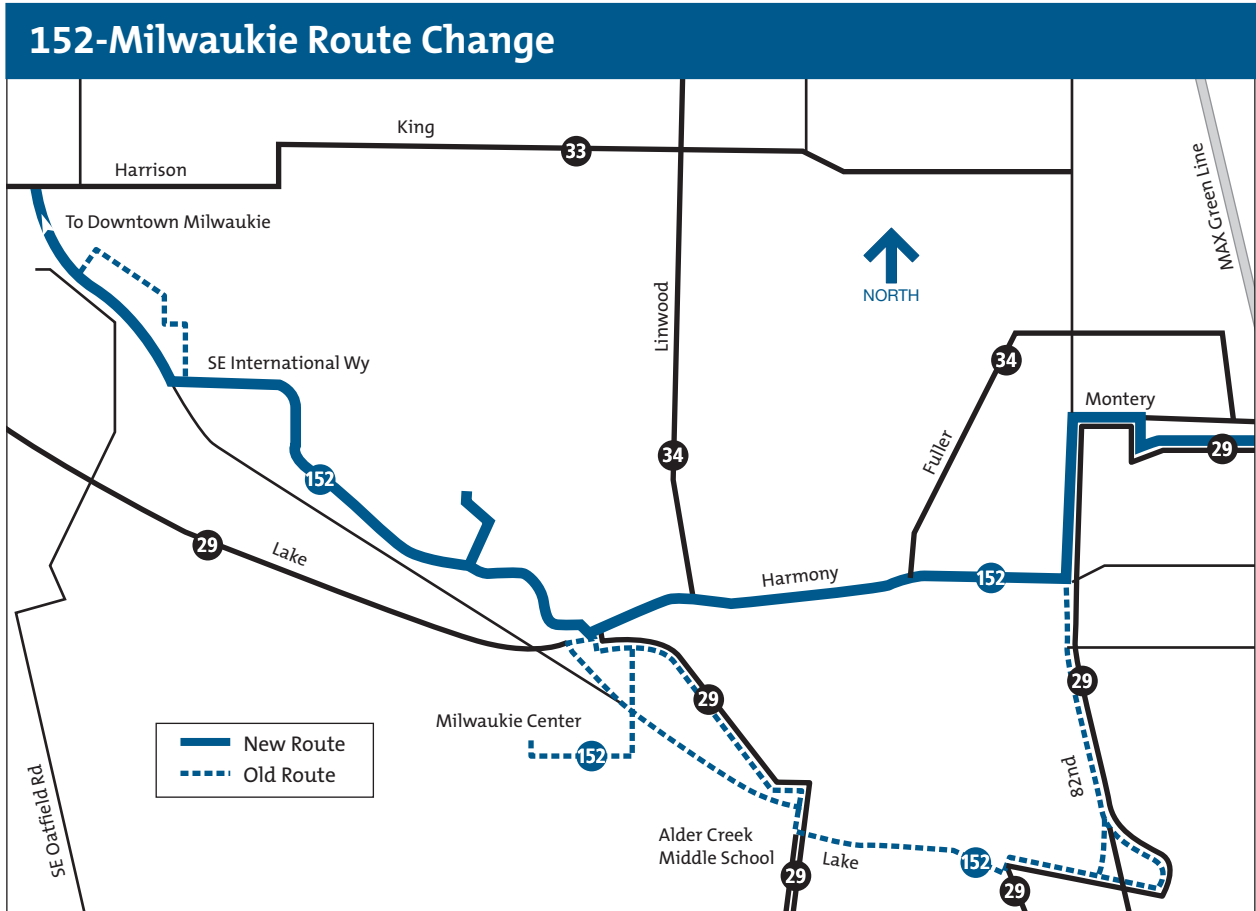
There are no significant workload impacts associated with making a recommendation to TriMet.

### **ALTERNATIVES**

At the time this report was prepared, no alternative approaches had been explored with TriMet staff.

### **Attachments:**

- A. Draft map of potential changes to Line 152
- B. Email from Kristen Messing





**Kirstin Messing Email**

**From:** Messing, Kristin [Kristin.Messing@providence.org]

**Sent:** Tuesday, November 15, 2016 9:25 AM

**To:** Gamba, Mark; Parks, Wilda

**Subject:** TriMet #152

Hello – I am writing to you as the manager of rehab therapy services at Providence Milwaukie Hospital, and as a member of the Community Advisory Board of the Milwaukie Center. I would like to advocate for continued bus service along the Kellogg Creek route, with a stop at the Milwaukie Center.

In healthcare, we are moving away from a viewpoint of just “treating injuries” and are moving more towards prevention and integration of people into community programs. Just this year, a large CDC (Medicare) study came out about the connection between the use of community exercise programs and fall prevention in the elderly. Therapists and doctors are now sending patients back into the community to engage in exercise programs like Tai Chi, etc.

Continuing the bus route that stops at the Milwaukie Center will assist our elderly community members in maintaining healthy lifestyles and prevention falls. I hope you consider this request.

Thank you – Kristin Messing  
Manager, Rehabilitation Services  
Providence Milwaukie Hospital

**Stauffer, Scott**

---

**From:** Luke Norman <luke.norman@clackamas.edu>  
**Sent:** Monday, December 05, 2016 3:19 PM  
**To:** Milwaukie OCR  
**Cc:** Egner, Dennis; John Ginsburg  
**Subject:** CCC Support for Line 152 Route Change - 12/6 Council Agenda Item  
**Attachments:** CCC Support for Line 152 Route Change.pdf

Office of the City Recorder,

Attached please find Clackamas Community College's letter of support for TriMet Line 152 route change. This item will be discussed by the Milwaukie City Council during their regular session on December 6.

If you can share the letter with City Council prior to the regular session that would be greatly appreciated,

Warm regards,

Luke

**Luke Norman**  
Transportation Systems Analyst  
**Clackamas Community College**  
19600 Molalla Ave, Oregon City, OR 97045  
503-594-6706 • [luke.norman@clackamas.edu](mailto:luke.norman@clackamas.edu)



Education That Works • [www.clackamas.edu](http://www.clackamas.edu)



19600 Molalla Avenue | Oregon City, OR | 97045-7998  
503-594-6000 | [www.clackamas.edu](http://www.clackamas.edu)  
Education That Works

December 5, 2016

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

Re: CCC Support for TriMet Line 152 Route Change

To the Milwaukie City Council,

Clackamas Community College (CCC) supports the proposed route change to the Line 152 to serve our Harmony campus. TriMet plays a key role in providing student access to education as 9 percent of students use TriMet to attend classes.

The Line 152's new route would improve Milwaukie residents' access to the Harmony Community Campus by providing direct service from downtown Milwaukie to Harmony Road. Additionally, the new route would allow the 4,500 students enrolled at the CCC Harmony campus to reach employment opportunities at the Clackamas Town Center and on International Way and transfer to the MAX Green and Orange Lines.

CCC is currently expanding the CCC Harmony campus through the construction of Harmony West building, which will provide new classroom space for the Health Sciences program and community space for public and private events. The Line 152 route change would support CCC's goal to "create an accessible building and campus, encouraging and supporting community relationships."

Finally, Clackamas County is planning to improve pedestrian and bicycle safety and connections along Harmony Road through the Clackamas Regional Center Mobility Improvements project. When completed, projects including a new multi-use path and mid-block crosswalk on Harmony Road would improve access and utilization of the Line 152. Together, these pedestrian, bicycle and transit improvements will play an important role in improving access to education at CCC.

Sincerely,

A handwritten signature in black ink, appearing to be 'L. Norman', written over a long horizontal line that spans across the signature area.

Luke Norman  
Transportation Systems Analyst  
Clackamas Community College