Regular Session RS

Milwaukie City Council

CITY OF **MILWAUKIE**

COUNCIL **REGULAR SESSION**

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

2249th Meeting

AGENDA

JULY 5, 2017

1. CALL TO ORDER – 6:00 p.m. **Page #**
Pledge of Allegiance

2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

A. None Scheduled.

3. CONSENT AGENDA
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.

A. City Council Meeting Minutes: 2
1. June 6, 2017, Work Session; and
2. June 6, 2017, Regular Session.
B. City Manager Base Pay Adjustment – Authorize 9
C. Appointments to Boards and Commissions – Resolution 10
D. Vertical Housing Zoning Density (VHZD) Application – Resolution 12
E. Kellogg Creek Bridge (#22142) Emergency Replacement – Resolution 18
F. Urban County Re-Certification – Resolution 56
G. Kronberg Park Multi-Use Path – Resolution 65
H. Oregon Liquor Control Commission (OLCC) Application for Chapel Theater and The GSMP, 4107 SE Harrison Street – New Outlet 106

4. AUDIENCE PARTICIPATION
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.

5. PUBLIC HEARING
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.

A. None scheduled.

6. OTHER BUSINESS
These items will be presented individually by staff or other 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. Expedited Annexation of 9100 SE 55th Avenue – Ordinance 108
Staff: Vera Kolias, Associate Planner

6. OTHER BUSINESS (continued)

B. Solid Waste Rate Setting – Resolution **132**
Staff: Reba Crocker, Right-of-Way (ROW) and Contract Coordinator

C. Riverfront Park Bridge Project Update **147**
Staff: Charles Eaton, Engineering Director

D. Tree Board Update **155**
Staff: Mitch Nieman, Assistant to the City Manager

E. Council Goal Update: Milwaukie Bay Park **167**
Staff: Mitch Nieman, Assistant to the City Manager

F. Council Input on Legislative, Regional, and County Issues
Staff: Mitch Nieman, Assistant to the City Manager

G. Council Reports

7. INFORMATION

8. ADJOURNMENT

Americans with Disabilities Act (ADA) Notice
The City of Milwaukie is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). Milwaukie City Hall is wheelchair accessible and equipped with Assisted Listening Devices; if you require any service that furthers inclusivity please contact the Office of the City Recorder at least 48 hours prior to the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502 or 503-786-7555. Most Council meetings are streamed live on the City's website and cable-cast on Comcast Channel 30 within Milwaukie City Limits.

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.

CITY OF **MILWAUKIE**
COUNCIL **REGULAR SESSION**
City Hall Council Chambers
10722 SE Main Street
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2249th Meeting
MINUTES
JULY 5, 2017

Mayor Mark Gamba called the Council meeting to order at 6:02 p.m.

Present: Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Shane Abma

Staff:	City Manager Ann Ober	Assistant to the City Manager Mitch Nieman
	City Recorder Scott Stauffer	Community Development Director Alma Flores
	City Attorney Shelby Rihala	Human Resources Director Gary Rebello
	Police Chief Steve Bartol	Planning Director Denny Egner
	Engineering Director Charles Eaton	Right-of-Way and Contract Coordinator Reba Crocker

Press: Raymond Rendleman, *Clackamas Review*

1. CALL TO ORDER
Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS
A. None scheduled.

3. CONSENT AGENDA
It was moved by Council President Batey and seconded by Councilor Parks to approve the consent agenda.

A. City Council Meeting Minutes:
   1. June 6, 2017, Work Session; and
   2. June 6, 2017, Regular Session.
B. City Manager Base Pay Adjustment - Authorize
C. Resolution 64-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Making Appointments to City Boards and Commissions.
D. Resolution 65-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing to apply to the State of Oregon Vertical Housing Development Zone Program.
E. Resolution 66-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing staff to apply for a Business Oregon grant to fund design and construction of the Kellogg Creek Bridge (#22142) emergency replacement.
F. Resolution 67-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, to amend the intergovernmental agreement between Clackamas County Community Development Block Grant Program and the City of Milwaukie.
G. Resolution 68-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the City Manager to execute a contract for engineering services for the Robert Kronberg Multi-Use Path.
H. An Oregon Liquor Control Commission (OLCC) Application for Chapel Theater and the GSMP, 4107 SE Harrison Street – New Outlet.

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

Council President Batey asked that the Community Development Block Grant (CDBG) program be scheduled for Council discussion. **Ms. Ober** noted the item would be placed on a future Study Session agenda.

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the Audience Participation procedures and **Ms. Ober** reported that there was no follow-up report from the June 20, 2017, Audience Participation.

It was noted that Milo Denham, Pam Denham, Dave Tyler, and Gary Michael, Milwaukie residents, had yielded their speaking time to Carolyn Tomei, Milwaukie resident.

Ms. Tomei discussed the traffic accident that had occurred at 21st Avenue and Jackson Street that lead to the death of Norma Gabriel, Portland resident. She described her efforts to obtain information about the incident from the City and expressed appreciation for Council, staff, and the Milwaukie Police Department (MPD). She asked why the MPD does not issue public notices when serious accidents occur and why the MPD had stopped providing police log information to the *Clackamas Review*. She remarked on recent traffic incidents and suggested that MPD officers should always conduct blood/alcohol tests following traffic accidents. She expressed support for closing Jackson Street between 21st Avenue and Main Street to vehicle traffic except for buses. She encouraged the City to operate transparently and prosecute any driver who hits pedestrians and bicyclists.

Councilors Abma, Falconer, and **Parks** agreed that the City should operate transparently and commented on how accident information is distributed. They suggested Council would discuss vehicle traffic on Jackson Street. **Ms. Tomei** and **Councilor Parks** remarked on the possibility of other fatal accidents occurring on Jackson Street and how accident information is distributed.

Council President Batey thanked Ms. Tomei for bringing the situation to Council's attention and remarked that the City would discuss transparency and police practices.

Mayor Gamba commented on the need to record accident data and look at transparency processes, and explained why the practice of providing police log information had changed. He agreed that the City needed to look at how accident information is released and the possibility of limiting vehicle access on Jackson Street. He expressed support for encouraging the District Attorney (DA) to prosecute drivers who hit pedestrians and bicyclists.

Mr. Rendleman explained that in the past the *Review* had published police logs and that the public had found some log entries to be offensive. He discussed when and why the MPD had stopped releasing police logs. He reported that the MPD and Oregon City Police Department (OCPD) still provided incident reports with basic information. He suggested that the MPD had the ability to release reports with more information than what was currently being provided. **Councilor Falconer** commented on the feasibility of providing police logs with sensitive information removed.

Chief Bartol discussed why the MPD had changed the way it provided police log information and described how logs are made available to the *Review* and the public. He stated that the MPD was committed to being transparent and reported that the MPD does issue press releases for fatal accidents. He briefly remarked on how the MPD had handled the incident involving Ms. Gabriel.

Mayor Gamba, **Chief Bartol**, and **Council President Batey** commented on how the MPD and DA had handled the incident involving Ms. Gabriel and noted the ability of law enforcement officers to conduct blood/alcohol tests during an accident.

Chief Bartol remarked on the tragic nature of the accident involving Ms. Gabriel and suggested that the MPD had no reason to cover-up the details of the situation.

Mr. Rendleman asked to address Council again and **Mayor Gamba** noted that the topic would be discussed again at future meetings.

5. PUBLIC HEARING

A. None scheduled.

6. OTHER BUSINESS

A. Expedited Annexation of 9100 SE 55th Avenue – Ordinance

Mr. Egner reviewed the proposed annexation and explained that the property owner wished to connect to the City's sewer system. He reported that staff had no objections.

Councilor Parks and **Mr. Egner** briefly remarked on the maps in the staff report.

It was moved by Councilor Parks and seconded by Councilor Falconer to approve the first and second reading by title only and adoption of the Ordinance annexing a tract of land identified as Tax Lot 1S2E30AC 02600 and located at 9100 SE 55th Avenue into the City Limits of the City of Milwaukie. (File #A-2017-003). Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Abma and Mayor Gamba voting "aye." [5:0]

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

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

ORDINANCE 2150:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AC 02600 AND LOCATED AT 9100 SE 55th AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2017-003)

B. Solid Waste Rate Setting – Resolution

Councilor Abma declared a conflict of interest in Council's consideration of solid waste rates given the work of his employer, Metro, and would therefore not participate in the discussion or decision. It was noted that he left the dais and 6:55 p.m.

Ms. Crocker introduced Rick Winterhalter, Clackamas County Senior Sustainability Analyst, and Dean Kemper with Waste Management. She reviewed previous Council discussion regarding a food scraps program and remarked on the challenges of estimating the costs associated with such a program.

Mr. Winterhalter explained that the County had been hired to conduct an annual review of the City's solid waste franchises. He discussed the review process and reported that the system was healthy. He commented on the use of drop boxes. He noted that staff recommended a slight increase for open drop box fees and that the City initiate new waste recycling programs. He reviewed efforts to adopt food scrap programs and suggested that outreach for the program would be slow. He explained that next year there would be more program cost information for Council to consider.

Ms. Crocker remarked on the difficulties of predicting food scrap program costs. She suggested that including food scraps in yard debris would be in line with Council's goals and residents wanted to participate in the program. She recommended that Council initiate the program. She noted differences between the proposed rate schedules.

The group discussed why some fees had been reduced while labor and fuel costs had increased. **Mayor Gamba** remarked that a slight increase to the drop box fee was appropriate.

It was moved by Council President Batey and seconded by Councilor Parks to approve the Resolution adopting solid waste service rates effective August 1, 2017, specifically Rate Schedule A. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Mayor Gamba voting "aye." [4:0]

RESOLUTION 69-2017:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING SOLID WASTE SERVICE RATES EFFECTIVE AUGUST 1, 2017.

It was noted that Councilor Abma returned to dais at 7:06 pm

C. Riverfront Park Bridge Project Update
Mr. Eaton provided an update on the Riverfront Park Bridge Replacement project and explained why the Island Station Neighborhood District Association (NDA) had not been initially included in project notices. He reported that one comment had been received regarding the proposal to replace the bridge and that staff was looking for Council input on several bridge design elements.

Mayor Gamba and **Mr. Eaton** commented on the drawbacks of repairing the existing bridge and the benefits of building a new bridge. **Mr. Eaton** asked for Council input on whether the new bridge should be moved downstream from where the current bridge was located. It was Council consensus to move the new bridge downstream.

Mr. Eaton discussed streambank restoration concerns near the bridge. **Mayor Gamba** and **Mr. Eaton** remarked on the erosion issues on the south bank of Kellogg Creek and how the proposed bridge design would help secure the bank. It was Council consensus to proceed with the staff proposed plan to stabilize the streambank.

Mr. Eaton reviewed several architectural elements included in the proposed bridge replacement, including concrete form liners and staining, and rail design. He recommended that the City ask for an alternative design to the proposed standard metal guard rail. It was Council consensus to ask for an alternative to the metal guard rail.

The group discussed concrete railing window treatments and the purpose of staining concrete. **Mayor Gamba** noted his preference for the "Texas Style" window treatment. **Councilors Falconer and Abma** suggested that the concrete not be stained to save money for other elements of the bridge.

The group discussed the importance of picking a common color to paint the bridge to cover graffiti and to ensure future repainting work matches the bridge. **Mayor Gamba** and **Mr. Eaton** remarked on concerns about bridge paint run off into the creek.

Mr. Eaton confirmed that staff would follow-up with the architect for information on painting the bridge, powder coating, and metal railing alternatives. He explained that the design review process would include Clackamas County Water Environment Services (WES), the City's Park and Recreation Board (PARB), and the Planning Commission. He noted that there would be would be many opportunities for the public to comment. He suggested that construction on the new bridge could begin in September 2017. **Ms. Ober** commented on an event to encourage the removal of the Kellogg Dam and a broken pipe incident at the Kellogg Creek Water Treatment Facility.

Mayor Gamba recessed the Regular Session at 7:43pm and reconvened the Regular Session at 7:50 p.m.

D. Tree Board Update
Mr. Nieman noted previous actions related to the City's Tree Board and asked Council to discuss the Board's role. He explained the role of the Board as defined to-date and reported that the Board would hold its first meeting in July 2017. **Councilor Parks**, **Mr. Nieman**, and **Mayor Gamba** commented on how the Board had been established.

Mayor Gamba suggested that Council should prioritize the Board's duties and workplan. **Council President Batey** and **Mr. Nieman** remarked on the Board's role in working with groups like Friends of Trees.

Council President Batey suggested the Board's priority should be to develop an urban forestry management plan to meet Tree City USA requirements and to make recommendations regarding changes to the Milwaukie Municipal Code (MMC). **Mayor Gamba** concurred with Council President Batey's suggestions.

The group discussed the need for the Board to conduct educational outreach efforts and to provide input on policy questions such as street design standards. **Council President Batey** suggested that Council hold a joint Work Session with the Board.

The group discussed the role of the Board in the City's tree permitting process and the development of neighborhood streets and greenways. **Mr. Nieman** and **Ms. Ober** reviewed the process and timeline for considering a tree removal permit application, the related neighborhood noticing requirements, and what elements are considered by staff in approving permits.

Council President Batey and **Councilor Falconer** commented on the applicability of the woonerf street design for different streets. The group noted the priority given to projects identified by the Safe Access for Everyone (SAFE) program and discussed the value of the Board working on design standards that would impact SAFE street projects.

Mayor Gamba, **Mr. Eaton**, and **Ms. Ober** commented on the priority given to mature trees during development and how to ensure that Council policies and City standards protect trees. The group discussed whether additional policies were necessary to guide staff in considering tree permits. **Councilor Abma** and **Council President Batey** expressed support for staff's application of the City's policies and noted Council would have opportunities in the future to provide input on development. The group commented on the Board's ability to work through the process with staff to achieve Council's goals.

Mr. Nieman summarized that Council wanted the Board to assist staff with the tree permit process, develop an urban forestry management plan, and work on the development of tree policies and street design standards. The group discussed whether Council or the Board should prioritize the Board's workplan and the nature of how Council provides direction to City boards and commissions. It was Council consensus that the Tree Board would prioritize their workplan based on Council's input.

E. Council Goal Update: Milwaukie Bay Park

Mr. Nieman introduced Scott Archer and Kathryn Krygier with the North Clackamas Parks and Recreation District (NCPRD), and Ben Johnson, PARB member, and noted the Park elements for Council to consider. **Mr. Nieman** and **Council President Batey** reviewed the Park's development timeline as presented in the staff report, and noted that Gary Klein, Riverfront Task Force (RTF) member, was present.

Mr. Nieman discussed the status of the coastal redwood tree located in the middle of the park. He noted the community's interest in saving the tree and the original Park plan's call to remove it. **Ms. Ober** reported that NCPRD had some funding to amend the Park plan to include changes like saving the tree. **Council President Batey** recalled that the Planning Commission had approved removing the tree without objection from the public. She expressed support for saving the tree. The group discussed the feasibility of moving other Park features to save the tree and it was Council consensus to amend the Park plan to save the tree.

Mr. Nieman described the cantilevered overlook at the mouth of Kellogg Creek and the group noted the Park project cost savings with the inclusion of a pedestrian walkway that was part of the bridge replacement project. **Council President Batey** remarked on the possibility of developing the overlook area. **Mr. Nieman** summarized that Council wanted staff to explore development options for the overlook.

Mr. Nieman explained that the Park plan called for a moorage dock for nonmotorized boats with access from the overlook. He reported that the docks had not been approved by the U.S. Army Corps of Engineers in the Park plan permit process. **Ms. Ober** commented that the docks could increase water access and **Mayor Gamba** suggested it was okay to not pursue the docks with the understanding that staff would look at other ways to increase water access for nonmotorized boats.

Mr. Nieman and **Councilor Abma** noted that the pedestrian bridge could be removed from the Park plan since it would be part of the bridge replacement project.

Mr. Nieman asked for input on prioritizing trail linkages around the water treatment facility. **Council President Batey**, **Mayor Gamba**, and **Councilor Falconer** commented on the desire to link the trail with the Park. **Mr. Nieman** noted staff would bring more trail proposals to Council.

Mr. Nieman described the amphitheater called for in the Park plan and discussed the prominence of such a space as seen from Hwy 99E. The group discussed issues related to an amphitheater such as noise control and the need for a sound barrier, repurposing the space for non-event uses, and staff time required to manage such a space. They noted the potential impacts of an amphitheater on views of the river. **Council President Batey** and **Mr. Nieman** noted the years of community engagement that went into the 2006 design proposal that included an amphitheater.

Mr. Archer commented on NCPRD's interest in working with the City to complete the Park and help provide Park programming.

Ms. Ober noted that staff was halfway through the presentation and that the topic would be brought back at future meetings. She asked if Council wanted to continue the current discussion. **Mayor Gamba** and **Council President Batey** suggested Mr. Klein be allowed to speak and then Council could assess how much more to discuss.

Mr. Klein expressed support for renaming the Park to Milwaukie Bay Park and reviewed his involvement in the Park's development. He noted that the RTF had voted to go on hiatus and that he was the only member who had not resigned. He expressed frustration that he had lost an outlet to help with the project and noted his interest in serving in some capacity to help finish the Park. **Ms. Ober** noted that the PARB had taken oversight of the project and suggested that Mr. Klein apply for the current PARB vacancy. The group discussed adding positions to the PARB and staff expressed a willingness to meet with Mr. Klein regarding his role in the Park's development.

Council President Batey asked Mr. Klein if he had any additional information to share regarding the Park elements. **Mr. Klein** commented on the pushback staff had received over the plan to remove the redwood tree. **Ms. Ober** remarked on why Council had now been asked to weigh-in on the tree.

The group discussed the involvement of the RTF in the Park's development and how to involve Mr. Klein in the Park's development going forward.

Ms. Ober noted it was 9:46 p.m. and **Mayor Gamba** asked staff to focus on any remaining issues Council need to consider at this meeting.

Mr. Nieman noted that the Park plan included a waterfall feature and that NCPRD had concerns about how water features were often misused. He asked if Council wanted to keep the waterfall or replace it with a different water feature. **Ms. Ober** commented on safety and cost concerns related to splash pads for children. **Council President Batey** and **Mayor Gamba** expressed interest in exploring a water feature at the Park. It was Council consensus to direct staff to look at water feature options.

Mr. Nieman reported that the Park plan had called for a playground area and suggested that Council may want to reconsider that feature given the Park's proximity to other playgrounds. **Councilor Falconer** and **Mayor Gamba** remarked that the Park needed a playground and expressed support for a nature play area over a playground structure. **Council President Batey** noted that the presence of other playgrounds near the Park had been known when the Park plan had been originally adopted.

At 9:59 p.m. it was moved by Councilor Falconer and seconded by Council President Batey to extend the meeting to 10:15 p.m. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Abma and Mayor Gamba voting "aye." [5:0]

The group remarked on the impact of Park elements on the view of the from Hwy 99E. **Mr. Nieman** commented on the status of the geese mitigation work on the lawn area.

Mr. Nieman reported that the permit for in-water work at the Park would expire in 2020. The group discussed what work could be done and what hardscape elements could be rearranged under the current permit.

Mr. Nieman suggested that the City would need to consider parking at the Park. He discussed potential funding sources to complete the Park, including system development charges (SDCs), bonding, and an increase in NCPRD funding. The group discussed the last capital campaign effort for the Park and the possibility of promoting Park elements as naming opportunities.

Mr. Nieman summarized that staff would work on refining Park elements based on Council's feedback and would research funding options. **Mayor Gamba** asked staff to prepare projected SDC numbers based on pending development. **Mr. Archer** noted that NCPRD could provide SDC projections and expressed NCPRD's interest in helping refine the Park's plan and find funding sources to finish the Park.

Council President Batey commented that she would like to see the historic marker in the Park, dedicated to a Catholic priest who worked in the area in the 19th century, removed. **Councilor Falconer** expressed support for removal of the marker and **Mr. Nieman** remarked on the high likelihood that the marker would be removed.

Ms. Krygier thanked Council for making the Park a priority and commented on the next steps in refining the Park plan.

At 10:15 p.m. it was moved by Councilor Falconer and seconded by Councilor Abma to extend the meeting to 10:20 p.m. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Abma and Mayor Gamba voting "aye." [5:0]

F. Council Input on Legislative, Regional, and County Issues

Mr. Nieman noted that the State Legislature was expected to end it's 2017 session soon and the group discussed the recently approved State Transportation Funding bill. **Mr. Nieman** provided a brief update on the Legislature's 2017 Session and reviewed State Representative Karin Power's legislative agenda for the 2018 session.

Mayor Gamba noted his participation in a press conference regarding House Bill 2004 (HB2004). **Councilor Parks** and **Mayor Gamba** commented on the status of HB2004.

Ms. Ober reported that the State's solar tax credit had not been renewed. She suggested that the loss of the tax credit would create a sense of urgency for Milwaukie residents who wished to participate in the City's solarize campaign.

G. Council Reports

Mayor Gamba announced upcoming events including a Milwaukie Center BBQ, the July First Friday, and the Annual 9K for K9 run and walk. He also noted the ongoing Scott Park concert series and an event to encourage the removal of Kellogg Dam.

7. INFORMATION

8. ADJOURNMENT

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

Mayor Gamba moved to adjourn the regular session at 10:20 p.m.

Respectfully submitted,

Scott S. Stauffer, City Recorder

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Stauffer, Scott

From: Bryan Dorr <bryan.dorr@bjdorr.com>
Sent: Wednesday, July 05, 2017 7:30 AM
To: Milwaukie OCR
Subject: City Council Public Comment: Restrict Traffic on Transit Area SE Jackson St.

Dear Milwaukie City Council,

In light of the tragic incident involving Norma Gabriel in May 2017, I fully support the idea to restrict vehicle traffic or "No Thru Traffic" on SE Jackson St. between SE Main St. and SE 21st St. in downtown Milwaukie to transit vehicles only, except for vehicles accessing Milwaukie City Hall staff parking lot and the Dark Horse Comics delivery dock. The transit area is a high-pedestrian use area and pedestrian safety is a priority.

Thank you,

Bryan J. Dorr
2755 SE Olsen St.
Milwaukie, Oregon 97222
503.866.4805
bryan.dorr@bjdorr.com

Stauffer, Scott

From: rrendleman@pamplinmedia.com
Sent: Friday, July 07, 2017 4:08 PM
To: Bartol, Steve
Cc: cst11907@gmail.com; Milwaukie OCR; Gamba, Mark; Parks, Wilda; Abma, Shane; Batey, Lisa; Falconer, Angel
Subject: Fwd: Public Log
Attachments: recv0847.pdf; ATT00001.htm

Dear Chief Bartol,

You said you were going to call me yesterday to follow up on our conversation during the July 5 City Council meeting. I didn't receive your call but I understand you're also busy, and I thought email might be better to get everyone on the same page.

Here's a link to a news report of what happened at the City Council meeting: http://pamplinmediagroup.com/cr/24-news/365603-246889-milwaukie-city-councilors-apologize-over-norma-gabriel-case

You suggested (on tape during the July 5 City Council meeting) that I was so lazy that I was not willing to leave my desk to get copies of police reports. The opposite is true. I picked up the police reports from MPD on a weekly or bi-weekly basis for years. When MPD decided to stop releasing these reports, I made several efforts to continue regular reporting of MPD cases (see email stream below). As you will see in the emails between me and the police department, I was never offered the ability to stop by the police department to review "public desk logs."

However, I have discussed our conversation and the other July 5 discussions at City Hall with my publisher, Angela Fox. We're willing to restart the "Police Logs" column, but we believe that MPD should make copies available (at least to pick up from the station and return). We are willing to provide copy paper for the department so MPD doesn't have to pay for paper. This would save you from having to provide me with someplace at the station for looking at logs. You said you were going to talk with the MPD records clerk yesterday. Would you please let me know what might be possible, based on your conversation with her?

During the City Council meeting, you also chose to criticize the newspaper article's use of the term "reconstruct" in the sentence talking about police actions after Norma died in the hospital. When I used the term "reconstruct" in the article, I was not referring to a CRAFT major-crimes team reconstruction, and based on your comments, I believe that was your understanding of the term "reconstruct." The newspaper stands behind using the term "reconstruct" to refer to the drawing of the scene that police officers created after Norma's death in the attached police report, originally obtained by Carolyn Tomei.

Milwaukie was in the habit of sending out press releases regarding pedestrian-auto injury crashes, as is done by CCSO and OSP. What probable cause did the police department have on Ramon Avila-Perez? Many citizens in the community are wondering why Milwaukie PD declined to run a toxicology test on Jason Fletcher, when the police department did so in this case: http://pamplinmediagroup.com/cr/24-news/242066-109306-milwaukie-crash-victim-faces-more-surgeries

I wanted to correct something else you said at the meeting, that other agencies don't provide detailed police logs (other departments provide logs that aren't published online; the Clackamas Review didn't publish its police-logs column online):
http://pamplinmedia.com/go/42-news/365458-245946-fairview-police-log
http://pamplinmedia.com/lor/48-news/365355-245577-police-log

We were hoping that MPD would issue more press releases after suppressing the police logs, but the department has instead released fewer reports. Since MPD decided to stop giving me copies of the 911 logs, the department has issued three press releases that I have received in the past seven months. Two of the press releases were regarding missing persons, and the other was regarding MPD searching for a man who exposed himself.

I would appreciate it if you would give another presentation at the July 18 meeting correcting your misstatements for the Milwaukie TV-viewing audience. Here is the correct information as I understand it: 1. Other agencies provide detailed police logs, but Milwaukie chose not to because it didn't want its record clerk to spend 15 minutes a day and didn't trust the press to sensitively report on potentially offensive incidents; 2. MPD never offered to give the local newspaper access to "public desk logs;" 3. The local news editor has always been willing to stop by the police station for reports; 4. MPD did not intend to criticize the newspaper's use of the term "reconstruct" but merely wanted to clarify that the major-crimes team was not involved in the case and that the department didn't merely reopen the case because of Norma's death. 5. MPD did not intend to blame the local newspaper for not reporting Norma's death in a timely fashion.

I'm copying Carolyn Tomei so that she can forward these corrections to the other friends of Norma who were at the City Council meeting. I request that you give another presentation about Norma's case and the dissemination of police logs so that the Milwaukie TV-viewing audience is similarly informed. I requested that Mayor Gamba allow me to speak after you gave your presentation, but he decided to end the public discussion about Norma's case that had already exceeded 45 minutes.

Thanks for your attention to these issues, and I look forward to continuing our good working relationship.

Raymond Rendleman
News Editor
Clackamas Review/Oregon City News
971-204-7742
* Please note new phone number

MILWAUKIE CITY COUNCIL
Office of the City Recorder

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

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: Carolyn Tomei

Organization:

Address: 11907 SE 19
Phone: 503-659-9116
Email: cst 11907 @ gmail

Meeting Date: 1-5-17 **Topic:** Traffic safety

Agenda Item You Wish to Speak to:

- [x] #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:

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Name: Raymond Kendleman

Address:

Phone:

Email:

Organization:

Meeting Date: 7/5/17 **Topic:** _____

Agenda Item You Wish to Speak to:

- [x] #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:

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Name: DAVE TYLER (Dave Tyler)

Organization:

Address: 11915 SE 19th Ave

Phone: 503 432 7435

Email: dsailortyler@gmail.com

Meeting Date: 7-5-17 **Topic:** TRAFFIC SAFETY

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:

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Name: Gary Michael

Organization:

Address: 11907 SE 19th

Phone:

Email:

Meeting Date: 2-5-17 **Topic:** Traffic safety

Agenda Item You Wish to Speak to:

- [x] #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:

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Name: Pam Denham

Address: 12106 SE 19th Ave Milwaukie

Organization:

Phone:

Email:

Meeting Date: 7-5-17 **Topic:** Traffic safety with Carolyn Tomei

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:

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Name: MILO DENHAM

Organization:

Address: 12106 SE 9th AVE
Phone: 503.702.2829
Email: milo.denham@gmail.com

Meeting Date: 2017 JULY 5 **Topic:** Traffic Safety w/ Carolyn Tomei

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:



Regular Session Agenda Item No.	3

Consent Agenda

CITY OF MILWAUKIE

COUNCIL **WORK SESSION**

City Hall Conference Room
10722 SE Main Street
www.milwaukieoregon.gov

MINUTES

JUNE 6, 2017

Mayor Mark Gamba called the Council meeting to order at 4:00 p.m.

Present: Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Shane Abma

Staff: City Manager Ann Ober
City Recorder Scott Stauffer
Planning Director Denny Egner
Senior Planner David Levitan
Right-of-Way and Contract Coordinator Reba Crocker
Assistant to the City Manager Mitch Nieman
Community Development Director Alma Flores

Metro Food Scraps Recovery Plan

Ms. Crocker noted that Dean Kampfer, with Waste Management, and Beth Vargas, with the Oregon Refuse and Recycling Association were in attendance. She introduced Jennifer Erickson, Senior Planner at Metro, and Eben Polk, Sustainability Supervisor with Clackamas County.

Ms. Erickson noted the amount of food waste in landfills and explained the food recovery hierarchy. She discussed ways to reduce food waste, feed hungry people, and recover food scraps. She provided an overview of Metro's commercial Food Scraps Recovery Program and noted the challenges involved with processing food scraps.

Ms. Erickson explained the Metro program's approach and the partnerships with intergovernmental teams. She discussed stakeholders' responses to the program. She explained the draft program timeline and noted that if the program moved forward, local jurisdictions would be required to adopt a food scraps policy for certain businesses by July 2019. She explained the phases of the project roll-out, starting with large businesses, then smaller businesses, and then schools.

Mr. Polk explained his Clackamas County's role in the Food Scraps Recovery Plan. He discussed the program timeline for food generating businesses and organizations in the City and noted next steps for Metro and the local agencies.

Ms. Crocker asked if Council was interested in pursuing a voluntary residential food scraps recovery program where residents could put food scraps in their yard debris. She explained that yard debris was already taken to the Metro station where food scraps are processed, so it would not include additional trucks or pickups. She clarified that if the City did the voluntary program, all yard debris would be treated as if it contained food scraps. This would likely result in higher rates next year.

The group discussed rates related to trash, recycling, and yard debris services. The group noted that due to the amount of waste collected, the rate increase amount would not be known until the program was in effect.

Council expressed their desire to learn more about the food scraps recovery program. **Ms. Crocker** reported that she would discuss the possible impact the program could have on next year's rates at the Council meeting on July 5, 2017.

Bulky Waste Discussion

Mr. Nieman noted Metro was holding a hazardous waste collection event on July 29, 2017, at Milwaukie Christian Church.

Mr. Nieman summarized last year's bulky waste event. He discussed the possibility of doing another bulky waste curbside pickup or switching to a voucher program. He explained that a voucher program would allow citizens to "cash in" their voucher to

dispose of bulky waste whenever it would be convenient for them. The group discussed the logistics of a voucher program, including environmental impacts, voucher tracking, and voucher values. **Mr. Nieman** reported that the garbage haulers had agreed that a curbside pickup would cost less than a voucher program. He explained Council's options moving forward. The group noted last year's event had resulted in a $0.65 monthly utility bill increase due to the amount of tonnage received.

It was Council consensus to hold a bulky waste event in August 2017.

Council Goal: Housing Affordability

Ms. Flores noted her staff report included background information related to Council's housing affordability goal. She suggested that housing affordability was larger than a two-year goal and that steps could be taken to work towards a longer term 20-year goal.

Ms. Flores explained the four main questions to focus on to address housing affordability in Milwaukie. She suggested creating a housing affordability strategic plan.

Council President Batey discussed the need to increase the amount of housing in general and to create affordable housing.

Ms. Ober noted that having a community engagement strategy early in the process was critical to a successful plan. The group agreed that education and community engagement was important. The group discussed the current housing market.

Ms. Flores noted that the City could provide educational resources and she asked what else the City could do. **Mayor Gamba** noted the City's Comprehensive Plan would likely address key areas. He wanted to work with Clackamas County to change the system development charges (SDC) system. He expressed interest in taking immediate action to modify the City's residential street improvement requirements that were triggered when an accessory dwelling unit (ADU) was built. The group discussed the SDC and ADU issues and how to encourage the development of ADUs.

Mayor Gamba, **Ms. Flores,** and **Mr. Levitan** discussed the recently completed Housing Needs Assessment (HNA) and housing affordability in general.

Ms. Flores explained neighborhood stabilization tools that could be used to help current residents. The group discussed home ownership and housing affordability.

Ms. Ober reviewed possible neighborhood stabilization programs and tools that could be created for current residents. It was Council consensus to look to adopt similar programs and the group discussed possible program funding. The group touched on the possibility of an affordable housing construction excise tax (CET) and the Community Development Block Grant (CDBG) program.

Ms. Ober noted that due to time constraints the conversation would be continued during the June 6, 2017, Regular Session.

Mayor Gamba adjourned the Work Session at 5:39 p.m.

Respectfully submitted,

_____

Amy Aschenbrenner, Administrative Specialist II

CITY OF MILWAUKIE

COUNCIL **REGULAR SESSION**

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

2247th Meeting

MINUTES

JUNE 6, 2017

Mayor Mark Gamba called the Council meeting to order at 6:00 p.m.

Present: Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Shane Abma

Staff: City Manager Ann Ober
City Recorder Scott Stauffer
City Attorney Peter Watts
Assistant to the City Manager Mitch Nieman
Community Development Director Alma Flores
Human Resources Director Gary Rebello
Public Works Director Gary Parkin
Solar Intern Tristan Sewell
Police Chief Steve Bartol
Police Captains Mark Dye and Dave Rash
Police Sergeants Jon Foreman and Ryan Burdick
Police Public Information Officer Greg Elkins
Police Officers Brian Smith, Kenny Simac, Jeff Rogerson, and Less Hall

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Lifesaving Awards

Chief Bartol presented Officers Elkins and Smith with framed letters of citation and noted the lifesaving actions each officer had taken in the line of duty. Council thanked the officers for their actions and work on behalf of the Milwaukie community.

3. CONSENT AGENDA

Council President Batey expressed concern about approving Council minutes from 2013 for a meeting she had not attended. **Mayor Gamba** suggested that the 2013 minutes be removed from the Consent Agenda for separate consideration.

It was moved by Councilor Falconer and seconded by Councilor Abma to approve the Consent Agenda removing the September 12, 2013, Council Retreat Minutes.

A. City Council Meeting Minutes:
   ~~1. September 12, 2013, Council Retreat;~~
   2. May 2, 2017, Work Session;
   3. May 2, 2017, Regular Session; and
   4. May 9, 2017, Study Session.

B. Resolution 57-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Making Appointments to City Boards and Commissions.

C. Management/Non-Represented Cost of Living Adjustment (COLA).

D. Resolution 58-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Chief of Police to re-enter into an intergovernmental agreement with Clackamas County for use of the Community Corrections Work Crews.

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

A. 1. September 12, 2013, Council Retreat Minutes (Pulled from Consent Agenda for Separate Consideration)

Mayor Gamba remarked that the minutes of the September 12, 2013, Council Retreat were brief and correct to the best of his recollection. **Mr. Stauffer** and **Ms. Ober** reported that the Retreat minutes had not been adopted and that an audio recording of the Retreat had been discovered. It was noted that Council had the authority to approve minutes although only Mayor Gamba had attended the meeting.

It was moved by Councilor Parks and seconded by Councilor Abma to approve the September 12, 2013, Council Retreat Minutes. Motion passed with the following vote: Councilors Falconer, Parks, and Abma, and Mayor Gamba voting "aye", and Council President Batey abstaining. [4:0:1]

Councilor Falconer asked if the newly appointed Tree Board members would be eligible for re-appointment. **Mayor Gamba** explained why the initial Tree Board term lengths had been staggered and **Ms. Ober** confirmed that the newly appointed board members were eligible for re-appointment.

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the Audience Participation procedures and **Ms. Ober** reported that there was no follow-up report from the May 16, 2017, Audience Participation.

Christie Schaeffer, Milwaukie resident, reported that the North Main Village (NMV) Homeowners Association was concerned about Beer Store Milwaukie's plans to install a parklet on Main Street due to smoking on the sidewalk and property maintenance issues. She noted that she had spoken to the City's Planning Department and that the NMV Homeowners Association had adopted a no-smoking policy.

The group noted that the parklet program was seasonal and that there were rules regarding when parklets were required to close. It was also noted that smoking was not allowed near restaurant doorways. **Ms. Ober** reported that staff would follow-up on the complaints and provide an update at Council's next Regular Session.

5. PUBLIC HEARING

None Scheduled.

6. OTHER BUSINESS

A. Light Rail Maintenance Agreement – Resolution

Mr. Parkin reported that staff was asking Council to approve an intergovernmental agreement (IGA) with TriMet that identified long-term maintenance responsibilities of the light rail facilities located in the City. He provided an overview of the work to draft the proposed IGA and confirmed that staff was happy with the details in the agreement.

Mayor Gamba and **Mr. Parkin** commented on staff's ability to take on additional facility maintenance work. It was noted that some of the City's new responsibilities would be delegated to the City's contracted landscape maintenance vendor.

It was moved by Council President Batey and seconded by Councilor Falconer to approve the Resolution approving an Intergovernmental Agreement (IGA) between the City of Milwaukie and the Tri-County Metropolitan Transportation District of Oregon (TriMet) for Maintenance of Portland-Milwaukie Light Rail Facilities. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Abma and Mayor Gamba voting "aye." [5:0]

Resolution 59-2017:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO APPROVE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF MILWAUKIE AND THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) FOR MAINTENANCE OF PORTLAND-MILWAUKIE LIGHT RAIL FACILITIES.

Council Goal: Housing Affordability (continued from June 6, 2017, Work Session)

Mayor Gamba commented on what Council's housing affordability goal meant to him in terms of policies and staff focus areas. He suggested that Council wanted to have input on the range of housing built to maintain the City's working class population. **Ms. Flores**

remarked that staff could support the goal through outreach and educational efforts, and by focusing on tools to incentivize certain types of development.

The group discussed whether the housing affordability goal meant that the City should encourage the development of higher-priced housing. They noted the recent increase in proposed housing projects in the City and the results of regional housing forecasts.

Councilor Falconer and **Mayor Gamba** discussed factors that could influence the development of higher-priced housing on property outside City Limits and the possibility of implementing a construction excise tax (CET). The group noted the services and tax benefits that could encourage unincorporated properties to annex into the City.

Ms. Flores reviewed the City's existing and forecasted housing capacity as identified in the last Housing Needs Analysis (HNA). She suggested that annexing properties outside City Limits would be part of the long-term strategy. **Councilor Falconer**, **Mayor Gamba**, and **Council President Batey** discussed current housing zones and the type of housing the City is forecasted to need in the future to meet population growth needs. **Ms. Flores** remarked on the City's role in encouraging desired types of housing development and helping to diffuse neighborhood tension as density increases.

Mayor Gamba suggested that there was Council consensus to pursue the implementation of a CET. **Ms. Flores** and **Mayor Gamba** commented on when a CET should be pursued in conjunction with housing affordability goal policies and projects.

Ms. Flores reviewed the questions for Council to consider related to how staff would approach the housing affordability goal. She asked for input on which projects to prioritize and it was Council consensus not to prioritize the housing-related projects.

Councilor Falconer asked that staff work to connect housing affordability projects with the City's ongoing community visioning process.

Mayor Gamba remarked that he would like the City to encourage energy efficient housing. **Ms. Flores**, **Mayor Gamba**, and **Council President Batey** talked about government efforts in other countries and past efforts to encourage energy efficient housing development.

Ms. Flores suggested that achieving the housing affordability projects would take more than two-years and that staff would develop workplans to lay out a long-term strategy. **Mayor Gamba** commented on the need to address housing as soon as possible.

Ms. Flores reviewed next steps related to housing affordability projects and noted the recently established Housing Affordability Work Group (HAWG) to be comprised of internal and external stakeholders. The group discussed state and regional partners the City could work with to develop a housing strategy.

Ms. Flores asked for Council input on how to address homelessness. The group commented on the interest of church-based and non-profit groups to partner with local governments to address homelessness. **Ms. Flores** cited State Legislation that allowed more flexibility with how churches used their property to address homelessness. **Mayor Gamba** expressed support for addressing homelessness through the projects related to Council's housing affordability goal.

Ms. Flores noted that Council would receive quarterly updates on housing affordability related projects.

Mayor Gamba recessed the Regular Session at 7:13 p.m. and reconvened the Regular Session at 7:21 p.m.

B. Council Goal: Climate Action Plan (CAP)

Mr. Nieman introduced Mr. Sewell. He reported that staff was looking for input on Council expectations for how to pursue Council's CAP goal.

Mr. Sewell suggested that the first steps would be to define the scope of work and understand what a CAP means to the City. He explained the work done by staff to-date to conduct a preliminary greenhouse gas (GHG) inventory and shape the City's CAP. **Mr. Nieman** and **Mr. Sewell** noted that elements of the community visioning process had been included in the GHG inventory and CAP planning work. They asked for Council feedback on the work done to-date to draft a CAP.

Mayor Gamba agreed with the approach taken by staff. **Mr. Sewell** and **Mayor Gamba** commented on the status of state-level action related to climate goals.

Council President Batey expressed support for staff work done to-date and asked if the CAP would include specific goals that would commit the City to making progress by certain deadlines. **Ms. Ober** explained that to prepare the request for proposals (RFP) for a CAP consultant, staff needed to know what type of goals and standards Council wanted to include. **Mr. Nieman** and **Mr. Sewell** noted that staff had presented general elements of a CAP from other cities that could be altered for Milwaukie.

Council President Batey expressed support for the proposed metrics. **Ms. Ober**, **Mr. Nieman**, and **Council President Batey** discussed the Council direction staff was looking for to identify the standards and objectives to be included in the CAP.

Mayor Gamba expressed support for the proposed metrics and suggested that the CAP goals should be community-wide and not just for City facilities. He commented on the importance of aligning the City's CAP with national efforts to address climate change.

Mr. Sewell and **Council President Batey** commented on the feasibility of identifying specific goals within the CAP. **Ms. Ober**, **Mr. Sewell**, and **Mayor Gamba** noted that staff had just started the process to identify the scope of Council's climate goal and was collecting data and input to draft a CAP for Council to consider.

The group discussed the data being collected by staff to draft the CAP. It was noted that data on building codes, consumption and utility rates, land usage, solid waste handling, and methane and GHG emissions were being collected.

Mr. Nieman noted efforts to promote the City's Solarize Campaign and asked for Council feedback about other expectations related to the CAP goal. **Mayor Gamba** suggested that City-controlled buildings should be as energy efficient as possible. The group discussed costs associated with energy efficient and green certified buildings and how energy efficiency goals factor into the request for qualifications (RFQ) process of developing public property. They noted the fiscal and physical impacts of requiring City buildings to be energy efficient and the additional staff workload required to manage the projects and commitments related to Council's CAP goal.

Mr. Sewell noted that the work to develop an RFQ for a CAP consultant would extend beyond his time with the City. **Ms. Ober** and **Mr. Sewell** remarked that the City was taking on hard aspirational discussions about what Milwaukie would look like in 2040.

Mayor Gamba continued to review his list of climate goal expectations, including promoting energy efficient buildings and working to revise State Building Codes to move toward Net Zero goals. The group noted that State Building Codes limited the local actions the City could take in terms of promoting energy efficient buildings.

Mayor Gamba reported that his last climate goal expectation was that the City should do more to promote electric vehicle (EV) charging stations and replace City vehicles with efficient vehicles. **Ms. Ober** commented that the new Public Works Director had a background in running an energy utility and managing energy efficient projects.

Councilor Falconer suggested that an easier-to-achieve expectation of the climate goal would be to start a street tree program. **Mr. Sewell** and **Mr. Nieman** noted that street trees had been identified as a priority in the visioning process.

The group discussed the impacts of altering the bid requirements for the Ledding Library and Coho Point at Kellogg Creek projects by adding efficiency requirements.

Mr. Nieman summarized staff's next steps in developing the CAP, including issuing a RFP and providing regular updates to Council. **Ms. Ober** added that Council would receive regular updates on all three of the 2017-2018 adopted goals.

C. Council Input on Legislative, Regional, and County Issues
Ms. Ober reported that staff had no legislative updates.

Mayor Gamba noted he was tracking several pieces of State legislation and suggested Council members may want to reach out to legislators regarding House Bill 2004 (HB2004). The group talked about tracking changes to HB2004 in the coming weeks as the State Legislature begin to wrap-up the session.

The group discussed the status of the transportation funding package being considered by the State Legislature and they considered drafting a letter from Council in support of the transportation package. The group also noted the status of State legislation regarding recreational immunity.

D. Council Reports
Mayor Gamba announced upcoming events and meetings, including a joint Milwaukie Redevelopment Commission (MRC) and City Budget Committee meeting, the return of the Noon Concert series at Scott Park on Wednesdays throughout the summer, and several Ledding Library events. **Council President Batey** added that the Library would be hosting a stargazing party.

Mayor Gamba reported that the annual Friends of the Ledding Library (FOLL) book sale was coming-up at the Portland Waldorf School. **Ms. Ober** noted that work to repair the Pond House would be moving forward soon.

Mayor Gamba and **Council President Batey** noted that the Milwaukie Sunday Farmers Market season was off to a strong start with new bands and vendors.

Councilor Falconer encouraged the public to write letters of support for the Safe Routes to Schools (SRS) parts of the State's proposed transportation funding packets. She asked that testimony be submitted to jtpm.exhibits@oregonlegislature.gov.

7. INFORMATION

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

Mayor Gamba moved to adjourn the regular session at 8:52 p.m.

Respectfully submitted,

_____

Scott S. Stauffer, City Recorder

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Scott Stauffer, Haley Fish
From: Gary Rebello, Human Resources Director

Date: Written 6/27/17 for Meeting 7/5/2017

Subject: **City Manager Base Pay Adjustment**

ACTION REQUESTED
Approve a base pay salary increase for Ann Ober, City Manager.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
Ann Ober, City Manager was hired October 17, 2016 with an annual base salary of $135,000. Ann received a 2.5% cost of living adjustment effective June 24, 2017, bringing her current annual base salary to $138,375. Ann has successfully completed her nine-month probationary period. Per Ann's Employment Agreement, 'Employee is eligible for a salary increase after successful completion of a nine (9) month probationary period.'.

ANALYSIS
Staff conducted a market pay review of City Managers in nine local comparable sized cities. Data indicates current Milwaukie City Manager base pay compensation is about 8% below market average. The average at market rate is about $149,000.

BUDGET IMPACTS
Estimated budget impacts that includes benefits is approximately $14,500. This amount can be absorbed by the current budget. Budget projections were at a higher rate similar to the retiring City Manager, Bill Monahan, as the incumbent. Ann hadn't been identified at the time the budget was prepared.

WORKLOAD IMPACTS
None.

COORDINATION, CONCURRENCE, OR DISSENT
Finance and Human Resources departments concur.

STAFF RECOMMENDATION
Increase City Manager annual base pay compensation to $149,000 (7.7% increase) effective July 9, 2017.

ALTERNATIVES
No change to current base pay compensation or approve an amount other than $149,000 per year.

ATTACHMENTS
None.

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council Date: 6/16/17 for 7/5/17
Through: Ann Ober, City Manager
Reviewed: Jason Wachs, Community Programs Coordinator
From: Scott Stauffer, City Recorder, and
Amy Aschenbrenner, Administrative Specialist II

Subject: **Appointments to Boards and Commissions**

ACTION REQUESTED
Consider approving a resolution making an appointment to a City committee.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
Appointments to City boards and commissions are made on an as-needed basis.

ANALYSIS
Authority to fill vacancies on City boards and commissions is granted to the Mayor and Council by Section 26 of the Milwaukie City Charter. Council and staff liaisons conduct interviews with interested applicants and provide appointment recommendations which are then considered by the entire Council. Appointed individuals serve for a term length determined by the Milwaukie Municipal Code (MMC). Upon the completion of a term, if the individual is still eligible to serve, they may be re-appointed with the Council's consent.

Certain boards and commissions have positions that are filled by individuals nominated by neighborhood district associations (NDAs); NDA-nominated appointments are noted below.

BUDGET IMPACTS
There are no fiscal impacts associated with the recommended actions.

WORKLOAD IMPACTS
There are no workload impacts associated with the recommended actions.

COORDINATION, CONCURRENCE, OR DISSENT
Staff and members of Council concur on the recommended actions.

STAFF RECOMMENDATION
Staff recommends making the following re-appointment and appointment:

Public Safety Advisory Committee (PSAC)

Position	Name	Term Start Date	Term End Date
3	Don Jost*	7/1/2017	6/30/2019

*PSAC Position 3 is the Lake Road NDA representative. Per communication received by staff, Mr. Jost has been nominated by the Lake Road NDA for this position on the PSAC.

ALTERNATIVES
Council could decline to make the recommended appointments.

ATTACHMENTS
1. Appointing Resolution

CITY OF MILWAUKIE
COUNCIL **RESOLUTION No.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING APPOINTMENTS TO CITY BOARDS AND COMMISSIONS.

WHEREAS, Milwaukie Charter Section 26 authorizes the Mayor, with the consent of the Council, to make appointments to City boards and commissions; and

WHEREAS, the Milwaukie Municipal Code (MMC) authorizes neighborhood district associations (NDAs) to nominate NDA residents to serve on certain City boards and commissions; and

WHEREAS, board and commission vacancies exist; and

WHEREAS, members of Council and staff recommend the following qualified individual be appointed to a City committee:

Public Safety Advisory Committee (PSAC)

Position	Name	Term Start Date	Term End Date
3	Don Jost (Lake Road NDA)	7/1/2017	6/30/2019

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individuals named in this Resolution are hereby appointed to the identified boards and commissions of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **July 5, 2017**.

This resolution is effective immediately.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Alma Flores, Community Development Director
From: Amy Koski, Economic Development and Resource Coordinator

Date: June 26, 2017 for July 5, 2017 RS

Subject: **Authorization for a Consent Resolution to Apply for the State's Vertical Housing Development Zone to go Before City Council**

ACTION REQUESTED
Authorize a consent Resolution to apply for the State's Vertical Housing Development Zone (VHDZ). Staff needs authorization through a Resolution to be able to apply for the Oregon Housing and Community Services (OHCS) VHDZ.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

- **July 15, 2003** – City Council authorized staff to move forward with an application to the State to establish a VHDZ related to the North Main Village mixed-use redevelopment project.
- **September 4, 2003** – City of Milwaukie applied to the State to establish a VHDZ consisting of one parcel in downtown Milwaukie for redevelopment into a mixed-use building with commercial/retail on the ground floor and condominiums and apartments on three above floors.
- **November 20, 2003** – The State provided designation of a VHDZ to the City of Milwaukie
- **March 21, 2007** – North Main Village project was certified by the State for Vertical Housing Tax Credit for four buildings totaling 12 floors of which eight were residential at 40 percent exemption for the improvements.
- **June 28, 2007** – North Main Apartments project was certified by the State for Vertical Housing Tax Credit for one building totaling four floors of which three were residential at 60 percent exemption for the improvements and 60 percent exemption for the land for the affordable rental units.
- **December 2015** – Moving Forward Milwaukie (MFM) project plans approved to remove barriers and encourage appropriate development in Milwaukie's commercial areas through revisions to the policies and regulations guiding development in Milwaukie's commercial areas including Downtown Milwaukie, Central Milwaukie, and the Neighborhood Main Streets of 32nd and 42 Avenues. The MFM Action and Implementation Work Program includes vertical housing tax abatement as a financial tool to assist development opportunities identified in MFM.
- **August 2016** – The Housing and Residential Land Needs Assessment shows a need for 1,150 new housing units by 2036, which would allow the city to increase density and better achieve affordable housing goals. The Milwaukie Housing Strategies Report recommends non-regulatory tools such as VHDZ to help increase affordable housing options.
- **Fall 2016** – Development of a series of economic background reports including an Economic Trends Analysis, Economic Opportunities Analysis, Economic Development Strategy indicate the need for a diversified toolbox for development and at least 6,121 jobs by 2035.
- **April 4, 2017** – Presented to City Council to consider expansion of the VHDZ and authorize submittal of an application to OHCS. Council asked staff to return with

modified options for the proposed boundary and options for flexibility in administering the program.
- **May 31, 2017** – Staff provided a Memorandum to City Council addressing questions raised at the 4/4/2017 Council meeting on this topic (See Attachment 4).
- **June 13, 2017** – Council authorized staff to proceed with an application to the State's VHDZ to expand the existing boundary following modification of the draft Resolution to market the zone only for five years and to come back to Council to define local criteria.

BACKGROUND
State enabling legislation allows municipalities to adopt a VHDZ to encourage the private sector to build higher-density mixed-use development (first floor commercial with residential above) in targeted areas of a city. The reduction of a portion of property taxes for 10 years can improve the financial feasibility of a mixed-use project and provide the gap financing needed for a housing project.

The City may designate a VHDZ by applying to OHCS. Qualified new development projects within a VHDZ are eligible to receive up to a 10-year property tax abatement on the value of new construction for up to 20% per residential floor (for the first four floors above a commercial ground floor). Total property tax abatement of the new construction is limited to no more than 80%. However, if the developer builds some or all affordable housing at 80% of area median income or below, an additional partial property tax exemption on the land may be given.

VHDZ Program Details:
- Projects are currently certified through State OHCS.
- Tax abatements are applied only to the value of the building, not the land.
- An additional partial property tax exemption on the land may be given if some or all of the residential housing is designated as affordable housing (80 percent of area median income or below).
- The Zone must be in a qualifying area, consistent with state criteria, defined as:
    - Completely comprised by the core area of an urban center,
    - Entirely within one-half mile radius of existing/planned light rail station,
    - Entirely within one-quarter mile of fixed-route transit service, and
    - Contains property for which land-use comprehensive plan and implementing ordinances effectively allow "mixed-use" with residential.
- Each project is provided with the abatement for a maximum 10-year period.
- Abatement applies to all taxing jurisdictions. Taxing jurisdictions have the option to "opt out" of the zone.

Application of the VHDZ requires a two-step process. The first is for a jurisdiction to apply to OHCS for creation or expansion of a zone which includes a notification to all taxing districts. Once the Zone is approved, the second step is for eligible projects within the Zone to apply for the partial tax exemption.

ANALYSIS
This is an additional tool to add to our toolbox to market to potential developers. A new geography, based on feedback from City Council in April 2017, is proposed to expand the existing boundary to include appropriate zoning in Downtown and Central Milwaukie within the Urban Renewal Area in addition to subarea overlays of the Tacoma Station Area Manufacturing (M-TSA) of the North Milwaukie Industrial Area (NMIA).

City Council has authorized staff to move forward with an application to the State program based on State criteria that will be modified by adding local criteria through the program development and marketing process. Staff will return for a Study Session with City Council to define local criteria should an application to expand the existing zone be accepted.

Proposed Boundary: DMU, GMU, R-1-B, M-TSA Subareas 1, 2, and 3
As shown in Attachment 1, the proposed boundary is comprised of the following zones within Downtown and Central Milwaukie to capitalize on areas of the city have long-range goals for mixed-use development as well as three overlays of the M-TSA:

- Downtown Mixed Use (DMU)
- General Mixed Use (GMU)
- Medium and High Density Residential (R-1-B within the Urban Renewal Boundary)
- Tacoma Station Area Manufacturing (M-TSA) overlay sub areas 1 (North of Springwater), 2 (West of McLoughlin, and 3 (Mixed Employment) in the North Milwaukie Industrial Area (NMIA).

Each of the proposed zones currently allow ground floor commercial with one or more stories of residential above.

Proposed Application Timeline
The preliminary timeline for an application to expand the VHDZ would be as follows:

Begin reaching out to taxing districts	July 10, 2017
Send 45-day public notice to taxing districts	August 14, 2017
Submit application to OHCS	August 31, 2017
Anticipated approval from OHCS	November 2017

Impact Scenarios
North Main Village is 1.85 acres at 52 dwelling units per acres located at 10554 SE Main Street in Downtown Milwaukie includes six buildings with 97 housing units and 8,600 feet of retail. The housing units vary from 33 ownership townhomes with flats and live/work units, to a four-story building with 64 affordable rental units. Construction types also vary from traditional wood framing to post-tensioned concrete and steel framing including 33 tuck-under and 56 surface parking spaces. Other site amenities include a central green space, rainwater harvesting landscaping features and ground floor retail. The project was completed in 2006 with a total development cost $14 million that included Transit-Oriented Development program funding from Metro of $560,528.

From 2007-2016, the property tax for the new project would have been approximately $1.62 million. Over this period, the property owner was abated $640,000, of which $128,000 would have gone to the city. As of 2017, the city received approximately $210,000. Ultimately, after the 10-year period the city gave up approximately $13,000 a year for 10 years to generate an additional $20,000 a year in perpetuity while adding 97 homes and patrons to the downtown.

For a hypothetical future project with a real market value (RMV) of $10 million, up to approximately $8 million could be abated and $2 million would be taxable. This constitutes a worst-case scenario assuming the project is eligible for building abatement at the full amount, which would be 80%, but does not factor in a partial abatement for affordable units which would result in additional abatement on the land. Based on current tax rates, the city might see approximately $33,000/year abated and $8,200/year taxable for the 10-year abatement period. Assuming a 3% increase in assessed value a year over the 10-year abatement period, the abated value would grow by approximately $2.4 million, which would result in an additional $10,000 in annual tax revenue above the $33,000 on the principle investment annually after expiration of the abatement.

BUDGET IMPACTS
A VHDZ allows for a 10-year tax abatement on new buildings up to 20% per floor for the first four floors above ground floor commercial. The abatement cannot exceed 80% of the value of the new building. The abatement applies to all taxing jurisdictions that do not opt out when the zone is created. After 10 years, the full value of the project is placed upon the tax rolls. Property taxes on existing land, and at least 20% of the new construction, are preserved. For the City of Milwaukie, this means potentially foregoing some property tax revenue on new construction within a targeted area during the abatement period, but providing a tool to help offset the development financing needed for the project to pencil.

WORKLOAD IMPACTS
Economic Development staff are managing this project and have the capacity within the Community Development Department work plan and budget.

COORDINATION, CONCURRENCE, OR DISSENT
Community Development Director, Finance Director, and City Manager are in concurrence to move forward with expansion of the VHDZ.

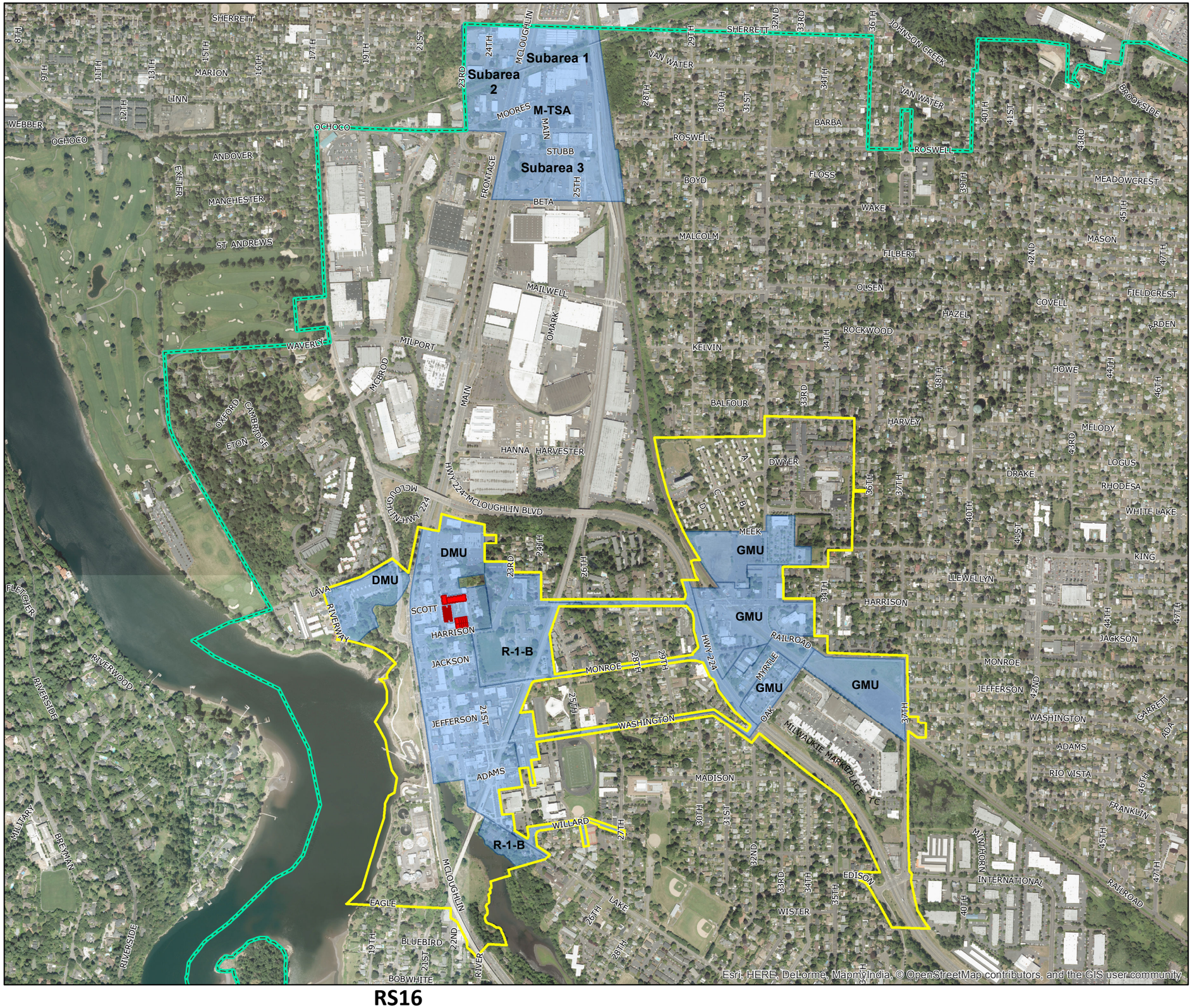
STAFF RECOMMENDATION
Provide authorization to apply to the State's VHDZ program following City Council approval of a Resolution.

ALTERNATIVES
None.

ATTACHMENTS
1. Proposed VHDZ Boundary Map
2. Resolution

Milwaukie Vertical Housing Development Zone (VHDZ)

- City of Milwaukie
- Milwaukie Urban Renewal Area
- Existing VHDZ
- Proposed VHDZ



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center, Oregon DEQ

Date: Tuesday, June 06, 2017

The information depicted on this map is for general reference only.The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7498

0 1,000 2,000 Feet

CITY OF MILWAUKIE

COUNCIL **RESOLUTION No.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING TO APPLY TO THE STATE OF OREGON VERTICAL HOUSING DEVELOPMENT ZONE PROGRAM

WHEREAS, Milwaukie City Council's goals for the 2017-2018 biennium include housing affordability; and

WHEREAS, City's economic development strategy includes core initiatives to increase tools and programs to address land, labor, infrastructure, capital, and marketing for economic development-related projects; and

WHEREAS, City Council requests to sunset the Vertical Housing Development Zone in five years from the date it is implemented, will need to define the parameters for when an application is deemed complete to meet the five-year sunset, and would like to reserve the opportunity to build in local criteria to the front end of the State application process for Vertical Housing Development Zone projects to ensure they meet the city's vision and goals; and

WHEREAS, encouraging development of residential mixed uses within the downtown area can bring more vitality, demand for downtown retail and services, and long-term community wealth with affordability components that will be fully taxed after the partial abatement period ends.

Now, Therefore, be it Resolved that by the City Council of the City of Milwaukie, the city hereby requests that the proposed zone be designated a Vertical Housing Development Zone and Council directs staff to file an application to the State of Oregon.

Be it further Resolved, that the Vertical Housing Development Zone will sunset in Milwaukie Oregon July 2022.

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 S. Stauffer, City Recorder

_____
City Attorney

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Charles Eaton, Engineering Director
From: Roderick Buen, Civil Engineer

Date: June 16, 2017 for Meeting July 5, 2017

Subject: **Kellogg Creek Bridge (#22142) Emergency Replacement – Infrastructure Finance Authority (IFA)**

ACTION REQUESTED
Approve a resolution to authorize the Mayor to sign on behalf of the City of Milwaukie the application seeking Grant Funding from the Business Oregon with regards to the Kellogg Creek Bridge (#22142) Emergency Replacement Project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
Staff reported on the investigation into the extent of the damage of the access bridge and roadway of the Riverfront Park on December 15, 2015, January 5, 2016, January 19, 2016, and February 2, 2016.

At the **February 2nd 2016 City Council Regular Session**, it was approved by the council to proceed with the replacement of the bridge under an emergency declaration. Council also authorized use of the Design-Build (DB) alternative contracting 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 sewer line, and stabilizing the streambanks.
https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-174.

ANALYSIS
Based on FEMA Project Worksheet (PW) dated November 4, 2016, the total eligible FEMA cost to replace the Kellogg Creek Bridge as determined by the Cost Estimating Format (CEF) is $2,130,350.00 of which 75% will be reimbursed by FEMA and the City is seeking grants through the Business Oregon program specifically set aside to cover the remaining 25% of FEMA eligible costs.

BUDGET IMPACTS
This project is included within the current budget with an authorization amount of $3,019,000.00.

WORKLOAD IMPACTS
Project was included in the 2017-2018 CIP. No additional impacts are anticipated.

STAFF RECOMMENDATION
Staff recommends the City Council apply for Grant Funding from Business Oregon for the Kellogg Creek Bridge (#22142) Emergency Replacement and authorize the Mayor to execute all required documents.

ATTACHMENTS

1. Resolution
2. General application

CITY OF MILWAUKIE

COUNCIL **RESOLUTION No.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING STAFF TO APPLY FOR A BUSINESS OREGON GRANT TO FUND DESIGN AND CONSTRUCTION OF THE KELLOGG CREEK BRIDGE (#22142) EMERGENCY REPLACEMENT.

WHEREAS, Business Oregon has established funding available to offset FEMA funding to eligible projects from the disaster declaration resulting from the storm event of December 2015; and

WHEREAS, the City of Milwaukie desires to participate in the grant program to offset the funding requirements for the design and construction of the Kellogg Creek Bridge (#22142) Emergency Replacement Project; and

WHEREAS, City staff has submitted the Project Notification and Intake Form required with the Infrastructure Financing Authority; and

WHEREAS, Business Oregon, through the Infrastructure Financing Authority, has requested the City of Milwaukie to submit a General Application for the identified project.

Now, Therefore, be it Resolved that the City of Milwaukie endorses the City's application to Business Oregon and the Infrastructure Financing Authority for grant funds for the Kellogg Creek Bridge (#22142) Emergency Replacement and authorizes the Mayor to execute all required documents to obtain these funds.

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 S. Stauffer, City Recorder

City Attorney

business oregon

General Application

775 Summer St NE, Suite 200
Salem, OR 97301-1280

Applicant

City of Milwaukie
Name

93-6002212
Federal Tax ID Number

6101 SE Johnson Creek Blvd, Milwaukie OR 97206
Street Address

6101 SE Johnson Creek Blvd, Milwuakie, OR 97206
Mailing Address

Organization Type:

☒ City ☐ County ☐ Special District under ORS _____ ☐ Port District under ORS _____ ☐ Tribe

Charles Eaton
Contact Name
(Person we should contact with project questions)

Engineering Director
Title

503-786-7605
Phone Number

503-774-8236
Fax Number

eatonc@milwaukieoregon.gov
Email Address

Representation (Information may be found at www.leg.state.or.us/findlegsltr)

21
Senate District Number

Kathleen Taylor
Senator's Name

41
House District Number

Karin Power
Representative's Name

Project Information

Kellogg Creek Bridge (#22142) Emergency Replacement - Phase I
Project Name: (e.g., Stayton Water System Improvements)

Opportunity/Problem
Briefly describe the opportunity or problem facing the applicant:
The Kellogg Creek Bridge located in the Milwaukie Riverfront Park at 1121 SE McLoughlin Boulevard in Milwaukie was damaged during the December 2015. High and turbulent flood waters along Kellogg Creek eroded the toe of the engineered slope along the south bank of the downstream of the creek. Per the geotech report, there's a slight rotation on the norhtern abutment with visible cracking on the wall. The southern bank has also eroded and there is some sign of scouring of the footing.

Response to Opportunity/Problem

Briefly describe the major alternatives considered to address this opportunity or problem:
The city have looked into repairing the damage but per the FEMA 50% rule calculation, it shows that replaicing the bridge is more cost effective.

Detailed Project Description

Clearly describe the proposed project work to be accomplished:

The project is to replace the exsiting bridge with footing away from the scour zone. It also includes armoring the embankment to prevent any future erosion

Project Work Plan

List project activity milestones with estimated start and completion dates. Identify estimated date of first cash draw:

Activity	Estimated Date	
	Start	Completion
Engineering	Mar 1, 2016	Oct 1, 2017
Construction	Oct 1, 2017	Oct 1, 2018

Estimated First Draw Date: Jul 1, 2017

Project Budget

IF THIS APPLICATION IS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) OR SAFE DRINKING WATER REVOLVING LOAN FUND (SDWRLF) PROGRAM FUNDING, PLEASE SKIP THIS BUDGET TABLE AND COMPLETE THE PROJECT BUDGET INCLUDED IN THE PROGRAM-SPECIFIC APPLICATION SUPPLEMENT FORM.

List individual project budget line items with requested budgeted amounts by IFA and non-IFA funding sources. Change budget column labels to identify the specific requested IFA funding sources. Non-IFA sources are those funds other than those requested from IFA.

Budget Line Item (Adjust budget items to suit the project) *Below are general items most used*	**IFA Funding**		**Non-IFA**	
	Source 1	**Source 2**	**Funds**	**Total**
Engineering/Architecture	**$111,508**	**$0**	**$334,523**	**$446,031**
Construction	**421,080**		**1,263,239**	**1,684,319**
Construction Contingency				**0**
Land Acquisition				**0**
Legal				**0**
Construction Management				**0**
Other (Specify)				**0**
Other (Specify)				**0**
Other (Specify)				**0**
Other (Specify)				**0**
Totals	**532,588**	**0**	**1,597,762**	**2,130,350**

Details of Non-IFA Funds

Source of Non-IFA Funds	**Amount**	**Status: C-Committed, A-Application S-Submitted, AI-Application Invited, PS-Potential Source**	**Dates Required Funds will be Committed and Available**
FEMA	**$1,597,762**	C	**17-Feb-16**
Totals	**1,597,762**		

If "Non-IFA funds" include USDA Rural Development funding that will require interim financing, please indicate the source of the interim financing.

General Certification

I certify to the best of my knowledge all information, contained in this document and any attached supplements, is valid and accurate. I further certify that, to the best of my knowledge:

1. The application has been approved by the governing body or is otherwise being submitted using the governing body's lawful process, and
2. Signature authority is verified.

Check one:

☐ Yes, I am the highest elected official. (e.g., Mayor, Chair or President)

☐ No, I am not the highest elected official so I have attached documentation that verifies my authority to sign on behalf of the applicant. (Document such as charter, resolution, ordinance or governing body meeting minutes must be attached.)

The department will only accept applications with proper signature authority documentation.

Signature _____ Date _____

Printed Name _____ Printed Title _____

FOR IFA USE ONLY

Concept Number _____ Intake Approval Date _____

Project Type:

☐ Planning ☐ Construction ☐ Other:

☐ Design ☐ Design & Construction

business oregon
IFA Infrastructure Finance Authority

Project Notification & Intake Form

Prepared by:
Regional Coordinator

Phone:

This Project Notification & Intake Form (PNIF) has been prepared by the above named Regional Coordinator with information gathered from the Potential Applicant and with advice from other IFA staff.

Date PNIF Circulated for IFA Review:
Project Category: ☐ TA ☐ Const ☐ Other
County:
Population of potential applicant's jurisdiction:
Low/Mod Income: %
Median Household Income: $
Distressed Area: ☐Yes ☐No ☐Mixed
Rural: ☐Yes ☐No ☐Mixed
SDWRLF Letter of Interest Number: **SD-** -
PORTFOL Numbers:
Client Number:
Deal Number:

Project Name: **Kellogg Creek Bridge (BR #22142) Emergency Replacement Design-Build**
Project Location: **Milwaukie Riverfront Park**
Potential Applicant: **City of Milwaukie**
If potential applicant is an entity other than city or county, specify the type of entity (special district, authority, association, etc.) and identify the ORS under which the entity is formed.

Local Contact Name: Charles Eaton	Phone: **503-786-7605**
	Fax: **503-774-8236**
Title: Engineering Director	Email: **eatonc@milwaukieoregon.gov**
Street Address: **6101 SE Johnson Creek Blvd**	Mailing Address : 6101 SE Johnson Creek Blvd.
Milwaukie Oregon 97206 City, State & Zip code:	**Milwaukie Oregon 97206** City, State & Zip code:

Estimated Funding Request			
		Amount	Status of Funding
Funding Assistance from IFA		$ 532,588	n/a
Funds from potential applicant	+	$	☐ Pending ☐ Available
Other Funds (identify source) FEMA	+	$ 1597762	☐ Pending ☒ Available
Other Funds (identify source)	+	$	☐ Pending ☐ Available
Estimated Total Project Cost	=	$ 2,130,350	
Date of Project Cost Estimate: July 27, 2016 Estimate Prepared by: **City of Milwaukie**			

If funding assistance from IFA includes a loan, how will a loan be repaid? N/A
Estimated Project Start Date: March 2016 Estimated Project Completion Date: October 2018
Estimated Date First Cash Reimbursement is needed: May 2017

Readiness to Proceed for Construction Projects

For construction projects, the proposed project is (select one):

☐ Budgeted or will be budgeted within the potential applicant's FY2015-2016 budget.

☒ Planned to be budgeted within FY2016-2017.

☒ Planned to be budgeted within FY2017-2018.

☒ Planned to be budgeted later in: FY 2018-2019

For construction projects, has a licensed engineer or architect certified in a Master Plan, Facilities Plan or other technical report that the project is feasible and cost effective? ☒ Yes ☐ No
Date of Plan or Report: January 27, 2016

If No, when will an engineering or architectural report be completed?

For construction projects, has the governing body of the potential applicant conducted a public meeting (Council or Board meeting, public hearing, workshop, etc.) to identify and discuss the proposed project, including such items as nature and need for project, starting date, financing requirements that may involve taking on additional debt, and consistency with the local comprehensive land use plan?

☒ Yes ☐ No

Type of public meeting: **Council Meeting** Date of public meeting: February 2, 2016

If No, when will a public meeting be held?

If Other Funds are identified as a pending or committed source of funding for the proposed project, identify when these funds are expected to be available and the actions needed to secure these funds.

If USDA Rural Development Funds are being identified as a source of permanent financing, what source of funding has been identified for interim construction financing? N/A

Have interim construction funds been applied for? ☐ Yes ☐ No
If Yes:
Has there been approval? ☐ Yes ☐ No
If Yes, provide detailed information.

When will these interim funds be available?

Are there any limitations on the use of these interim funds? ☐ Yes ☐ No
Explain:

Project Description

Brief statement describing the problem or the opportunity:

The bridge over Kellogg Creek which serves as the only access to the Riverfront Park boating facility and is the exit for the Kellogg Creek Waste Water Treatment facility was damaged during the storm event of December 6-23, 2015 which has received a disaster declaration. Repairs to the facility exceed the amount required to consider replacement and given the age and condition, the City of Milwaukie has chosen to replace the facility. In addition, the south bank of Kellogg Creek from the bridge to an existing pile wall has been eroded and left an existing sanitary sewer manhole that was on the streambank now within Kellogg Creek.

Project Description

Brief statement describing the proposed solution to the identified problem or opportunity *(Include identification of whether the proposed solution is a planning (feasibility, preliminary engineering, etc.) only, final design only, construction only, or combined final design/construction project)*:
The project will construct a new structure over Kellogg Creek and will reconstruct the south bank of Kellogg Creek while providing protection of a sanitary sewer manhole that is now located within the waterway due to the event. The project is eligible for FEMA funding and the City is seeking grant funding from IFA to cover that portion of the FEMA eligible project that FEMA will not. In addition, The City of Milwaukie intends to make improvements to the facility and will pay for those with City Funds.

Is the project consistent with the local acknowledged comprehensive plan? ☒ Yes ☐ No

Is the project listed on any local countywide or regional plan (e.g., adopted capital improvement plan, Master or Facility Plan, local inventory of planned projects, etc) ☐ Yes ☒ No

Will the project result in locating or expanding industrial or major commercial firm(s)? ☐ Yes ☒ No
If yes, firm's name and estimated number of jobs that will be created and/or retained.

For Water or Wastewater Projects Only

Current Monthly Residential User Charge
(assume 7,500 gallons per month water consumption):

$**0.00**/month Water $**0.00**/month Wastewater

Planned Monthly Residential User Charge at Construction Completion (Complete for Final Design Only, Construction Only, or combined Final Design & Construction)(must adequately cover operation, maintenance, replacement and debt financing):

$**0.00**/month Water $**0.00**/month Wastewater

What is the existing annual debt service for the existing system? $**0.00**

What amount, if any, of the existing annual debt service for the system is paid by property taxes?

$**0**/year Water $**0.00**/year Wastewater

What is the annual cost of material & services and personal services to maintain the existing system?
$0.00
What is the estimated cost of material & services and personal services for the new system?
$0.00

Does an Operation, Maintenance & Replacement (OM&R) Manual exist? ☐ Yes ☐ No

Does the potential applicant annually budget for both Maintenance and Replacement expenditures? ☐ Yes ☐ No

COMPLIANCE

Is the utility now, or soon to be, out of compliance with State or Federal standards? ☐ Yes ☐ No

What regulatory agency has been contacted and when?

Is there written documentation or confirmation of the compliance issue? *If yes, attach.* ☐ Yes ☐ No

Will the proposed project bring the utility into compliance? *If no, attach explanation.* ☐ Yes ☐ No

USE	Current / Existing System		Future / At Completion of Construction	
	EDUs	Flow	EDUs	Flow
Residential				
Commercial & Business				
Industrial				
Other				
Total Uses				
Of Residential, Number occupied by Permanent Residents				
Percent Permanent Residential	%	%	%	%
Number of connections				
Number of Service Meters (for water)				

Are all current service connections required to be metered? ☐ Yes ☐ No

Current Project Activity with IFA

1. List each open CDBG grant award by project name, project number, grant award amount ($) and describe the status of each.

None

2. Does potential applicant have more than three open CDBG grants? ☐ Yes ☒ No
If "Yes," explain.

3. Is potential applicant meeting the age and expenditure requirements for all open CDBG grants funded by Oregon Housing and Community Services and IFA? *(See requirements below.)* ☒ Yes ☐ No

Requirements for open ONE YEAR grants are:

- *Any Regional Housing Center (RHC) grant that is one or two years old must be meeting contract requirements.*
- *Any Microenterprise grant that is one year old must be 70% drawn*
- *Any Microenterprise grant that is two years old must be administratively closed*
- *Any RHC grant that is three years old must be administratively closed*

Requirements for open MULTI YEAR grants are:

- *Any grant that is two years old must be 60% drawn*
- *Any grant that is three years old must be 100% drawn*
- *Any grant that is four years old must be administratively closed*

If "No," explain.

N/A

4. Does the potential applicant have other open grant and loan awards from IFA? ☐ Yes ☒ No

If Yes, identify each award by project name, project number, award amount ($) and describe the status of each project.

N/A

Instructions for Project Notification & Intake Form

The Project Notification & Intake Form (PNIF) provides information necessary to determine if a potential project is ready-to-proceed, such that a complete application may be invited from the potential applicant.

Once the Infrastructure Finance Authority (IFA) determines that the PNIF provides sufficient information to determine that a potential project appears to be an eligible project ready-to-proceed, the Regional Coordinator shall invite the prospective applicant to submit a complete application. The potential applicant has one year to submit a complete application for funding consideration. If a complete application is not submitted within the one-year period, after consultation with the potential applicant, the Regional Coordinator may prepare a revised PNIF for IFA approval before a new complete application will be invited.

Project Name: Name of the potential applicant, Name of the project (ex. Stayton Water System Improvements)

Project Location: City/unincorporated area/county where project is/will be located or, if the project doesn't involve a physical location, the city(ies)/county(ies) that will benefit from the project (ex. Applicant is Deschutes County, and the project location is in Bend, Oregon, or the benefiting entity is a district such as Odell Sanitary District.)

Potential Applicant: Entity that will contract with the IFA for financial assistance and will manage the project.

Information for Contact Person: Information for the person we should contact if we have questions about the project.

Estimated Funding Request: Indicate the amounts committed or pending from the potential applicant and other sources and the amount requested from the IFA. The Estimated Project Cost should include all costs to complete the project, such as: construction, contingencies, engineering, administration, permits, inspection, legal, etc.

Date of Project Cost Estimate: Date the estimated project cost was determined. If older than one (1) year, the estimate must be updated. Also, identify who prepared the cost estimate.

How would a loan be repaid: List the specific source(s) of revenue intended to repay a loan (monthly user fees, property tax assessments, etc.).

Estimated Start Date (m/yr): This date (m/yr) also provides a guide for determining when a contract must be signed by the potential applicant and developing a timeline for managing the project. If "Pre-award Costs" are not requested in this intake, a contract must be signed before work can be commenced.

Estimated Project Completion Date (m/yr): The date (m/yr) when construction activity is anticipated to be completed.

Estimated first Draw: The date (m/yr) the potential applicant will require the first disbursement of funds. This date is required so that the IFA can monitor cash flows by program.

Readiness To- Proceed for Construction Projects: The following requested information is needed by the IFA as part of the evaluation of when identified high priority projects are expected to be ready to proceed with application, award and construction phases. Information supplied by the potential applicant will help determine when a proposed high priority project will be invited to submit a complete application for funding consideration.

> Fiscal Year in which the potential applicant will budget for the proposed construction project: Identify and select the specific fiscal year (FY2014-15, 2015-16, 2016-17, or other) in which the project is anticipated to begin and funds need to be budgeted by the potential applicant.
>
> Certification of Master, Facilities or other technical Plan: Has a licensed engineer or architect certified in a Master Plan, Facilities Plan or other technical report that the project is feasible and cost effective? If not, when will a report be prepared?
>
> Public meeting review of proposed construction project: Has the governing body of the potential applicant conducted and documented the results of a public meeting (Council or Board meeting, public hearing, workshop, etc.) to identify and discuss major factors and options of the proposed project, including such items as nature and need for project, starting date, financing requirements that may involve taking on additional debt, and consistency with the applicable comprehensive land use plan? If not, when will a public meeting be held?

Status of Other Funds: When are the other funds identified as pending or committed expected to be available and what actions are needed to secure these funds.

Rural Development Participation: When USDA Rural Development is expected to provide funds for the proposed project, the potential applicant must identify the source of interim loan financing, since Rural Development only provides take-out financing. Remember that the grant funds provided by Rural Development cannot be used on project

expenditures until all of the interim loan funds have been expended. Rural Development must release the potential applicant to expend funds on the project (any source). Failure to obtain this release could jeopardize Rural Development participation in the project funding.

The potential applicant must provide the status of the interim loan financing, such as when they applied for the funds and if they received confirmation that funding would be provided. The potential applicant must also indicate when the funds are available. They must indicate if there are any limitations on the use of these funds. IFA analysis for funding of this proposed project will consider these limitations. At the least, a special condition of award shall be placed in the Special Condition of Award exhibit of the contract.

Local Acknowledged Comprehensive Plan: In order to determine that the project is consistent with the Comprehensive Plan, the potential applicant should provide that portion of the plan that supports a yes answer. If a change in zoning will be needed for the project to proceed, an explanation of the status of the zoning change is required.

Local, Countywide, Regional Plan: Identify whether the proposed project is listed on any local plan or inventory of planned projects. Also, identify the priority of the proposed project to the potential applicant.

Industrial/Commercial Development: Is there a "firm business commitment" to create/retain jobs associated with the proposed project? If yes, provide company name(s) and estimated number of jobs that will be created and/or retained.

Project Description

Problem Statement: This information should be simple and to the point (i.e., non-compliance, lack of capacity for economic development, inability to provide required services)

Solution or Opportunity Statement: This statement should describe how the problem will be resolved. The information should be simple and to the point. Indicate if there are any circumstances that would prevent the potential applicant from proceeding with the project after funding is awarded and a contract is signed. State whether the proposed solution is a planning (feasibility, preliminary engineering, etc.) only, final design only, construction only, or combined final design/construction project.

For Water or Wastewater Projects Only:

Current Monthly Residential User Charge: According to the potential applicant's current rate schedule, the amount of a residential user's monthly charge if 7500 gallons of water were used. For Wastewater projects provide the sewer rate for residential users.

Planned Monthly Residential User Charge at Construction Completion: For final design, construction, or combined final design & construction potential projects, provide the necessary residential user monthly charge that is needed at completion of construction to adequately cover operation, maintenance, replacement and debt financing requirements.

Existing annual debt service for the system: Amount paid annually (from all sources) to retire existing debt for prior improvements made to the existing system. (This is the system that is being improved by the requested funding)

Amount of the existing annual debt service paid by property taxes: If property tax revenues are used to retire debt that was incurred to make improvements to the existing system, what is the annual amount of property tax revenues used?

Operation & Maintenance Expense: This includes Personal Services and Materials and Services line items found in the Municipal Audit, and *does not* include Capital Outlay, Debt Service, Depreciation, Replacement Reserves, or other non-operating expenses.

Operation & Maintenance expenses after the project: Estimated annual operation & maintenance expenses after the proposed improvements are completed.

Operation, Maintenance & Replacement Manual: Does an Operation, Maintenance & Replacement (OM&R) Manual exist for the system?

Budgeting for Maintenance and Replacement costs: Does the potential applicant annually budget for both Maintenance and Replacement costs for the system?

Compliance: Identify whether utility system is now, or soon to be, out of compliance with state or federal standards. If "yes", attach documentation from DEQ or the Department of Human Services, Drinking Water Program that supports the yes answer (i.e., formal letter, e-mail).

The potential applicant must indicate when they last spoke with the regulatory agency regarding the compliance issue.

The recipient is to provide a copy of the MAO or MOU from the regulatory agency (i.e., DEQ, DHS)

If the potential applicant indicates that the project will not bring the utility into compliance they must provide an explanation as to why.

Number of Equivalent Dwelling Units (EDUs): For water systems, an Equivalent Dwelling Unit is one residential connection up to the equivalent of 7,500 gallons of usage, whichever is less. A recent Water Master Plan or Facility Plan should determine the number of EDUs for your system. (Commercial and industrial users normally account for multiple units.)

Number of Total Available Residential Uses: The maximum number of residences and flows, which could be served by the system.

Number of Commercial & Businesses Uses: Number of EDUs assigned to commercial and business units and their Flows.

Number of Industrial Uses: Number of EDUs assigned to industrial units and their Flows.

Number of Other Uses: Number of EDUs assigned to other units, such as schools, hospitals, etc., and their Flows.

Total Uses: Number of EDUs and Flows assigned to the sum of Permanent Residential, Commercial & Business, Industrial and Other Uses.

Number of Permanent Residential Uses: Of the number of Residences, how many are occupied by permanent residents. For potential projects to be considered for CDBG funding, the potential project must serve primarily residential units, of which a majority of residences are permanent residences; that is, the occupants must reside in the residence for more than six months of the year.

Percent Permanent Residential: Total Permanent Residential EDUs or Flows divided by The Respective Total EDUs or Flows multiplied by 100.

Number of connections: The number of service connections, which are currently connected to the system. This includes all types of connections (permanent residential, commercial & business, industrial, and other).

Number of Service Meters (for Water): Number of service meters among all uses.

Service Meter Requirement: If current service connections are not required to be metered, the project must include metering of the entire system. The project budget must be adjusted accordingly. The potential applicant will be required to adopt a resolution, ordinance or order requiring all future service connections to be metered as part of this project.

Current Project Activity Funded by IFA

Identify the status of all **OPEN** IFA grant and loan funding awards previously made to the potential applicant.

TAX LOT ID:
11E35AD01001
11E35AD01000

Potential Staging Area

WILLAMETTE RIVER

ORDINARY HIGH WATER ELEV. 19.8'

EXTEND SHEET PILE WALL AND ARMOR SLOPE

100 YEAR FLOOD PLAIN ELEV. 36'

KELLOGG CREEK

Driveway connection to Hwy 99E shown in concept. Design-Build Contractor to finalize driveway alignment and profile to provide viable access.

CONNECT TO EXISTING WALK

APPROX. CONSTRUCTION LIMITS

CONNECT TO EXISTING CURB

INSTALL RAMP CONNECT TO EXISTING PATH

WALL

ADJUST MANHOLE TO FINISH GRADE. PROTECT SANITARY SEWER

PED PATH

WALL

APPROX. CONSTRUCTION LIMITS

CONNECT TO EXISTING CURB

BRIDGE BENT LOCATION TBD

BRIDGE BENT LOCATION TBD

WALL

PROPOSED BRIDGE

EXISTING BRIDGE

WALL

WALL

100 YEAR FLOOD PLAIN ELEV. 36'

REPLACE SIGNAL CONTROL LOOPS

CONNECT ROADWAY TO EXISTING ENTRANCE

HWY 99E
MCLOUGHLIN BLVD

KELLOGG CREEK

WASHINGTON STREET

Design components shown on this drawing are intended to be "concept level" only. Design-Build Contractor will be responsible for providing and ensuring viability of final design. Dimensions, elevations, slopes, locations of design features, or other design-related information shown on this drawing should be independently verified.

0 10 20 40
SCALE: 1" = 20'

P:\MWK (City of Milwaukie)\MWK-25 (Riverfront Park Bridge RFP)\MWK25-DWGS\SHEETS\ MWK25 - KELLOGG CREEK.dwg

CITY OF MILWAUKIE
PUBLIC WORKS DEPARTMENT
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206
TEL. (503) 786-7600
FAX. (503) 774-8236

DATE	NO.	DESCRIPTION

REVISIONS

DESIGNED: KKV
DRAWN: ABM
CHECKED: AJI
DATE: 1/20/2017

Harper Houf Peterson Righellis Inc.
ENGINEERS • SURVEYORS
LANDSCAPE ARCHITECTS • PLANNERS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

EXHIBIT "A" - DESIGN BUILD SPECIAL PROVISIONS

KELLOGG CREEK BRIDGE REPLACEMENT

MILWAUKIE, OREGON

SHEET NO. 1 OF 2

JOB NO. MWK-25

RS31

DR-4258-PW-00068(0)	
Applicant Name:	Application Title:
MILWAUKIE	ST0265 - Kellogg Creek Bridge
Period of Performance Start:	Period of Performance End:
02-17-2016	08-17-2017

Subgrant Application - Entire Application

Application Title: ST0265 - Kellogg Creek Bridge
Application Number: PA-10-OR-4258-PW-00068(0)
Application Type: Subgrant Application (PW)

Preparer Information	
Prefix	Mr.
First Name	Anthony
Middle Initial	
Last Name	Sawney
Title	Document Integrity Unit
Agency/Organization Name	OEM
Address 1	PO Box 14370
Address 2	
City	Salem
State	OR
Zip	97309
Email	julie.slevin@oem.state.or.us
Is the application preparer the Point of Contact?	No

Point of Contact Information	
Prefix	Mr.
First Name	Charles
Middle Initial	
Last Name	Eaton
Title	City Engineer
Agency/Organization	Milwaukie
Address 1	6101 SE Johnson Creek Blvd.
Address 2	
City	Milwaukie
State	OR
ZIP	97206
Phone	503-786-7605
Fax	
Email	eatonc@milwaukieoregon.gov

Alternate Point of Contact Information	
Prefix	
First Name	
Middle Initial	
Last Name	

Title	
Agency/Organization	
Address 1	
Address 2	
City	
State	
ZIP	
Phone	
Fax	
Email	

Project Description	
Disaster Number:	4258
Pre-Application Number:	PA-10-OR-4258-RPA-0105
Applicant ID:	005-48650-00
Applicant Name:	MILWAUKIE
Subdivision:	
Project Number:	ST0265
Standard Project Number/Title:	399 - Road System Damage
Please Indicate the Project Type:	Neither Alternate nor Improved
Application Title:	ST0265 - Kellogg Creek Bridge
Category:	C.ROADS & BRIDGES
Percentage Work Completed?	5.0 %
As of Date:	04-15-2016

Comments

Permanent repair of Bridge over Kellogg creek. See associated Cat B for temp repairs PW Ref # 264. Applicant will be replacing bridge. Project will require a 50% rule calculation, preliminary calculation from the applicant show replacement to be cost effective. Applicant will be pursuing an improved project in either case to add additional functionality. Applicant has a cost estimate prepared for repair and will develop a cost estimate for in-kind replacement. Applicant is currently accepting bids for replacement of the project and expects to award the contract on May 17. Applicant has an existing USACE permit for work in the area and will be revising it to include the bridge replacement. Anthony Wright - PDM 6/7/16 DAS Review complete, Applicant will develop scope of work and cost for this project; RM.

Attachments

Damage Facilities (Part 1 of 2)

Facility Number	Facility Name	Address	County	City	State	ZIP	Site Previously Damaged?	Action
1	Kellogg Creek Bridge	Riverfront Park	Clackamas	Milwaukie	OR	97206	Yes	

Comments

The applicant has completed extensive repairs under Category B ST0264 work. The bid documents and permits for the temporary work are attached as they assisted in the site inspection. The ST0265 USA Corp permit states that the temporary repairs covered will be allowed until a new bridge is designed and built. ST0266 is a geographically associated project to repair lost stabilization around a manhole on the south side of Kellogg Creek. The cone of influence for the existing bridge and sewer facility overlap. The applicant indicates the work may be bid together which may suggest the two projects be combined within EMMIE at some future date. This project DDD has been developed independently at this time. 5/4/2016 Don Markle Site Inspector.

Attachments

User	Date	Document Type	Description	Hard Copy File Reference	File Name	Action
ANTHONY SAWNEY	04-18-2016	Site Damage Document	ST0265 - PDA Summary	ST0265 - PDA Summary	ST0265 - PDA Summary.pdf (178.59 kb)	View
ANTHONY SAWNEY	04-18-2016	Additional Information	ST0265 - Categorical Checklist	ST0265 - Categorical Checklist	ST0265 - Categorical Checklist.docx(47.93 kb)	View
DONALD MARKLE		Environmental/Historic Document			ST0265 USACorp Temporary Permit.pdf(2.50 Mb)	View

	05-04-2016		Temporary Work USACorp Permit			
DONALD MARKLE	05-04-2016	Environmental/Historic Document	Oregon Dept of Lands Temporary Work Permit		ST0265 Oregon DSL Temporary permit.pdf(2.23 Mb)	View
DONALD MARKLE	05-04-2016	Contract Document	Temporary Work Bid Documents		ST0265 Temporary Repair Kellogg Bid Documents_March 16.pdf(3.29 Mb)	View
DONALD MARKLE	05-06-2016	Site Damage Document	Site Inspection Report		ST0265 PA Category C Bridge Inspection Report 030916.pdf (409.07 kb)	View
DONALD MARKLE	05-06-2016	Site Damage Document	Site Inspection signed sheet		ST0265 Site Inspection Signed Sheet.pdf(104.80 kb)	View
DONALD MARKLE	05-06-2016	Photos	Photo - location - drawnings		ST0265 Photos - location - drawings.pdf(2.64 Mb)	View
DONALD MARKLE	05-06-2016	Photos	Applicant supplied Photos		ST0265 Applicant supplied storm and repair Kellogg Cr. Photos.pdf(3.79 Mb)	View
DONALD MARKLE	05-06-2016	Project Worksheet	DDD		ST0265 DDD.pdf(98.40 kb)	View
DONALD MARKLE	05-06-2016	Additional Damages Document	State Bridge Inspection - Preexisting damage		ST0265 Kellogg Creek Bridge #22142 State Inspection Report.pdf(589.81 kb)	View
DONALD MARKLE	05-06-2016	Additional Damages Document	2016 underwater damage report		ST0265 Kellogg Bridge Underwater Investigation.pdf (5.81 Mb)	View
ANTHONY SAWNEY	05-17-2016	Site Damage Document	ST0265 - Site Inspection Report	ST0265 - Site Inspection Report	ST0265 - Site Inspection Report 4-29-2016.pdf(1.10 Mb)	View
CLAUDINE BRYANT	07-05-2016	Additional Information	0265 - Email	0265 - Email - Acknowledgement - zero dollar project worksheet - Kellogg Creek	0265 - Email - Acknowledgement - zero dollar project worksheet - Kellogg Creek Bridge PW00068.pdf (165.35 kb)	View

Facility Name:	Kellogg Creek Bridge
Address 1:	Riverfront Park
Address 2:	11211 Mc Loughlin Blvd.
County:	Clackamas
City:	Milwaukie
State:	OR
ZIP:	97206
Was this site previously damaged?	Yes
Percentage Work Completed?	5.00 %
Location:	PA-10-OR-4258-PW-00068(0): Riverfront Park 11211 Mcloughlin Blve. Milwaukie, Oregon 97206 North 45.441860, -122.642290 South 45.41734, -122.642300
Damage Description and Dimensions:	PA-10-OR-4258-PW-00068(0): The Kellogg Creek Bridge (GPS = North 45.441860, -122.642290; South 45.41734,

	-122.642300 was damaged as a direct result of flood waters from FEMA-4258-DR-OR, occurring during December 06, 2015 - December 23, 2015. High and turbulent flood waters along Kellogg Creek eroded the toe of the engineered slope along the west downstream side of creek undermining the south abutment, damaging the pavement and curbing of the approach. The water also undermined the North abutment on the west downstream side and the resulting pressure rotated the south half of secondary wing wall at a preexisting crack. Specific damages are: Eroded materials on engineered slope around south abutment and approach: 1.Soil and erosion control plants on the protective slope: 1FT deep x 25FT wide x 35FT long 2.Class 700 rip rap base: 7FT deep x 35FT long x 25FT wide 3.Toe of engineered slope: 135FT (L) x 49FT (Face) x 35FT (H) is presently unstable (also listed in ST0266) 4.Asphalt/pavement 2 x 6IN (D) x 26FT (L) x 8FT (W) 5.Aggregate Base 4FT (D) x 26FT (L) x 12FT (W) 6.Concrete Curb 6IN x6IN x 27FT North Abutment 7.Class 700 rip rap base: 10 FT (L) 42IN (W) x 36IN (H) 8.20FT(L) x 6IN(W) x 16.5FT(H) secondary wing wall pre-existing crack widened when primary abutment was under-mined flexing and rotating south half of wing wall 1.5IN. 9. Steel Hand rail 20FT (L) x 1IN (D) x 4FT (H) crimped when wing wall rotated. There have been temporary repairs made to this damage as part of Category B emergency project ST0264 to protect the bridge. Permit for temporary work requires removal of materials when new bridge is installed. Final design of repair for this repair of Category C project ST0265 will include final design for Category F project ST0266 for a manhole which was exposed adjacent to the west to the bridge.
Scope of Work:	PA-10-OR-4258-PW-00068(0): WORK COMPLETED The Subrecipient utilized contract resources to perform a geotechnical engineering evaluation of Kellogg Creek Bridge. The contractor, HartCowser, completed this study and presented their findings in a paper dated January 5, 2016. This paper is included in backup. At the time of PW formulation, the Subrecipient was unable to locate the invoice for this work performed. FEMA recognizes this geotechnical engineering evaluation as eligible work, but without an invoice, FEMA will not obligate funding toward this scope item. When the Subrecipient locates and submits these costs, FEMA may prepare a version to capture these eligible costs. The Subrecipient utilized contract resources to perform an underwater investigation of Kellogg Creek Bridge. The contractor, Marine Industrial Construction, LLC, completed this study and presented their findings in a paper dated February 10, 2106. This paper is included in backup. At the time of PW formulation, the Subrecipient was unable to locate the invoice for this work performed. FEMA recognizes this underwater investigation as eligible work, but without an invoice, FEMA will not obligate funding toward this scope item. When the Subrecipient locates and submits these costs, FEMA may prepare a version to capture these eligible costs. WORK TO BE COMPLETED ********** Version 0 ********** This version 0 is written to reimburse the applicant for: 1. A&E cost as documented on PW00068 Cost Estimated Format (CEF); in kind bridge replacement. Engineering cost are derived from the scope of work documented on this project version 0. 2. Incidental A&E costs for the emergency work as documented on PW00241. Version 0 – in kind Bridge replacement, engineering cost (CEF) and Engineering cost Emergency Work. CEF Part C1 $200,149.00 CEF Part H1 $18,476.00 CEF Part H2 $196,867.00 Emergency Work Engineering cost PW241 $30,539.00

Total A&E for this version 0 = $446,031.00

Notes:

A&E cost listed above are for the bridge replacement in kind only.

Costs associated to the scope of work documented on this project version 0 will be capture on project version 1.

In addition to the bridge replacement scope, the following improvements will be included in the final project scope.

1.Widen structure to accommodate wider travel lanes and installation of 8 FT sidewalk on downstream side connecting both parking lots.

2.Include an architectural allowance to provide for features to have the structure better integrated into the park settings.

a. A&E cost for the bridge improvements are not included in the costs listed above.

The Subrecipient will utilize contract resources to restore Kellogg Creek bridge (GPS 45.441860,-122.642290) to pre-disaster condition.

Based on the extent of disaster-related damages sustained to Kellogg Creek bridge, the Subrecipient requested FEMA to prepare a repair/replacement (50% rule) calculation. Per Pgs. 96-98 of the Public Assistance Program and Policy Guide, the repair cost (numerator) is the cost of repairing disaster-related damage only and includes costs related to compliance with standards that apply to the repair of the damaged elements only. The numerator does not include costs associated with:
• Upgrades of non-damaged elements even if required by standards (e.g., elevation of an entire facility triggered by repair)
• Demolition beyond that which is essential to repair the damaged elements
• Site work
• Soft costs
• Contents
• Hazard mitigation measures
• Emergency Work

The replacement cost (denominator) is the cost of replacing the facility on the basis of its predisaster design (size and capacity) and function in accordance with applicable standards. The denominator does not include costs associated with:
• Demolition
• Site work
• Soft costs
• Contents
• Hazard mitigation measures
• Emergency Work

Although certain costs are not included in the 50% Rule calculation to determine whether the facility is eligible for replacement, the costs may be eligible for PA funding subject to all other eligibility requirements.
In a memorandum dated July 22, 2016, the Subrecipient listed the scope of work to repair Kellogg Creek Bridge and the scope of work to replace Kellogg Creek Bridge:
REPAIR
• Construct a drill soldier pile wall extending the south abutments wing wall 25 feet
• Reconstruct the impact panel for the structure that was partially removed for the temporary repairs
• Reconstruct a portion of the north abutment wing wall
• Reconstruct the north impact panel that will need to be partially removed to construct the wing wall
• Repair both approaches as necessary due to construction activities
• Reconstruct stream bank along base of structure to provide for support of structural footings undermined during event
• Install structural TOE protection to mitigate future damage and restore foundation stability
• Repair rail damaged by structural failures. Rail not in compliance with current federal requirements and any work on the rails will trigger replacement to meet current crash and safety regulations
• Restore and mitigate for disturbances to natural resources and water quality requirements per current regulations
• Provide fish protection for ODFW in accordance with the Endangered Species Act

• Replace and construct sighting and protective fencing
• Provide all engineering design, environmental permitting, construction management and inspection of competitive bid project

REPLACEMENT
• Construct new structure long enough to have abutments outside of the scour influence of Kellogg Creek (90 FT recommended length per Geotech report). Bridge includes new structure, impact panels, bridge rails, wing walls, etc. for complete project
• Reconstruct approaches to allow new structure elevation requirement to elevation of FEMA Floodplain Mapping. Approach reconstruction includes: reconstruction of roadway (curbs, asphalt, etc.), draining, illumination, and pedestrian facilities as well as restoration of traffic signal infrastructure, restoration and mitigation for disturbance to natural resources and water quality requirements
• Remove old structure and embankments restoring streambanks to natural condition
• Provide fish passage protection per ODFW and Endangered Species Act Regulations during construction
• Construction of protective fencing and installation of required signing
• Provide all engineering design, environmental permitting, construction management, and inspection of competitive bid project

The Subrecipient provided both an estimate for repairs to Kellogg Creek Bridge and an estimate for replacement. These estimates are included in EMMIE backup, listed as "0265 – Kellogg Creek Bridge FEMA Estimates". FEMA utilized both repair and replacement estimates as the baseline for calculation of the 50% rule, with noted exceptions:
1. Unit cost of riprap geotextile type 2 was reduced from $10/SY to $3/SY.
2. Unit cost of loose riprap, class 700 was reduced from $125/CY to $75/CY.
3. Unit cost of loose riprap, class 2000 was reduced from $200/CY to $125/CY.
4. Repair cost of Wall #3 (North Bank) was not included in the repair cost as this section of the bridge was deemed to have pre-disaster damages (see above Damage Description and Dimension item #8)

With these adjustments, and following the definitions of the numerator and denominator of the 50% rule calculation, the results are:
Repair/Replacement = $583,084/$1,048,789 = 56%
At a repair/replacement ratio of 56%, the damaged Kellogg Creek Bridge is eligible for replacement. Please refer to the EMMIE attachment "0265 City of Milwaukee Kellogg Creek Bridge Eval" for details of this 50% rule calculation.

Since this project is a large project, is a permanent work project, and is less than 90% complete at the time of project formulation, FEMA will implement the forward-pricing methodology referred to as the Cost Estimating Format (CEF). The CEF provides a worksheet, called Part A, that allows the user to estimate the base construction costs. The user then applies a series of factors (Parts B through H) that represent the non-construction costs. These expenses can reasonably be expected to occur because they are construction-related costs usually encountered during the course of construction. These factors are applied to the Part A base construction costs to estimate the total cost of completing the project. This "forward-pricing" methodology provides an estimate of the total eligible funding at the beginning of the project. This estimate, which is used to obligate the funds for the project, allows the applicant to more accurately manage the budget with a greater degree of confidence.

The total estimated cost of replacing the Kellogg Creek Bridge, as determined by the CEF, comes to $2,123,850. Please refer to the EMMIE attachment "0265_CEF" for details of the CEF.

POTENTIAL FOR IMPROVEMENTS THAT ARE INELIGIBLE FOR PA FUNDING
Also in their memorandum dated July 22, 2016, the Subrecipient suggested they may elect to add improvements to the replacement bridge scope of work (also referred to as "FULL BUILD"). These listed improvements include:
• Widen structure to accommodate wider travel lanes and installation of 8FT sidewalk on downstream side connecting both parking lots
• Include an architectural allowance to provide for features to have the structure better integrated into the natural park setting
These improvements are not required by code or other regulation and are not eligible for FEMA funding. If the Subrecipient wishes to pursue these improvements, the Subrecipient must formally submit a letter to the Grantee requesting an Improved Project.

DIRECT ADMINISTRATIVE COSTS (DAC)
At the time of project formulation, the Subrecipient did not claim DAC costs. FEMA estimates the DAC activities needed to process this grant. DAC activities include performing site visits, gathering receipts/invoices, meeting with FEMA staff to review

	documentation. FEMA estimates a commitment of 150 hours at an average rate of $30/HR for DAC. This amounts to $4,500.00 of DAC costs. ATTACHMENTS Contractor - Preliminary Geotechnical Evaluation FEMA Hazard Mitigation team Site Inspection Report Photos FEMA Site Inspection Report Contractor - Bridge Underwater Investigation Subrecipient - Memorandum: Scope of work and request for repair/replacement calculation FEMA 50% rule calculation FEMA Cost Estimating Format

Hazard Mitigation Proposal	
* Is effective mitigation feasible on this site?	No
If you answered **Yes** to the above question, the next question is required	
Will mitigation be performed on this site?	
If you answered **Yes** to the above question, the next question is required	
Do you wish to attach a Hazard Mitigation Proposal?	
If you answered **Yes** to the above question, the next two questions are required	
Please provide the Scope of Work for the estimate: (maximum 4000 characters)	
Would you like to add the Hazard Mitigation Proposal as a cost line item to the project cost?	

GIS Coordinates		
Project Location	Latitude	Longitude
11211 Mcloughlin Blvd. Milwaukie, OR 97206	45.44186 45.441734	-122.64229 -122.6423

Special Considerations	
1. Does the damaged facility or item of work have insurance coverage and/or is it an insurable risk (e.g., buildings, equipment, vehicles, etc)?	Unsure
2. Is the damaged facility located within a floodplain or coastal high hazard area and/or does it have an impact on a floodplain or wetland?	Unsure
3. Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System Unit or an Otherwise Protected Area?	Unsure
4. Will the proposed facility repairs/reconstruction change the pre-disaster conditions (e.g., footprint, material, location, capacity, use of function)?	Unsure
5. Does the applicant have a hazard mitigation proposal or would the applicant like technical assistance for a hazard mitigation proposal?	Unsure
6. Is the damaged facility on the National Register of Historic Places or the state historic listing? Is it older than 50 years? Are there more, similar buildings near the site?	Unsure
7. Are there any pristine or undisturbed areas on, or near, the project site? Are there large tracts of forestland?	Unsure
8. Are there any hazardous materials at or adjacent to the damaged facility and/or item of work?	Unsure
9. Are there any other environmental or controversial issues associated with the damaged facility and/or item of work?	Unsure
Attachments	

For Category C, D, E, F, and G Projects only	
Is effective mitigation feasible on this project?	Yes
If you answered **Yes** to the above question, the next question is required	
Will mitigation be performed on any sites in this project?	Yes
If you answered **Yes** to the above question, the next question is required	
Do you wish to attach a Hazard Mitigation Proposal?	No

If you answered **Yes** to the above question, the next two questions are required	
Please provide the Scope of Work for the estimate:	
Would you like to add the Hazard Mitigation Proposal as a cost line item to the project cost?	No

Comments

Attachments

User	Date	Document Type	Description	Hard Copy File Reference	File Name	Action
ANTHONY SAWNEY	04-18-2016	Mitigation Document	ST0265 - Preliminary Geotech Evaluation	ST0265 - Preliminary Geotech Evaluation	ST0265 - Preliminary Geotech Evaluation.pdf(6.88 Mb)	View
SANFORD BENDER	05-02-2016	Mitigation Document	Recovery Scoping Meeting-Riverfront Park, Milwaukie, OR		RSM City of Milwaukee, Clackamas County 041216 RSM Form.pdf(53.36 kb)	View
SANFORD BENDER	05-03-2016	Mitigation Document	Site Inspection Report-Riverfront Bridge, Milwaukie		Riverfront Park Bridge - City of Milwaukee, Clackamas County 042916 Site Inspection Report.pdf(1.78 Mb)	View

Cost Estimate

Is this Project Worksheet for	

(Preferred) Repair

Sequence	Code	Material and/or Description	Unit Quantity	Unit of Measure	Unit Price	Subgrant Budget Class	Type	Cost Estimate	Action
*** Version 0 ***									
Work Completed									
1	9001	Contract	1	LS	$ 446,031.00	CONTRACTUAL	Work Completed	$ 446,031.00	
Direct Subgrantee Admin Cost									
2	9901	Direct Administrative Costs (Subgrantee)	1	LS	$ 4,500.00	INDIRECT CHARGES	Direct Subgrantee Admin Cost	$ 4,500.00	
							Total Cost :	**$ 450,531.00**	

Insurance Adjustments (Deductibles, Proceeds and Settlements) - 5900/5901

Sequence	Code	Material and/or Description	Unit Quantity	Unit of Measure	Unit Price	Subgrant Budget Class	Type	Cost Estimate	Action
							Total Cost :	**$ 0.00**	

Total Cost Estimate: (Preferred Estimate Type + Insurance Adjustments)	**$ 450,531.00**

Comments

Attachments

User	Date	Document Type	Description	Hard Copy File Reference	File Name	Action
CEDRIC WILLIS	07-25-2016	Contract Document	0265 - Bid Booklet 1	0265 - Bid Booklet - Milwaukie Riverfront Park Bridge Scour Repair 1.pdf	0265 - Bid Booklet - Milwaukie Riverfront Park Bridge Scour Repair 1.pdf(893.33 kb)	View
CEDRIC WILLIS	07-25-2016	Contract Document	0265 - Bid Booklet 2	0265 - Bid Booklet - Milwaukie Riverfront Park Bridge Scour Repair 2.pdf	0265 - Bid Booklet - Milwaukie Riverfront Park Bridge Scour Repair 2.pdf(517.25 kb)	View

CEDRIC WILLIS	07-25-2016	Contract Document	0265 - Bid for Public Improvement	0265 - Bid for Public Improvement - Kellogg Special Provisions.pdf	0265 - Bid for Public Improvement - Kellogg Special Provisions.pdf(601.74 kb)	View
CEDRIC WILLIS	07-25-2016	Contract Document	0265 - Bid Sumary	0265 - Bid Sumary and estimate Kellog Creek Bridge #22142.pdf	0265 - Bid Sumary and estimate Kellog Creek Bridge #22142.pdf (2.41 Mb)	View
CEDRIC WILLIS	07-25-2016	Additional Information	0265 - Emergency Exemption from Competitive Bidding	0265 - Emergency Exemption from Competitive Bidding - Bridge Replacement #22142.	0265 - Emergency Exemption from Competitive Bidding - Bridge Replacement #22142.pdf (645.21 kb)	View
CEDRIC WILLIS	07-25-2016	Additional Information	0265 - Memorandum - Bridge Replacement	0265 - Memorandum - Bridge Replacement.pdf	0265 - Memorandum - Bridge Replacement.pdf(327.98 kb)	View
CEDRIC WILLIS	07-29-2016	Additional Information	0265 - Estimate of Repairs	0265 - Kellogg Creek Bridge FEMA Estimates.pdf	0265 - Kellogg Creek Bridge FEMA Estimates.pdf(7.45 Mb)	View
JAMES LEONARD	08-23-2016	Calculation Sheet	ST0265_Repair_Replace_Calc	ST0265_Repair_Replace_Calc	0265+-+CITY+OF+MILWAUKIE-KELLOGG+CREEK+BRIDGE-EVAL+jwledits.xlsx(15.10 kb)	View
JAMES LEONARD	08-23-2016	Calculation Sheet	ST0265_CEF	ST0265_CEF	ST0265_CEF.xls(480.51 kb)	View
CLAUDINE BRYANT	09-27-2016	Invoice	0265 - Invoices - April 2016	0265 - Invoices - D22-7512-HartCrowser011-13APR16.pdf	0265 - Invoices - D22-7512-HartCrowser011-13APR16.pdf (4.45 Mb)	View
CLAUDINE BRYANT	09-27-2016	Invoice	0265 - Invoices - MAY 2016	0265 - Invoices - D22-7512-HartCrowser011-19MAY16.pdf	0265 - Invoices - D22-7512-HartCrowser011-19MAY16.pdf (1.97 Mb)	View
CLAUDINE BRYANT	09-27-2016	Invoice	0265 - Invoices - June 2016	0265 - Invoices - D22-7412-HartCrowser-22JUN16.pdf	0265 - Invoices - D22-7412-HartCrowser-22JUN16.pdf(2.57 Mb)	View

Existing Insurance Information						
Insurance Type	Policy No.	Bldg/Property Amount	Content Amount	Insurance Amount	Deductible Amount	Years Required

Comments
Attachments

Comments and Attachments		
Name of Section	Comment	Attachment
Preparer Information		ST0265 - DAS QA Checklist Complete.xlsm (06-20-2016)
Project Description	Permanent repair of Bridge over Kellogg creek. See associated Cat B for temp repairs PW Ref # 264. Applicant will be replacing bridge. Project will require a 50% rule calculation, preliminary calculation from the applicant show replacement to be cost effective. Applicant will be pursuing an improved project in either case to add additional functionality. Applicant has a cost estimate prepared for repair and will develop a cost estimate for in-kind replacement. Applicant is currently accepting bids for replacement of the project and expects to award the contract on May 17. Applicant has an existing USACE permit for work in the area and will be revising it to include the bridge replacement. Anthony Wright - PDM 6/7/16 DAS Review complete, Applicant will develop scope of work and cost for this project; RM.	
Damage Facilities	The applicant has completed extensive repairs under Category B ST0264 work. The bid documents and permits for the temporary work are attached as they assisted in the site inspection. The ST0265 USA Corp permit states that the temporary repairs covered will be allowed until a new bridge is designed and built. ST0266 is a geographically associated	ST0265 - PDA Summary.pdf (04-18-2016) ST0265 - Categorical Checklist.docx (04-18-2016)

RS40

Comments and Attachments		
	project to repair lost stabilization around a manhole on the south side of Kellogg Creek. The cone of influence for the existing bridge and sewer facility overlap. The applicant indicates the work may be bid together which may suggest the two projects be combined within EMMIE at some future date. This project DDD has been developed independently at this time. 5/4/2016 Don Markle Site Inspector.	ST0265 USACorp Temporary Permit.pdf (05-04-2016) ST0265 Oregon DSL Temporary permit.pdf (05-04-2016) ST0265 Temporary Repair Kellogg Bid Documents_March 16.pdf (05-04-2016) ST0265 PA Category C Bridge Inspection Report 030916.pdf (05-06-2016) ST0265 Site Inspection Signed Sheet.pdf (05-06-2016) ST0265 Photos - location - drawings.pdf (05-06-2016) ST0265 Applicant supplied storm and repair Kellogg Cr. Photos.pdf (05-06-2016) ST0265 DDD.pdf (05-06-2016) ST0265 Kellogg Creek Bridge #22142 State Inspection Report.pdf (05-06-2016) ST0265 Kellogg Bridge Underwater Investigation.pdf (05-06-2016) ST0265 - Site Inspection Report 4-29-2016.pdf (05-17-2016) 0265 - Email - Acknowledgement - zero dollar project worksheet - Kellogg Creek Bridge PW00068.pdf (07-05-2016)
Mitigation		ST0265 - Preliminary Geotech Evaluation.pdf (04-18-2016) RSM City of Milwaukee, Clackamas County 041216 RSM Form.pdf (05-02-2016) Riverfront Park Bridge - City of Milwaukee, Clackamas County 042916 Site Inspection Report.pdf (05-03-2016)
Cost Estimate		0265 - Bid Booklet - Milwaukie Riverfront Park Bridge Scour Repair 1.pdf (07-25-2016) 0265 - Bid Booklet - Milwaukie Riverfront Park Bridge Scour Repair 2.pdf (07-25-2016) 0265 - Bid for Public Improvement - Kellogg Special Provisions.pdf (07-25-2016) 0265 - Bid Sumary and estimate Kellog Creek Bridge #22142.pdf (07-25-2016)

Comments and Attachments		
		0265 - Emergency Exemption from Competitive Bidding - Bridge Replacement #22142.pdf (07-25-2016) 0265 - Memorandum - Bridge Replacement.pdf (07-25-2016) 0265 - Kellogg Creek Bridge FEMA Estimates.pdf (07-29-2016) 0265+-+CITY+OF+MILWAUKIE-KELLOGG+CREEK+BRIDGE-EVAL+jwledits.xlsx (08-23-2016) ST0265_CEF.xls (08-23-2016) 0265 - Invoices - D22-7512-HartCrowser011-13APR16.pdf (09-27-2016) 0265 - Invoices - D22-7512-HartCrowser011-19MAY16.pdf (09-27-2016) 0265 - Invoices - D22-7412-HartCrowser-22JUN16.pdf (09-27-2016)
Form 90-91		0265 - Form 90-91 Signed DDD.pdf (05-31-2016)

Bundle Reference # (Amendment #)	Date Awarded
PA-10-OR-4258-PW-00068(302)	11-03-2016

Subgrant Application - FEMA Form 90-91

Note: The Effective Cost Share for this application is 75%

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT WORKSHEET

DISASTER	PROJECT NO.	PA ID NO.	DATE	CATEGORY
FEMA 4258 - DR -OR	ST0265	005-48650-00	06-20-2016	C

APPLICANT: MILWAUKIE	WORK COMPLETE AS OF: 04-15-2016 : 5 %
Site 1 of 1	
DAMAGED FACILITY: Kellogg Creek Bridge	COUNTY: Clackamas

LOCATION:	LATITUDE:	LONGITUDE:
PA-10-OR-4258-PW-00068(0): Riverfront Park 11211 Mcloughlin Blvd. Milwaukie, Oregon 97206 North 45.441860, -122.642290 South 45.41734, -122.642300 Current Version:	45.441734 45.44186	-122.6423 -122.64229

DAMAGE DESCRIPTION AND DIMENSIONS:

PA-10-OR-4258-PW-00068(0):
The Kellogg Creek Bridge (GPS = North 45.441860, -122.642290; South 45.41734, -122.642300 was damaged as a direct result of flood waters from FEMA-4258-DR-OR, occurring during December 06, 2015 - December 23, 2015. High and turbulent flood waters along Kellogg Creek eroded the toe of the engineered slope along the west downstream side of creek undermining the south abutment, damaging the pavement and curbing of the approach. The water also undermined the North abutment on the west downstream side and the resulting pressure rotated the south half of secondary wing wall at a preexisting crack. Specific damages are:

Eroded materials on engineered slope around south abutment and approach:
1.Soil and erosion control plants on the protective slope: 1FT deep x 25FT wide x 35FT long

RS42

2.Class 700 rip rap base: 7FT deep x 35FT long x 25FT wide
3.Toe of engineered slope: 135FT (L) x 49FT (Face) x 35FT (H) is presently unstable (also listed in ST0266)
4.Asphalt/pavement 2 x 6IN (D) x 26FT (L) x 8FT (W)
5.Aggregate Base 4FT (D) x 26FT (L) x 12FT (W)
6.Concrete Curb 6IN x6IN x 27FT

North Abutment
7.Class 700 rip rap base: 10 FT (L) 42IN (W) x 36IN (H)
8.20FT(L) x 6IN(W) x 16.5FT(H) secondary wing wall pre-existing crack widened when primary abutment was under-mined flexing and rotating south half of wing wall 1.5IN.
9. Steel Hand rail 20FT (L) x 1IN (D) x 4FT (H) crimped when wing wall rotated.

There have been temporary repairs made to this damage as part of Category B emergency project ST0264 to protect the bridge. Permit for temporary work requires removal of materials when new bridge is installed. Final design of repair for this repair of Category C project ST0265 will include final design for Category F project ST0266 for a manhole which was exposed adjacent to the west to the bridge.

Current Version:

SCOPE OF WORK:

PA-10-OR-4258-PW-00068(0):
WORK COMPLETED

The Subrecipient utilized contract resources to perform a geotechnical engineering evaluation of Kellogg Creek Bridge. The contractor, HartCowser, completed this study and presented their findings in a paper dated January 5, 2016. This paper is included in backup. At the time of PW formulation, the Subrecipient was unable to locate the invoice for this work performed. FEMA recognizes this geotechnical engineering evaluation as eligible work, but without an invoice, FEMA will not obligate funding toward this scope item. When the Subrecipient locates and submits these costs, FEMA may prepare a version to capture these eligible costs.

The Subrecipient utilized contract resources to perform an underwater investigation of Kellogg Creek Bridge. The contractor, Marine Industrial Construction, LLC, completed this study and presented their findings in a paper dated February 10, 2106. This paper is included in backup. At the time of PW formulation, the Subrecipient was unable to locate the invoice for this work performed. FEMA recognizes this underwater investigation as eligible work, but without an invoice, FEMA will not obligate funding toward this scope item. When the Subrecipient locates and submits these costs, FEMA may prepare a version to capture these eligible costs.

WORK TO BE COMPLETED

********** Version 0 **********

This version 0 is written to reimburse the applicant for:

1. A&E cost as documented on PW00068 Cost Estimated Format (CEF); in kind bridge replacement. Engineering cost are derived from the scope of work documented on this project version 0.
2. Incidental A&E costs for the emergency work as documented on PW00241.

Version 0 – in kind Bridge replacement, engineering cost (CEF) and Engineering cost Emergency Work.

CEF Part C1 $200,149.00
CEF Part H1 $18,476.00
CEF Part H2 $196,867.00
Emergency Work Engineering cost PW241 $30,539.00

Total A&E for this version 0 = $446,031.00

Notes:

A&E cost listed above are for the bridge replacement in kind only.

Costs associated to the scope of work documented on this project version 0 will be capture on project version 1.

In addition to the bridge replacement scope, the following improvements will be included in the final project scope.

1.Widen structure to accommodate wider travel lanes and installation of 8 FT sidewalk on downstream side connecting both parking lots.

2.Include an architectural allowance to provide for features to have the structure better integrated into the park settings.

a. A&E cost for the bridge improvements are not included in the costs listed above.

The Subrecipient will utilize contract resources to restore Kellogg Creek bridge (GPS 45.441860,-122.642290) to pre-disaster condition.

Based on the extent of disaster-related damages sustained to Kellogg Creek bridge, the Subrecipient requested FEMA to prepare a repair/replacement (50% rule) calculation. Per Pgs. 96-98 of the Public Assistance Program and Policy Guide, the repair cost (numerator) is the cost of repairing disaster-related damage only and includes costs related to compliance with standards that apply to the repair of the damaged elements only. The numerator does not include costs associated with:
• Upgrades of non-damaged elements even if required by standards (e.g., elevation of an entire facility triggered by repair)
• Demolition beyond that which is essential to repair the damaged elements
• Site work
• Soft costs
• Contents
• Hazard mitigation measures
• Emergency Work

The replacement cost (denominator) is the cost of replacing the facility on the basis of its predisaster design (size and capacity) and function in accordance with applicable standards. The denominator does not include costs associated with:
• Demolition
• Site work
• Soft costs
• Contents
• Hazard mitigation measures
• Emergency Work

Although certain costs are not included in the 50% Rule calculation to determine whether the facility is eligible for replacement, the costs may be eligible for PA funding subject to all other eligibility requirements.

In a memorandum dated July 22, 2016, the Subrecipient listed the scope of work to repair Kellogg Creek Bridge and the scope of work to replace Kellogg Creek Bridge:
REPAIR
- Construct a drill soldier pile wall extending the south abutments wing wall 25 feet
- Reconstruct the impact panel for the structure that was partially removed for the temporary repairs
- Reconstruct a portion of the north abutment wing wall
- Reconstruct the north impact panel that will need to be partially removed to construct the wing wall
- Repair both approaches as necessary due to construction activities
- Reconstruct stream bank along base of structure to provide for support of structural footings undermined during event
- Install structural TOE protection to mitigate future damage and restore foundation stability
- Repair rail damaged by structural failures. Rail not in compliance with current federal requirements and any work on the rails will trigger replacement to meet current crash and safety regulations
- Restore and mitigate for disturbances to natural resources and water quality requirements per current regulations
- Provide fish protection for ODFW in accordance with the Endangered Species Act
- Replace and construct sighting and protective fencing
- Provide all engineering design, environmental permitting, construction management and inspection of competitive bid project

REPLACEMENT
- Construct new structure long enough to have abutments outside of the scour influence of Kellogg Creek (90 FT recommended length per Geotech report). Bridge includes new structure, impact panels, bridge rails, wing walls, etc. for complete project
- Reconstruct approaches to allow new structure elevation requirement to elevation of FEMA Floodplain Mapping. Approach reconstruction includes: reconstruction of roadway (curbs, asphalt, etc.), draining, illumination, and pedestrian facilities as well as restoration of traffic signal infrastructure, restoration and mitigation for disturbance to natural resources and water quality requirements
- Remove old structure and embankments restoring streambanks to natural condition
- Provide fish passage protection per ODFW and Endangered Species Act Regulations during construction
- Construction of protective fencing and installation of required signing
- Provide all engineering design, environmental permitting, construction management, and inspection of competitive bid project

The Subrecipient provided both an estimate for repairs to Kellogg Creek Bridge and an estimate for replacement. These estimates are included in EMMIE backup, listed as "0265 – Kellogg Creek Bridge FEMA Estimates". FEMA utilized both repair and replacement estimates as the baseline for calculation of the 50% rule, with noted exceptions:
1. Unit cost of riprap geotextile type 2 was reduced from $10/SY to $3/SY.
2. Unit cost of loose riprap, class 700 was reduced from $125/CY to $75/CY.
3. Unit cost of loose riprap, class 2000 was reduced from $200/CY to $125/CY.
4. Repair cost of Wall #3 (North Bank) was not included in the repair cost as this section of the bridge was deemed to have pre-disaster damages (see above Damage Description and Dimension item #8)

With these adjustments, and following the definitions of the numerator and denominator of the 50% rule calculation, the results are:
Repair/Replacement = $583,084/$1,048,789 = 56%
At a repair/replacement ratio of 56%, the damaged Kellogg Creek Bridge is eligible for replacement. Please refer to the EMMIE attachment "0265 City of Milwaukee Kellogg Creek Bridge Eval" for details of this 50% rule calculation.

Since this project is a large project, is a permanent work project, and is less than 90% complete at the time of project formulation, FEMA will implement the forward-pricing methodology referred to as the Cost Estimating Format (CEF). The CEF provides a worksheet, called Part A, that allows the user to estimate the base construction costs. The user then applies a series of factors (Parts B through H) that represent the non-construction costs. These expenses can reasonably be expected to occur because they are construction-related costs usually encountered during the course of construction. These factors are applied to the Part A base construction costs to estimate the total cost of completing the project. This "forward-pricing" methodology provides an estimate of the total eligible funding at the beginning of the project. This estimate, which is used to obligate the funds for the project, allows the applicant to more accurately manage the budget with a greater degree of confidence.

The total estimated cost of replacing the Kellogg Creek Bridge, as determined by the CEF, comes to $2,123,850. Please refer to the EMMIE attachment "0265_CEF" for details of the CEF.

POTENTIAL FOR IMPROVEMENTS THAT ARE INELIGIBLE FOR PA FUNDING
Also in their memorandum dated July 22, 2016, the Subrecipient suggested they may elect to add improvements to the replacement bridge scope of work (also referred to as "FULL BUILD"). These listed improvements include:
- Widen structure to accommodate wider travel lanes and installation of 8FT sidewalk on downstream side connecting both parking lots
- Include an architectural allowance to provide for features to have the structure better integrated into the natural park setting

These improvements are not required by code or other regulation and are not eligible for FEMA funding. If the Subrecipient wishes to pursue these improvements, the Subrecipient must formally submit a letter to the Grantee requesting an Improved Project.

DIRECT ADMINISTRATIVE COSTS (DAC)
At the time of project formulation, the Subrecipient did not claim DAC costs. FEMA estimates the DAC activities needed to process this grant. DAC activities include performing site visits, gathering receipts/invoices, meeting with FEMA staff to review documentation. FEMA estimates a commitment of 150 hours at an average rate of $30/HR for DAC. This amounts to $4,500.00 of DAC costs.

ATTACHMENTS
Contractor - Preliminary Geotechnical Evaluation
FEMA Hazard Mitigation team Site Inspection Report
Photos
FEMA Site Inspection Report
Contractor - Bridge Underwater Investigation
Subrecipient - Memorandum: Scope of work and request for repair/replacement calculation
FEMA 50% rule calculation
FEMA Cost Estimating Format

Current Version:

Does the Scope of Work change the pre-disaster conditions at the site? Yes ✓ No	Special Considerations included? Yes ✓ No
Hazard Mitigation proposal included? Yes ✓ No	Is there insurance coverage on this facility? Yes ✓ No

PROJECT COST

ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST
		*** Version 0 ***			
		Work Completed			
1	9001	Contract	1/LS	$ 446,031.00	$ 446,031.00

		Direct Subgrantee Admin Cost			
2	9901	Direct Administrative Costs (Subgrantee)	1/LS	$ 4,500.00	$ 4,500.00
				TOTAL COST	$ 450,531.00
PREPARED BY Anthony Sawney			TITLE Document Integrity Unit	SIGNATURE	
APPLICANT REP. Charles Eaton			TITLE City Engineer	SIGNATURE	

MILWAUKIE : PA-10-OR-4258-PW-00068					
Conditions Information					
Review Name	**Condition Type**	**Condition Name**	**Description**	**Monitored**	**Status**
Final Review	Other (EHP)	Standard Condition #2	This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.	No	Approved
Final Review	Other (EHP)	Standard Condition #3	If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.	No	Approved
Final Review	Other (EHP)	Standard Condition #2	This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.	No	Approved
Final Review	Other (EHP)	Standard Condition #1	Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.	No	Approved
Final Review	Other (EHP)	NEPA Condition	NEPA Condition: Any subsequent versions of this project require an additional EHP review	No	Approved
Final Review	Other (EHP)	NEPA Condition	NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review.	No	Approved
Final Review	Other (EHP)	NEPA Condition	NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review.	No	Approved
Final Review	Other (EHP)	Standard Condition #1	Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.	No	Approved
Final Review	Other (EHP)	Standard Condition #3	If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.	No	Approved
EHP Review	Other (EHP)	Standard Condition #3	If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.	No	Recommended
EHP Review	Other (EHP)	Standard Condition #2	This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.	No	Recommended

MILWAUKIE : PA-10-OR-4258-PW-00068					
Conditions Information					
EHP Review	Other (EHP)	Standard Condition #1	Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.	No	Recommended
EHP Review	Other (EHP)	NEPA Condition	NEPA Condition: Any subsequent versions of this project require an additional EHP review	No	Recommended
EHP Review	Other (EHP)	NEPA Condition	NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review.	No	Recommended
Insurance Review	Conditions (Grant Specific)	Insurance	No insurance requirements are mandated for Category C (Roads and Bridges) work; as these items are generally uninsurable for the peril of flood.	No	Recommended

Internal Comments				
No.	Queue	User	Date/Time	Reviewer Comments
18	Final Review	PRITCHETT JR JACKIE	10-28-2016 03:47 PM GMT	Project is approved a zero until a time the eligible scope and costs have been submitted with a version request. The North abutment prior to the event was in disrepair. JDP 7/19/16. Project is for engineering only for bridge replacement 10/28/16 JDP
17	EHP Review	STEWART JESSICA	10-28-2016 03:21 PM GMT	NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review. - kbrakens - 06/21/2016 22:32:41 GMT NEPA: Milwaukie, Clackamas County, (45.441860, -122.642290) Cat C. Riverfront park, the applicant will use contract resources to restore Kellogg Creek Bridge. Replace soils and eroded plants, replace riprap base, stabilize toe of engineered slope, replace asphalt, aggregate base and concrete curb, on North abutment, replace riprap base, repair wing walls and steel hand rails. Mitigation will be relook in to in finalization of project. Any subsequent versions of this project require an additional EHP review - jbright2 - 09/08/2016 15:15:26 GMT This version 0 is written to reimburse the applicant for: A&E cost for in kind bridge replacement. Engineering cost are derived from the scope of work documented on this project version 0. Incidental A&E costs for the emergency work as documented on PW00241. A final SOW will be prepared in version 1 of this PW, and will be resubmitted to EHP for review. - jstewa27 - 10/28/2016 13:52:32 GMT EO 11990: Per review of the USFWS National Wetlands Inventory (NWI) mapper, accessed 9/7/2016, the project is not located in a wetland. - jbright2 - 09/07/2016 21:50:30 GMT ESA: USACE, as lead federal agency for this project, is using their programmatic biological opinion with NMFS (SLOPES) to assess compliance with ESA, see attached USACE permit. - jbright2 - 09/07/2016 21:39:55 GMT ****disregard previous comment**** - jbright2 - 10/28/2016 15:17:09 GMT MBTA: Although the project area may be in a flyway zone, the scope of work does not have the potential to take migratory birds. - jbright2 - 09/07/2016 21:41:10 GMT MSA: USACE, as lead federal agency for this project, is using their programmatic biological opinion with NMFS (SLOPES) to assess compliance with MSA, see attached USACE permit. - jbright2 - 09/07/2016 21:43:14 GMT *****disregard previous comment****** - jbright2 - 10/28/2016 15:18:29 GMT EO 11988: Facility/structure is located in the 100-year floodplain as shown on FIRM panel 41051C0360H, dated 12/18/2009. FEMA has applied the 8-step decision-making process per 44 CFR 9.6, and has determined that the project will not result in short or long-term adverse effects. See attached 8-step checklist. The Initial Disaster Public Notice was

Internal Comments				
No.	Queue	User	Date/Time	Reviewer Comments
				published in 14 newspapers throughout the declared counties and statewide between March 16, 2016 and March 23, 2016. - jbright2 - 09/07/2016 21:49:13 GMT This project will be capped and become an improved project at a later date. The project, as described, falls within the Program Comment for Common Post-1945 Concrete and Steel Bridges as posted in the Federal Register in November 2012. See attached memo. - wmorrow - 09/01/2016 21:00:04 GMT Please disregard previous comment. NHPA: Per Stipulation II - Applicability of the NHPA Section 106 Programmatic Agreement V.3/1/11-Oregon, FEMA has determined that some types of assistance or activities are undertakings that do not have the potential to cause effects to historic properties, and FEMA has no further NHPA responsibilities, pursuant to 36 CFR part 800.3(a)(1). This SOW meets Stipulation II.A.2. - jstewa27 - 10/28/2016 13:46:32 GMT
16	Initial Review (EHP Rework)	RIVERA HECTOR	10-25-2016 07:21 PM GMT	Version 0 is written to reimburse the applicant for: 1. A&E cost as documented on PW00068 Cost Estimated Format (CEF); in kind bridge replacement. Engineering cost are derived from the scope of work documented on this project version 0. 2. Incidental A&E costs for the emergency work as documented on PW00241. 3. A&E cost documented on version 0, are for the bridge replacement in kind only. 4. Costs associated to the scope of work documented on this project version 0 will be capture on project version 1. H. Rivera 10-25-2016
15	EHP Review	STEWART JESSICA	10-25-2016 05:51 PM GMT	NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review. - kbrakens - 06/21/2016 22:32:41 GMT
14	EHP Review	STEWART JESSICA	10-25-2016 05:51 PM GMT	NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review. - kbrakens - 06/21/2016 22:32:41 GMT
13	Initial Review (EHP Rework)	RIVERA HECTOR	10-24-2016 10:49 PM GMT	Version 0 is written to reimburse the applicant for: 1. A&E cost as documented on PW00068 Cost Estimated Format (CEF); in kind bridge replacement. Engineering cost are derived from the scope of work documented on this project version 0. 2. Incidental A&E costs for the emergency work as documented on PW00241. 3. A&E cost documented on version 0, are for the bridge replacement in kind only. 4. Costs associated to the scope of work documented on this project version 0 will be capture on project version 1. H. Rivera 10-24-2016
12	EHP Review	KLEIN ADAM	09-15-2016 08:36 PM GMT	NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review. - kbrakens - 06/21/2016 22:32:41 GMT
11	Final Review	PRITCHETT JR JACKIE	08-24-2016 06:30 PM GMT	Due to the 50% rule calculation and based on previous bridge inspection reports along with the damages documented by the even to the undermining and scour of the south abutment, the repair costs to that particular abutment is one that would warrant the replacement of the structure. JDP 8/24/16. The project is being sent back to EHP for compliance review.
10	Final Review	HARRIS WILLIAM		

Internal Comments				
No.	Queue	User	Date/Time	Reviewer Comments
			08-24-2016 04:17 PM GMT	Project is approved a zero until a time the eligible scope and costs have been submitted with a version request. The North abutment prior to the event was in disrepair. JDP 7/19/16
9	Final Review	LEONARD JAMES	08-19-2016 08:48 PM GMT	Project is approved a zero until a time the eligible scope and costs have been submitted with a version request. The North abutment prior to the event was in disrepair. JDP 7/19/16
8	Final Review	PRITCHETT JR JACKIE	08-19-2016 07:56 PM GMT	Project is approved a zero until a time the eligible scope and costs have been submitted with a version request. The North abutment prior to the event was in disrepair. JDP 7/19/16
7	Final Review	PRITCHETT JR JACKIE	08-19-2016 07:44 PM GMT	Project is approved a zero until a time the eligible scope and costs have been submitted with a version request. The North abutment prior to the event was in disrepair. JDP 7/19/16
6	Final Review	PRITCHETT JR JACKIE	07-19-2016 11:59 PM GMT	Project is approved a zero until a time the eligible scope and costs have been submitted with a version request. The North abutment prior to the event was in disrepair. JDP 7/19/16
5	Grantee Review	SLEVIN JULIE	06-22-2016 05:56 PM GMT	Jay please hold for SOW and costing - JS 6/22/16
4	EHP Review	WINTON HOLLY	06-21-2016 10:48 PM GMT	NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review. - kbrakens - 06/21/2016 22:32:41 GMT
3	Mitigation Review	HIGGINS GEORGE	06-21-2016 09:46 PM GMT	06/21/2016--SOW and Cost-estimates are being determined by Applicant. PW should be resubmitted to Mitigation when PW is finalized. Thomas Higgins, 406-Mitigation Specialist
2	Insurance Review	SILER ALBERT	06-20-2016 08:45 PM GMT	06/20/2016 – No insurance issues have been identified with the road work / slope repair identified on this project worksheet. As a result no insurance proceeds are anticipated for these damages. Currently a $0 project. Don Siler, Insurance Specialist FEMA
1	Initial Review	GOMES ANN	06-20-2016 04:43 PM GMT	6/20/2016 - ZERO$ PW, applicant will provide SOW and Costs - agomes

FEDERAL EMERGENCY MANAGEMENT AGENCY

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: PA-10-OR-4258-PW-00068

Title: ST0265 - Kellogg Creek Bridge

NEPA DETERMINATION

Non Compliant Flag: No
EA Draft Date:
EA Final Date:
EA Public Notice Date:
EA Fonsi Date:
Level: STATEX
EIS Notice of Intent Date:
EIS ROD Date:
Comments: NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review. - kbrakens - 06/21/2016 22:32:41 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
	No Catex Categories were selected	

EXTRAORDINARY CIRCUMSTANCES

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comments
Clean Air Act (CAA)	Not Applicable	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Not Applicable	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Not Applicable	Project would not affect any water of the U.S. - Review concluded	
Coastal Zone Management Act (CZMA)	Not Applicable	Project is not located in a coastal zone area and does not affect a coastal zone area - Review concluded	
Executive Order 11988 - Floodplains	Not Applicable	No effect on floodplain/flood levels and project outside floodplain - Review concluded	
Executive Order 11990 - Wetlands	Not Applicable	No effects on wetlands and project outside wetlands - Review concluded	
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Not Applicable	No Low income or minority population in, near or affected by the project - Review concluded	

FEDERAL EMERGENCY MANAGEMENT AGENCY

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: PA-10-OR-4258-PW-00068

Title: ST0265 - Kellogg Creek Bridge

Environmental Law/ Executive Order	Status	Description	Comments
Endangered Species Act (ESA)	Not Applicable	No listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action - Review concluded	
Farmland Protection Policy Act (FPPA)	Not Applicable	Project does not affect designated prime or unique farmland - Review concluded	
Fish and Wildlife Coordination Act (FWCA)	Not Applicable	Project does not affect, control, or modify a waterway/body of water - Review concluded	
Migratory Bird Treaty Act (MBTA)	Not Applicable	Project not located within a flyway zone - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Not Applicable	Project not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Not Applicable	Not type of activity with potential to affect historic properties - Review concluded</br>	
Wild and Scenic Rivers Act (WSR)	Not Applicable	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Special Conditions required on implementation of Projects:

NEPA: No EHP review was performed on Version Zero (0) because this is a $0 project. Any subsequent versions of this project require an EHP review.

Source of condition: NEPA Determination Monitoring Required: No

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

business oregon
IFA Infrastructure Finance Authority

Application Supplement
for Special Public Works Fund
Emergency Project Funding

Applicant: **City of Milwaukie**

Project Name: **Kellogg Creek Bridge (BR #22142) Emergency Replacement Design-Build**

Section I: Project Type / Acquisition / Ownership / Operation

A. Will the project provide the local match for an **emergency project** receiving federal disaster relief? ☐ Yes ☒ No

If yes, briefly describe the emergency project activities: N/A

Note**: Attach copies of the FEMA approved "Project Worksheets" as **Attachment A.

B. Will the project result in the restoration, rehabilitation or new construction of essential community facilities that provide support services to public health and safety, including but limited to police and fire protection, medical treatment, public utilities, transportation and auxiliary shelter facilities? ☒ Yes ☐ No

If yes, explain: **The bridge is used by Kellogg Creek Wastewater Treatment to the south as their access route to service the plant. It is also used by the community to acces the Willamette River boat ramp to the north of the bridge for both leisure and livelihood.**

C. What is the physical location of the project?

Milwaukie Riverfront Park
1121 SE McLoughlin Boulevard
Milwaukie, OR 97222

D. Will the applicant own the facility / improvements once constructed? ☒ Yes ☐ No

If no, explain: **N/A**

E. Will the applicant operate and maintain the facility / improvements once constructed? ☒ Yes ☐ No

If no, describe: **N/A**

F. Does the project include any acquisition of real property, including permanent easements and rights-of-way, which are directly related to or necessary for the project? ☐ Yes ☒ No

If yes, describe: **N/A**

G. Does the project include the purchase of motor vehicles or any other equipment which is essential to the project? ☐ Yes ☒ No

If yes, describe: **N/A**

H. Will a private entity or business have a special legal entitlement to the project? (e.g., through either a transfer of, or partnership in ownership, a lease, management contract, special user rates or development fees, or priority for use) ☐ Yes ☒ No

If yes, describe: **N/A**

Section II: Additional Project Information

A. What is the estimated useful life of the improvements included in the project?

75 years service life

B. Please list the permits and regulatory authorizations needed for the project to be ready to proceed with construction and indicate whether they have been obtained or not.

Permit Type	Review Agency	Status of Approval	If pending, anticipated approval date
US Army Corp Permit	**Department of the Army**	☒ Obtained ☐ Pending	
		☐ Obtained ☐ Pending	
		☐ Obtained ☐ Pending	
		☐ Obtained ☐ Pending	

Section III: *For Drinking Water System Improvement Projects Only*

A. Water system identification number: **N/A**

Section IV: Financial Information

A. What sources of revenue can be pledged to repay a loan?

*Note: Loan funding for all or a portion of the requested local match **may** be necessary if funding requests for local match assistance exceeds the Emergency Project grant funds available.*

N/A

B. Is other debt serviced or secured by those revenues? ☐ Yes ☒ No

If yes, is the other debt described in the applicant's audit reports? ☐ Yes ☐ No

If the other debt is not described in the audit report, refer to the specific authorization, such as an ordinance or resolution. List below and attach a copy.

Lender	Amount of Note	Year Incurred

C. Has the applicant ever defaulted on a debt? ☐ Yes ☒ No

If yes, provide a complete summary of the circumstances related to the default:
N/A

D. Is there actual/pending litigation that could impair the applicant's ability to repay debt? ☐ Yes ☒ No

If yes, describe: **N/A**

Section V: Budget Information

A. Does the project budget (as included on the General Application) propose direct project management expenses? ☒ Yes ☐ No

(Direct project management is defined as expenses that will be incurred that are directly related to and necessary solely to support or manage project activities and are not routine or ongoing expenses of the municipality or expenses for current staff that are already included in the municipality's adopted budget.)

If yes, describe how the direct project management services will be provided:

Project management services includes preparation of the RFP, advertising, hiring process of consultant/design-builder, gather necessary documents for the project.

B. Who prepared the cost estimates for the project?

Name: **Charles Eaton**
Title: **Engineering Director**
Company: **City of Milwaukie**
Phone Number: **503-786-7605**
Date of project cost estimate: **Jul 1, 2016**

Attachments

		Attachment Description	For IFA Use (X Attached?)
Required with all applications	**A**	Attach a copy of the FEMA approved "Project Worksheet(s)" that are the basis for this funding request.	☒
	B	Map(s) showing the location of the project, including tax lots / parcels and road widths, et cetera.	☒
	C	If the project overlaps municipal boundaries, attach an executed copy of an intergovernmental cooperation agreement that sets out the duties and obligations of each entity.	☐
	D	If the applicant will own the facility and another entity will operate the facility, attach an executed copy of the operating agreement between the parties.	☐
	E	If available, the plans and specifications for the project.	☐
	F	If available, the architectural / engineering / planning work or study conducted to determine the feasibility of the proposed repairs or other improvements. The documents must be certified by a professional architect / registered engineer licensed in Oregon.	☐

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Mark Sirois, CDBG Coordinator for Clackamas County
From: Alma Flores, Community Development Director
Date: June 27, 2017 for July 5, 2017

Subject: **Amend the Intergovernmental Agreement (IGA) Between Clackamas County Community Development Block Grant program and the City of Milwaukie**

ACTION REQUESTED
Consent to amend the 1994-1996 Community Development Block Grant program Intergovernmental Agreement between Clackamas County's Health and Human Services and the City of Milwaukie. We are not asking to renew the 1994-1996 IGA because that is not necessary given that it automatically renews every three years. We could come back to council with an updated IGA to reflect modern type face and language, if deemed necessary by council.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
May 5, 1993: Intergovernmental Agreement (IGA) Between Clackamas County Community Development Block Grant program and the City of Milwaukie executed. See attached IGA

June 7, 1993 Resolution to ratify the city manager's signature on the 1994-1996 Community Development Block Grant Agreement. The agreement contains an automatic renewal clause.

December 7, 1993 City Council passes a resolution approving the submittal of proposed projects for CDBG funding for the 1994-1996 CDBG program cycle including: Senior Locks Program; Ledding Library Circulation Desk Remodel Project.

October 17, 1995 City Council passes a resolution approving Intergovernmental Agreement with Clackamas County to continue the Community Development Block Grant Program.

ANALYSIS
An agreement was signed in 1993 between Clackamas County (COUNTY) and the City of Milwaukie (CITY) for the cooperation of units of local government under the authority of ORS 190.010 for establishing an urban county to qualify for federal Community Development Block Grant (CDBG) and HOME low-income housing grant funds (Agreement).

The Department of Housing and Urban Development has added to the minimum provisions which must be included within any intergovernmental agreement into which local governments enter to qualify for urban county eligibility.

The 1993 Agreement is amended to add a new Section 14 which reads:

14. The City may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

BUDGET IMPACTS
This amendment will not impact the city or county budget.

WORKLOAD IMPACTS
This amendment will not impact the workload of staff.

COORDINATION, CONCURRENCE, OR DISSENT
The city of Milwaukie was asked by the Health and Human Services department of Clackamas County to accept this amendment to our IGA and the city of Milwaukie staff concur. Mark Sirois has reviewed the staff report and resolution and concurs.

STAFF RECOMMENDATION
Staff recommends approval of this IGA amendment with the County's Community Development Block Grant program.

ALTERNATIVES
Not renew the IGA with the County.

ATTACHMENTS
1. IGA Clackamas County Community Development Block Grant Program—Program Years 1994-1996
2.IGA Amendment Request
3. Resolution

INTERGOVERNMENTAL AGREEMENT

CLACKAMAS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PROGRAM YEARS 1994 - 1996

This Agreement is entered into between Clackamas County (COUNTY), a political subdivision of the State of Oregon, and the City of Milwaukie (CITY), a municipal corporation of the State of Oregon within Clackamas County, for the cooperation of units of local government under the authority of ORS 190.010.

The circumstances surrounding the making of this Agreement are as follows:

A. The Congress of the United States has enacted the Housing and Community Development Act of 1974, as amended, and the Department of Housing and Urban Development has adopted regulations pursuant thereto (hereinafter jointly referred to as the "Act"); and

B. The Congress has found and declared that the Nation's cities, towns, and small urban communities face critical social, economic, and environmental problems; and

C. The Congress has further found and declared that the future welfare of the nation and the well being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic, and political entities;

D. The primary objective of the Act is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income.

E. The CITY and the COUNTY desire to provide decent housing and a suitable living environment and to expand economic opportunities principally for persons of low and moderate income through Community Development Block Grant (CDBG) funding and the HOME Investment Partnership program pursuant to the Act.

F. Title I of said Act provides that urban counties may, under some circumstances, receive Community Development Block Grant funds in the same manner as larger cities; and

G. One of the criteria for urban county eligibility is a county population of at least 200,000, not including entitlement cities; and

H. The COUNTY desires to count the population of the CITY in order to receive CDBG funds; and

I. The Department of Housing and Urban Development has specified the minimum provisions which must be included within any intergovernmental agreement into which local governments enter to qualify for urban county eligibility;

NOW, THEREFORE, in consideration of the mutual promises made herein and the mutual benefits received hereunder, the parties agree as follows:

1. The CITY and the COUNTY agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, specifically urban renewal and publicly assisted housing.

2. The CITY authorizes the inclusion of its population for purposes of the Act; and joins together with other units of general local government to qualify the COUNTY as an urban county for Community Development Block Grant and HOME Investment Partnership funds.

3. The COUNTY has final responsibility for selecting projects and annually filing Final Statements with HUD and assumes all other obligations of an applicant as specified in the Act and the regulations thereunder for Community Development Block Grant activities which will be funded from Federal Fiscal Years' 1994, 1995, and 1996 appropriations and from any program income generated from the expenditure of such funds.

4. The COUNTY is prohibited from funding activities in or in support of the CITY if the CITY does not affirmatively further fair housing within its own jurisdiction or if it impedes the COUNTY's actions to comply with its fair housing certification.

5. Pursuant to 24 CFR 570.501(b) the CITY is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 570.503.

6. For the purposes of developing the Three-Year Community Development Plan and Annual Final Statement as required by the Act, the CITY and the COUNTY agree to cooperate in the continuation of the presently established Policy Advisory Board which shall advise the COUNTY on program policies, priorities, and project selection.

7. The COUNTY and CITY agree to take all actions necessary to assure compliance with the urban county's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws.

8. This agreement shall remain in full force and effect from September 4, 1993 through July 1, 1997, inclusive, provided that the COUNTY qualifies as an urban county under, and block grant funding is allocated to the COUNTY pursuant to, the Act.

9. This agreement will automatically be renewed at the end of the three-year qualification period, unless one of the following events occur: (1) changes to the agreement are required by HUD that would require the execution of a new agreement; (2) failure by either party to adopt an amendment to the agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year qualification period, and to submit the amendment to HUD as required; (3) the COUNTY or CITY provides written notice it elects not to participate in a new qualification period by the date specified in HUD's urban county qualification period. The COUNTY will notify the CITY in writing of its right to make an election not to participate in a new qualification period by the dates specified in HUD's urban county qualification notice for the next qualification period. This agreement also remains in effect with respect to all CDBG and HOME funds and income allocated during the three-year qualification period until such funds are expended and the funded activities completed.

10. The CITY may not apply for grants under the small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the urban county's CDBG program;

11. The CITY may not participate in a HOME consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation.

12. The COUNTY and CITY may not terminate or withdraw from the agreement while it remains in effect.

13. The CITY has adopted and is enforcing:

    A. a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

    B. a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within the CITY.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this 5 day of May, 1993

CLACKAMAS COUNTY, OREGON

Michael F. Swanson
Chief Executive Officer

City of Milwaukie

By: Dan Bartlett

City Manager
Title

In our opinion, the terms and provisions of this Intergovernmental Agreement are fully authorized under State and local law, and the agreement provides full legal authority for the COUNTY to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing.

Miles a. Ward, for
Scott Parker, Counsel for Clackamas County, Oregon

AMENDMENT TO

INTERGOVERNMENTAL AGREEMENT BETWEEN

CLACKAMAS COUNTY

DEPARTMENT OF HEALTH, HOUSING AND HUMAN SERVICES COMMUNITY DEVELOPMENT DIVISION

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

AND

THE CITY OF MILWAUKIE

Amendment Requested by: Clackamas County

Changes: ( ) Scope of Work ( ) Contract Budget
( ) Contract Time (X) Other

Justification for Amendment No.1:

An agreement was signed in 1993 between Clackamas County (COUNTY) and the City of Milwaukie (CITY) for the cooperation of units of local government under the authority of ORS 190.010 for the purpose of establishing an urban county to qualify for federal Community Development Block Grant (CDBG) and HOME low-income housing grant funds (Agreement).

The Department of Housing and Urban Development has added to the minimum provisions which must be included within any intergovernmental agreement into which local governments enter to qualify for urban county eligibility.

The 1993 Agreement is automatically renewed every 3 years and has a provision for amendments. The underlined text listed below is added to the Agreement.

No County General funds are involved in this Agreement.

The 1993 Agreement is amended to add a new Section 14 which reads:

14. The City may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

CITY OF MILWAUKIE

City Manager/Administrator

Date

CLACKAMAS COUNTY

Chair Jim Bernard
Commissioner Sonya Fischer
Commissioner Ken Humberston
Commissioner Paul Savas
Commissioner Martha Schrader

Signing on Behalf of the Board.

Richard Swift, Director
Health, Housing & Human Services Department

Date

In our opinion, the terms and provisions of this Intergovernmental Agreement are fully authorized under State and local law, and the agreement provides full legal authority for the COUNTY.

Reviewed as to Form:

Chris Storey, County Counsel

Date

CITY OF MILWAUKIE

COUNCIL **RESOLUTION No.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO AMEND THE INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE CITY OF MILWAUKIE

WHEREAS, Clackamas County's Community Development Block Grant (CDBG) Program has provided funding for a wide range of neighborhood and community improvement projects in cities and unincorporated areas throughout the County.

WHEREAS, in 1993, the City of Milwaukie entered into a three-year Intergovernmental Agreement with Clackamas County. This agreement has allowed the County, in partnership with its cities, to apply for and receive federal CDBG funds.

WHEREAS, Although the agreement contains an automatic renewal clause, the Department of Housing and Urban Development (HUD) requires the County to offer cities the opportunity to "opt out" of the program every three years.

WHEREAS, the 1993 Agreement is amended to add a new Section 14 which reads:
[14. The City may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.]

Now, Therefore, be it Resolved that the council of the City of Milwaukie, Oregon, accept the amendment to the 1994-1996 Community Development Block Grant Intergovernmental Agreement.

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 S. Stauffer, City Recorder

City Attorney

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Charles Eaton, P.E., Engineering Director
From: Sheri Markwardt, P.E., Civil Engineer

Date: June 23, 2017 for July 5, 2017

Subject: **Kronberg Park Multi-Use Path**

ACTION REQUESTED
Acting as the Local Contract Review Board, approve a resolution to authorize the City Manager to execute a contract with OTAK for engineering services to the City for the Robert Kronberg Multi-Use Path.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
In December 1991, Mrs. Dena Swanson transferred property to the City of Milwaukie to create the Robert Kronberg Park. Another parcel was added in 1996 to the park through a land acquisition funded by Metro's natural areas bond measure. The Robert Kronberg Park is 6.48 acres with approximately 2 acres covered by Kellogg Lake.

Resolution number 53-2006 renamed tax lots 11E36CB2800, 11E36CB3000 and 11E36CB3100 to Robert Kronberg Park in accordance with a condition of sale in November 2006.

The revised Kronberg Park Master Plan (File #CPA-2015-002) was adopted by City Council on October 20, 2015, ordinance number 2107.
http://ormswd.synergydcs.com/HPRMWebDrawer/RecordView/4627282
https://www.milwaukieoregon.gov/planning/cpa-2015-002

In October 2016, City Council passed resolution 109-2016 that allowed the Mayor to sign an intergovernmental agreement between the City of Milwaukie and the Oregon Department of Transportation. The resolution also accepted funds from the Connect Oregon VI program for the construction of the path through the park in accordance with the approved master plan.
http://ormswd.synergydcs.com/HPRMWebDrawer/RecordView/5367174

ANALYSIS
On May 3, 2017, staff solicited proposals for engineering services, in accordance with PCR 70.015 of the City of Milwaukie Contracting Rules.

On May 26, 2017, Request for Proposals for the project were received. OTAK, Inc. was the only proposer for the work identified. Staff has negotiated a scope and price proposal in the amount of $209,526 in conformance with PCR 70.015.

The scope of services includes structural design, geotechnical investigation, landscaping and lighting design as well as bidding and contract administration assistance during construction for the contracted specialty services.

BUDGET IMPACTS
Project is funded through the Connect Oregon VI program and the City of Milwaukie SAFE program. The budget remaining for contracted engineering services is $356,710, leaving $147,184 available for testing services required during construction which exceeds the amount that is anticipated to be needed.

WORKLOAD IMPACTS
Once selected, the engineering design team will be working closely with the engineering department throughout the design process. Staffing levels have already been taken into consideration and accounted for.

COORDINATION, CONCURRENCE, OR DISSENT
Representatives from the City Manager's office, the City's public works department and the North Clackamas Parks and Recreation Department have reviewed the proposal. No objections or concerns were raised.

STAFF RECOMMENDATION
Staff recommends that City Council, acting as the Local Contract Review Board, award a personal services contract for engineering services for a portion of the Kronberg Park Multi-Use Path project to OTAK.

ALTERNATIVES

1. Reject the proposal and re-advertise for services.

ATTACHMENTS

1. Resolution
2. OTAK Proposal
3. OTAK Scope of Work
4. OTAK Fee Estimate

CITY OF MILWAUKIE

COUNCIL **RESOLUTION No.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES FOR THE ROBERT KRONBERG MULTI-USE PATH.

WHEREAS, City Council adopted the Kronberg Park Master Plan (file #CPOA-2015-002) per Ordinance Number 2107; and

WHEREAS, City Council passed Resolution Number 109-2016 authorizing the Mayor to enter into an intergovernmental agreement between the City of Milwaukie and the Oregon Department of Transportation accepting funds from the Connect Oregon VI program to finance the Kronberg Park Multi-Use Path; and

WHEREAS, a formal competitive Request for Proposals process following Public Contract Rule 70.015 was completed; and

WHEREAS, OTAK, Inc. was recommended as the most qualified firm for the project.

Now, Therefore, be it Resolved that the City Council, acting as the Local Contract Review Board, authorizes the City Manager to execute a personal services contract for engineering services for the Robert Kronberg Multi-Use Path in accordance with Chapter 70.015 of the City's Public Contracting Rules In an amount Not to Exceed $209,526 with OTAK, Inc.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

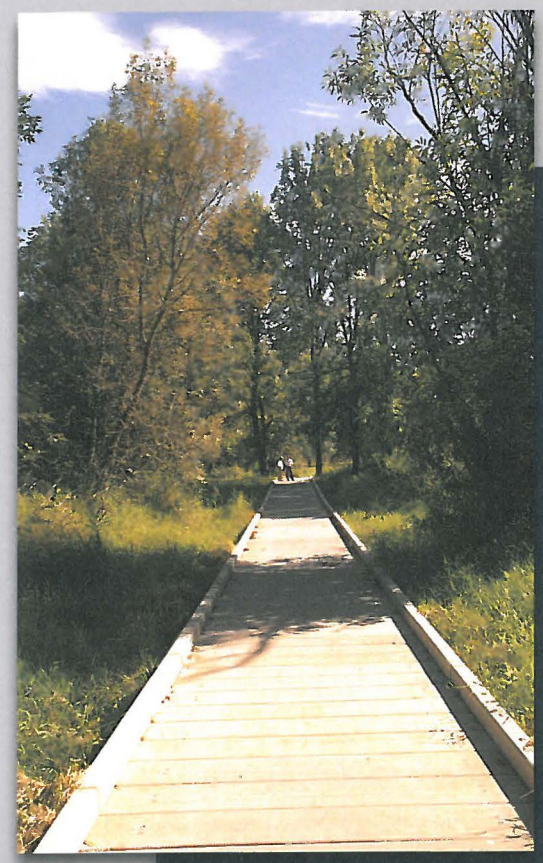
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney









City of Milwaukie

Kronberg Park Multi-Use Trail

CIP-2017-D29

May 26, 2017



Otak, Inc.
808 SW Third Avenue, Suite 300
Portland, Oregon 97204
503.287.6825 | fax 503.415.2304
www.otak.com

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May 26, 2017

Sheri Markwardt, Civil Engineer
City of Milwaukie Engineering Department
6101 Johnson Creek Boulevard
Milwaukie, OR 97206

Dear Sheri and the Selection Review Committee:

Otak is excited about this opportunity to help the City of Milwaukie with the second phase of the Robert Kronberg Nature Park Master Plan, the design and construction of a multi-use trail that connects the Kellogg Lake bridge to the crossing of Highway 99E at River Road and Trolley Trail. We understand that tree preservation and minimal construction disturbance are essential to the project's success, and will make those objectives our priority. Our team offers creative, innovative, and unique ideas and expertise to develop a useful and attractive trail for the City of Milwaukie that is safe, well-lit, and meets ADA standards.

For this project, we have assembled a talented multidisciplinary team. Otak will manage the elevated portion of the project, and we have partnered with the following subconsultants to offer the City exceptional skills to support this project:

- **Shannon & Wilson** for geotechnical engineering
- **DKS** for lighting and traffic design

We will manage this project from our Portland, Oregon office, which is located at 808 SW Third Avenue, Suite 300, Portland, OR 97204.

As the principal-in-charge for this contract, I am authorized to enter into negotiations concerning this project and to sign any contract that may result from this submittal. My contact information is:

Kevin Timmins, PE, Principal
Otak, Incorporated
808 SW Third Avenue, Suite 300, Portland, Oregon 97204
phone: 503-415-6825
fax: 503-415-2304
email: kevin.timmins@otak.com

Otak accepts all terms and conditions contained in the RFP and the Personal Services Agreement.

Please do not hesitate to contact me if you have any questions or require additional information. We look forward to working with you on this important project.

Sincerely,
Otak, Inc.

Kevin Timmins, PE
Principal

Proposer's Experience

Otak offers the City of Milwaukie a responsive and cost-efficient team for the Kronberg Park Multi-Use Trail project. Otak's trail designers work closely with their fellow professionals in hydraulics, structures, landscape architecture, permitting, and construction management to design the right elements to provide excellent walking and cycling experiences to end users. Our designs aim to facilitate the enjoyment of nature and harmonize with surroundings while minimizing environmental impacts—all while accomplishing project goals within budget constraints and resulting in a safe and durable infrastructure. Otak's team is:

- ✓ **Efficient** – 85 percent of the work will be performed in-house.
- ✓ **Experienced with trail design projects** – over 20 projects covering 34+ miles of trails in the last 10 years.
- ✓ **Experienced with trail bridges and boardwalks** – over 30 pedestrian bridges and boardwalks in the last 10 years.
- ✓ **Experienced with local, state, and federal agencies** – numerous cities and towns throughout the Pacific Northwest (including the City of Milwaukie), Oregon Department of Transportation (ODOT), and TriMet, who are key stakeholders on this project.
- ✓ **Knowledgeable about the natural sciences** – with stream crossings, wetland crossings, stormwater solutions, natural resource assessments, buffers.
- ✓ **Comprehensive** – providing full design and permitting through construction documents and construction engineering for a smooth transition.

Otak - Portland, OR

Founded in the Portland metropolitan area in 1981, Otak has built a reputation based on integrity, skill, and creativity—strengthening our communities, performing exciting work, and serving our clients. This philosophy, coupled with the energy and passion of our professional staff, has produced an award-winning planning, design, and engineering firm committed to developing insightful solutions for our clients.

In addition to our Portland headquarters, we have offices in Gearhart, OR; Everett, Vancouver, and Redmond, WA; Denver and Boulder, CO; and Tempe, AZ. We are staffed with 280 dedicated professionals who specialize in civil engineering, water and natural resources, bridge design, landscape architecture, surveying and mapping, construction management, architecture, urban design, and visualization. The team we propose for this project is backed by these resources, ensuring that a rich resource of expertise is always available to the core project team.

The Otak team assembled for this project has the expertise and passion to deliver an outstanding project to the City of Milwaukie. Our strengths are well-suited for this project and we understand our role and stake in the project's success. Each firm on the Otak team has specialized expertise that complements our in-house expertise in trail design across environmentally sensitive areas. Otak has long working relationships with these firms, which ensures efficient collaboration.

Shannon & Wilson - Lake Oswego, OR

With more than 300 employees, Shannon & Wilson provides geotechnical engineering services for transportation projects such as highways and roadways, bridges, elevated structures, trails, tunnels, pavement design, landslides, bridge seismic retrofits, and rail projects. Their range of experience covers all phases of geotechnical engineering: site geologic reconnaissance, soil and geologic assessments, subsurface explorations, laboratory testing, geotechnical data reports, soil/rock property evaluations and geologic profiles, engineering studies and design (including soil and rock bearing capacities, soil and rock retaining wall design, foundation design including non-building foundation design, earthquake and seismic risk analyses, and slope stability evaluations), cost estimating and technical plans and specifications for construction, and construction support.

DKS Associates - Oakland, CA

Founded in 1979, DKS Associates has been providing specialized transportation planning, design, and engineering services to public agencies for the last 38 years. DKS provides expert services in multimodal transportation analysis, planning, and engineering; intelligent transportation systems; telecommunication network design; pedestrian and bicycle trail planning and design (including lighting); and transit planning and design.

DKS blends creative transportation solutions with state-of-the-art, cost-effective analysis. They go beyond basic volume and capacity analysis to measure key decision-making criteria, such as improved safety, access, circulation, facility users, hours of congestion, increased greenhouse gas emissions, travel times, and multimodal travel needs. DKS understands what works for communities, agencies, and transportation users. DKS has

worked on complex projects in settings that involve varied stakeholder groups, multi-jurisdictional agencies, traffic and planning commissions, city and county councils, and community groups.

The Otak Team's Experience with:

Elevated/Suspended Pedestrian Pathway Design

To date, Otak has worked a number of multi-use trails that involved elevated sections and often included railings and lighting. Projects such as the Dungeness River Pedestrian Bridge in Sequim, WA, the Bend Whitewater Park in Bend, OR, and the Washougal River Waterline and Pedestrian Bridge in Camas, WA, all had sections of trail that were elevated and thus required the particular expertise of Otak's structural engineers, including Doug Sarkkinen, PE, SE, and Kelly Freeman, PE, SE. *Please see the Past Projects section for more details about the Dungeness River and Bend Whitewater Park projects.*

Opinions of Probable Cost

With years of experience in estimating and managing projects, Otak's designers are well-versed in providing as well as understanding opinions of probable cost for a variety of project types. Our designers frequently consult with our in-house construction management team to understand current costs and the full range of expenses a project may encounter. We may also employ professional estimators when clients agree that a project would benefit from such services. Our cost estimates are generated from the initial, conceptual phases of a project and are updated through every step. We keep well-organized records of our cost estimating throughout the project and strive to provide the most accurate information available. Our goal is always to have the bid results match or be under our client's budget.

Geotechnical Field Investigations

For this project, we have engaged the services of Shannon & Wilson, introduced above. Their experience in geotechnical engineering includes investigating site conditions for a variety of trail projects.

Lighting Design for Pathways and Electrical Service Coordination

We have included Otak's Steve Boice, PE, PTOE, on our project team because he is experienced in designing lighting systems for pathways, trails, and bridges, and with coordinating with electrical services.

Construction Document Preparation

Preparation of plans, specifications, bidding schedules, and cost estimates are services that Otak and our subconsultants regularly provide. Our team can provide the City with construction documents consisting of construction drawings, specifications, and bidding schedules for any project that is implemented under this contract. Similarly, we can provide construction cost estimates as appropriate. Typically, we provide our clients with construction documents and cost estimates at critical points, such as 30, 60, 90, and 100 percent completion. This gives you an opportunity for formal review and comment and improves the quality of your project. Specifications will be provided in the ODOT standard format. Technical sections are written by the team member responsible for those specific tasks. All sections are coordinated and reviewed by the project manager. Bid schedules can also be provided. Typically, bid schedules follow the cost estimating format.

Similar Projects for Other Government Agencies

Otak has provided multi-use trail construction documents; landscape architecture; urban design; and architectural, engineering, and planning services for various local, state, regional, and federal government agencies, including the City of Milwaukie and ODOT.

In the last 10 years, Otak has designed over 20 projects covering 34+ miles of trails. Most of these projects were for local and regional agencies. Examples include the projects we discuss in this proposal, such as the April Hill Park Trail for Portland's Bureau of Parks & Recreation, the Bend Whitewater Park for Bend Parks and Recreation, the Washougal River Waterline and Pedestrian Bridge project for the City of Camas, Washington, and the Crescent Connection Trail for the City of Beaverton.

Procedures and Policies For Work Quality and Cost Control

Otak has established QA policies and guidelines to implement quality, cost, and schedule control on a daily basis. As Principal-in-Charge, Kevin Timmins will initiate QA/QC procedures at the outset of the project and will serve as QA/QC lead. He will review the QC plan with the City of Milwaukie project manager and include it with the project work plan, and clearly communicate its requirements to the project team, including subconsultants. He and the project manager, Adrian Esteban, will assign senior and peer review staff members not directly associated with the project to review all project calculations and deliverables. Other professional staff members will review project correspondence and exhibits for both content and clarity. Because both Shannon & Wilson and DKS have worked with Otak on many other projects, they are very familiar with Otak's quality processes and procedures.

Management and Organizational Capabilities

Otak embraces a proactive approach to project management. We believe that the key to creating a successful project is to understand a client's core values, the background of a project, and the underlying issues. We are listeners first and foremost, and we use each meeting and phone call as an opportunity to learn more about our clientsand the project outcomes they expect and require.

Otak's project management plan for this contract will involve building on our existing relationships with the City of Milwaukie. Adrian Esteban, our proposed project manager, will provide strong leadership from the outset of the project by establishing clear communication protocols; initiating the quality assurance/quality control (QA/QC) process with our Principal-in-Charge, Kevin Timmins; commencing budget and schedule tracking measures; and actively monitoring the project's progress to uncover and resolve unanticipated project changes.

Our project management approach is based on the core management functions of:

1. Planning the work
2. Organizing and leading the team
3. Controlling project progress
4. Managing change
5. Assuring and controlling quality

These core functions will allow our team to deliver a high-quality project within the set schedule and budget.

1. Planning the Work

At the outset of the project, Adrian will communicate with the City to clarify project objectives and agency and consultant roles, as well as to solidify work elements to be included in the project. Adrian will then lead the team in developing the level of effort for the project.

2. Organizing and Leading the Team

During the initial kickoff meeting, we will review the project and discuss issues and delivery goals. Otak will establish lines of communication and discuss the frequency of coordination meetings with project stakeholders. During the kickoff meeting, we will also review the scope, budget, and schedule, along with critical elements for project success. The team will identify action items, and Adrian will assign completion timeframes.

Regular meetings will yield continuous updates on project progress, issues to resolve, and key action items. These meetings will provide a forum for the team to discuss any underlying policy or constituent issues, and provide an overview of emerging design and coordination issues.

3. Controlling Project Progress

Adrian will actively monitor the project scope, schedule, and budget throughout the life of the project. Utilizing tools such as an Earned Value Analysis, Adrian will proactively anticipate budget challenges and communicate issues to both the team and the City project manager. Otak's project tracking system allows for weekly monitoring of all activity related to the project, with each project element tracked according to its allocated budget.

Otak will also submit monthly progress reports with each invoice detailing the work accomplished, anticipated work for the next month, the budget expended, and the percent complete for each task and the project as a whole.

4. Managing Change

Although the scope and budget will be developed to accurately define the anticipated work, it is our experience that changes may be required during project development to account for unforeseen issues. Adrian will manage the process of implementing changes by:

- Clearly identifying the need for changes to the project scope and discussing this need with the project manager
- Determining the positive and negative impacts to the project
- Developing a plan to accommodate any changes
- Advising team members of the modified project plan
- Initiating the change and updating all project tracking documents

Through the course of design, we are often able to accommodate changes to the project scope by identifying design efficiencies in other areas. When it is necessary to modify the project budget, we will discuss any changes, as well as the estimated cost, with the City project manager prior to the start of additional work.

5. Assuring and Controlling Quality

Kevin will coordinate the review of project deliverables at the following key milestones:

- During the initial review of the planning work to become familiarized with design decisions and permitting requirements
- During the design phase to ensure conformance with engineering standards, client comments, and permitting requirements
- After the preliminary and final design documents are completed, including subconsultant documents, to provide consistency within each deliverable

Otak's established QA policies and guidelines implement quality, cost, and schedule control on a daily basis. Kevin and Adrian will require that our subconsultants apply the same quality and cost control procedures to their work.

In the end, though, successful project delivery—one that encompasses the excellence and attention to detail the City expects—will be accomplished through the dedication of each and every one of our team members.

Project Team Experience

In this section, we introduce our proposed project team, present their qualifications and relevant experience, and provide their availability for the Kronberg Park Multi-Use Trail project.

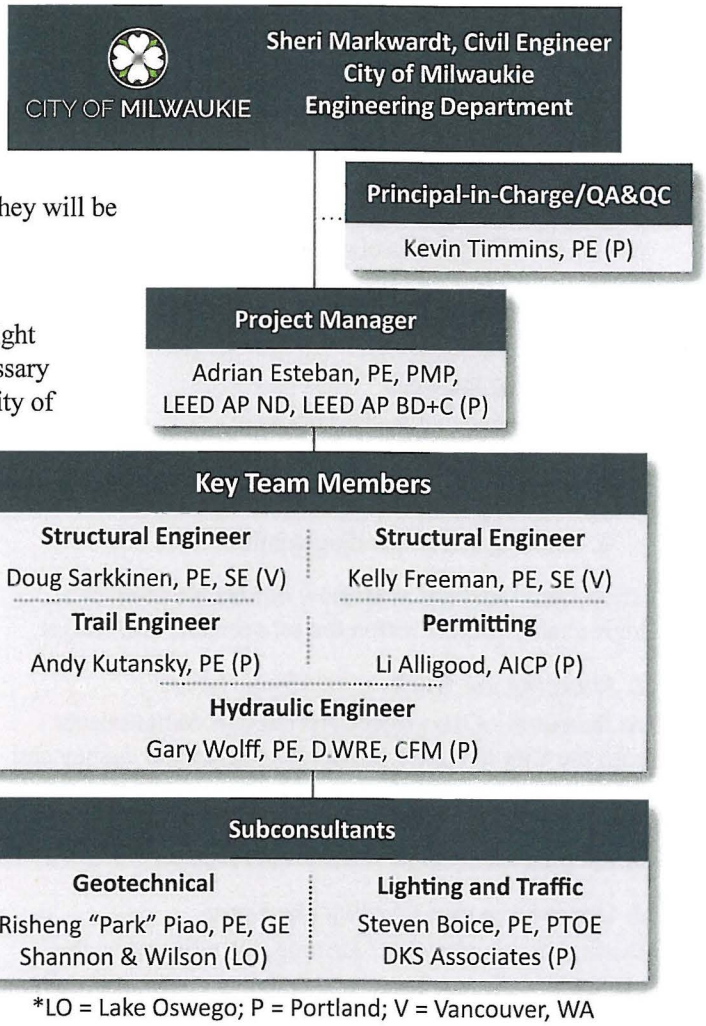
Number of people to be assigned to the project:

We propose a team of eight professionals, all of whom are based in Portland, OR; Lake Oswego, OR; and Vancouver, WA. They will be supported by in-house production staff.

Extent of principal and project manager involvement:

Principal-in-Charge Kevin Timmins will provide high-level oversight of the project's progress, ensure that the project team has the necessary availability and resources for all project tasks, and ensure the quality of all project deliverables. **Kevin will spend approximately 10% of each 40-hour work week on this project.**

Project Manager Adrian Esteban will serve as the City of Milwaukie's primary point-of-contact and monitor the day-to-day progress of the project. He will work closely with the project team to ensure that the work proceeds smoothly and carefully and that no details are overlooked. With more than 20 years of project management and certification as a Project Management Professional, Adrian will serve as a responsive and knowledgeable team leader who makes sure that the project is delivered on time and within budget constraints. **Adrian will spend approximately 20% of each 40-hour work week on this project.** However, he will be fully available to City staff during the project.



*LO = Lake Oswego; P = Portland; V = Vancouver, WA

Project Team Members

Kevin Timmins, PE



Project Role: Principal-in-Charge; QA/QC

Registrations

- Professional Engineer (OR, WA)

Education

- MS, Environmental Engineering (Washington State University)
- BS, Environmental Engineering (Tulane University)

Kevin will spend about 10% of his work week on this project

Kevin has 18 years of engineering experience in working with and managing multi-disciplinary design teams for public agency projects throughout Oregon and Washington. He has expertise in surface water systems, including streams, wetlands, and urban drainage systems. He has a complete understanding of the planning, design, permitting, and construction process for projects that must strike a balance between natural resource areas and the built environment. Kevin has experience with:

- ✓ **Elevated/supended pedestrian pathway design**
- ✓ **Opinions of probable cost**
- ✓ **Construction document preparation**
- ✓ **Quality control/quality assurance**

Relevant Projects:

- **April Hill Park Boardwalk and Bridges; Portland, OR:** Trail improvements project with foot bridges, an elevated boardwalk crossing, and a viewing platform.
- **Bend Whitewater Park; Bend, OR:** Conversion of an old dam from a river safety hazard to a popular public recreation site; project included replacing a bike/pedestrian bridge.
- **Crescent Connection Trail; Beaverton, OR:** Transformation of a heavily used pedestrian corridor along the north bank of Beaverton Creek into a safe urban connection for pedestrians and cyclists between two light rail stations, residential areas, and retail services.
- **Foster Floodplain Natural Area; Portland, OR:** Design of a 3/4-mile multi-use trail through a natural area with a 120-foot span bridge over Johnson Creek.

Adrian Esteban, PE, PMP, LEED AP ND, LEED AP BD+C

Project Role: Project Manager



Registrations

- Professional Engineer (OR, WA, CA, CO)
- LEED Accredited Professional in Building Design & Construction (BD+C) and New Development (ND)
- Certified Project Management Professional (PMP) - Project Management Institute

Education

- Master of Business Administration (Univ. of Oregon)
- BS, Civil Engineering (Univ. of California, Berkeley)

Adrian is a senior project manager with more than 20 years of experience in project management and the design of infrastructure projects, including roads and multi-use trails. He is knowledgeable about ADA and PROWAG requirements, and he possesses in-depth knowledge of the LEED Building Design and Construction (BD+C) and Neighborhood Development (ND) requirements for project certification. He is also a member of Portland's Metro Transportation Policy Alternatives Committee. Adrian has experience with:

- ✓ **Elevated/supended pedestrian pathway design**
- ✓ **Opinions of probable cost**
- ✓ **Construction document preparation**

Relevant Projects:

- **Crescent Connection Trail; Beaverton, OR:** Transforms a heavily used pedestrian corridor into a safe urban connection for pedestrians and cyclists between two light rail stations, residential areas, and retail services.
- **North Portland Greenway Trail, Portland Parks and Recreation; OR*:** Planning and conceptual design of 10.5 miles of this trail between Portland's Rose Quarter and Kelley Point Park. Deliverables included conceptual trail alignments, preliminary cost estimates, identification of technical issues, potential phasing, and public and stakeholder presentations.
- **West Side Trail: Rock Creek to Bronson Creek, Tualatin Hills Park & Recreation District, Washington County, OR*:** Development of construction plans, specifications, and estimate for sections of a bicycle and pedestrian trail. The design met AASHTO and ADA standards and included a raised boardwalk and timber bridge to minimize environmental impacts.
- **Rock Creek Trail Extension: Orchard Park to NW Wilkins Street; Hillsboro, OR*:** Design of a bicycle and pedestrian trail that included a raised boardwalk and steel bridge over Rock Creek. Coordinated environmental and land use permitting, wetland mitigation, and state and federal permitting. Worked with utilities to identify and avoid potential impacts during the alternative development phase; presented during public meetings and open house events

**Experience prior to joining Otak*

Adrian will spend about 20% of his work week on this project

Doug Sarkkinen, PE, SE

Project Role: Structural Engineer



Registrations

- Professional Structural Engineer (OR, WA, AZ)
- Professional Engineer (WA, ID, CO, MT, WY, WV)

Education

- MS, Civil Engineering (University of Washington)
- BS, Civil Engineering (Michigan Tech University)

Doug is a senior project manager and Otak principal with 28 years of experience in structural engineering and bridges. He has significant experience with projects involving concrete bridges, post-tensioning, and seismic design. Throughout his career, Doug has presented a variety of papers on structural engineering topics and made over 18 presentations at technical conferences for professional organizations, including the American Concrete Institute, the American Society of Civil Engineers, and the Post-Tensioning Institute. Doug has experience with:

- ✓ **Elevated/supended pedestrian pathway design**
- ✓ **Opinions of probable cost**
- ✓ **Geotechnical field investigations**
- ✓ **Construction document preparation**

Doug will spend about 20% of his work week on this project

Relevant Projects:

- **Washougal River Waterline and Pedestrian Bridge; Camas, WA:** Design of two miles of a regional trail system, a new water main, and a new bridge, all among archaeologically sensitive sites, important fish habitat, and environmentally-sensitive areas.
- **Bend Whitewater Park; Bend, OR:** Conversion of an old dam from a river safety hazard to a popular public recreation site; project included replacing a bike/pedestrian bridge.
- **Dungeness River Pedestrian Bridge; Sequim, WA:** Replacement of a damaged trestle, a popular part of the Olympic Discovery Trail in Washington, and restoration of habitat on tribal lands.
- **Crescent Connection Trail; Beaverton, OR:** Transformation of a heavily used pedestrian corridor into a safe urban connection for pedestrians and cyclists between two light rail stations, residential areas, and retail services.
- **Sandy River Trail; Troutdale, OR:** Project for Oregon State Parks and Recreation that included a technically complex section that had to blend with the site and avoid impacts to the Sandy River, a railroad trestle, the flood plain, and existing drainage patterns, while protecting trail users from traffic on the adjacent roadway.

Kelly Freeman, PE, SE

Project Role: Structural Engineer; Trail Rail Design

Registrations

- Professional Civil Engineer (OR, WA, CO, CA, AZ)
- Professional Structural Engineer (AZ)

Education

- BS, Civil Engineering (Univ. of Washington)
- AA, Structural Drafting (North Seattle Community College)
- Dynamics of Structures, CEE536 (Arizona State University)

Kelly is a structural engineer with extensive experience in bridge and transportation structure design. He has 34 years of experience in designing pedestrian bridges; highway overpasses and ramps; river, floodway, and drainage channel crossings; railroad bridges; and overpasses. Kelly has provided inspections, modifications and rehabilitations on a variety of transportation, port and marine, and industrial structures. His structure rehabilitations have involved the evaluation and analysis of deficient conditions; the development of repair concepts, methods, and materials; the determination of needs for shoring and temporary structures; and the preparation of reports, final designs, drawings, and specifications. Kelly's experience includes:

✓ **Elevated/supended pedestrian pathway design (pedestrian rail design)**
✓ **Opinions of probable cost**
✓ **Electrical service coordination**
✓ **Lighting integration**
✓ **Construction document preparation**

Relevant Projects:

- **Bend Whitewater Park; Bend, OR:** Conversion of an old dam from a river safety hazard to a popular public recreation site; project included replacing a bike/pedestrian bridge.
- **West Linn Trail Bike/Pedestrian Path; West Linn, OR:** Design of a 6,000-foot shared-use trail among both steep terrain and wetlands that increases connectivity among neighborhoods and open spaces and includes a bridge crossing and retaining walls.
- **Dungeness River Pedestrian Bridge; Sequim, WA:** Replacement of a damaged trestle, a popular part of the Olympic Discovery Trail in Washington, and restoration of habitat on tribal lands.
- **Iron Mountain Pedestrian Bridge & Sanitary Sewer; Lake Oswego, OR:** Design of a pedestrian bridge located in Tryon Creek State Park. Due to very limited construction access, new bridge members were sized accordingly to allow small equipment to mobilize materials to the site.
- **Blue Lot Pedestrian Bridge; Tualatin, OR:** Removal of an under-sized culvert and frequently-flooded asphalt trail connection across Hedges Creek with a single 80-foot span, weathered steel truss bridge. Project goals included restoring Hedges Creek, making ADA ramp improvements, creating fish passage, and improving public access.

Kelly will spend approximately 50% of his work week on this project

Andy Kutansky, PE



Project Role: Trail Engineer

Registrations

- Professional Engineer (OR, WA)

Education

- BS, Civil Engineering (Oregon Institute of Technology)

Andy is a senior project engineer with 16 years of experience in transportation engineering. He has extensive experience in all phases of transportation project development, including conceptual design, alternatives analysis, 3D modeling, final design, utility relocation, specifications, and cost estimating. Andy is experienced in all phases of ODOT project development - planning level, conceptual design, alternatives analysis, and has worked on more than 30 ODOT projects. Andy is knowledgeable about various state, city, and federal engineering standards, and he is passionate about designing and constructing safe and cost-efficient infrastructure for drivers, pedestrians, and cyclists. Andy's experience includes:

✓ **Elevated/supended pedestrian pathway design**
✓ **Opinions of probable cost**
✓ **Construction document preparation**

Andy will spend about 15% of his work week on this project

- **Springwater Trail Corridor; Portland, OR:** Design of a 15-foot asphalt shared-use path that closes the connectivity gap along the historic Springwater Corridor. The project included many street and rail crossings and challenging grades within a tight ROW. Deliverables included trail plan construction sheets, and detailed driveway and ADA ramp designs.
- **Willamette River Trail; West Linn, OR:** Design of the 10-foot-wide path minimized changes to the existing trees and bushes, optimized the trail's profile, and minimized the excess fill material brought onto the project site. Deliverables included ADA ramp designs, signing and striping plans, and specifications and estimate.
- **Crescent Connection Trail; Beaverton, OR:** Transformation of a heavily used pedestrian corridor into a safe urban connection for pedestrians and cyclists between two light rail stations, residential areas, and retail services.
- **Sellwood Bridge; Portland, OR*:** Design of several bicycle and pedestrian facilities for the project, including initial bridge alternatives analysis with raised bike lanes and shared use paths, an elevated structure under Tacoma Street, bicycle wayfinding signs, and an elevated shared use path (on a green wall) leading into Willamette Park.
- **Gibbs Street Pedestrian Bridge; Portland, OR*:** Design of horizontal and vertical geometry of an elevated shared-use path, with ADA connections at both ends, and traffic control for a bridge over 14 lanes of traffic. Coordination of designs with several stakeholders, including ODOT Region 1 and PBOT.

**Experience prior to joining Otak*

C. Gary Wolff, PE, D.WRE, CFM

Project Role: Floodplain Modeling



Registrations
- Professional Engineer (OR, WA, CO)

Education
- MS, Civil Engineering – Water Resources (University of Washington)
- BS, Civil Engineering (Colorado State University)

Gary has 34 years of engineering experience with a wide variety of water resources projects, including river and stream restoration, floodplain analysis and flood control, channel stability analysis and design, hydraulic design of bridges and culverts, bridge scour, dam removal, and environmental studies. He has designed channel and in-stream aquatic habitat improvements, bank protection and river training structures, and bridge scour countermeasures. Gary is an expert in the application of computer modeling software, including rainfall-runoff modeling, steady and unsteady open-channel flow modeling, two-dimensional hydrodynamic modeling, and sediment routing. He holds a Diplomat, Water Resources Engineer (D.WRE) credential from the American Academy of Water Resources Engineers, and is a Certified Floodplain Manager. Gary is experienced in:

✓ **Elevated/supended pedestrian pathway design**

Relevant Projects:

- **Bend Whitewater Park; Bend, OR:** Conversion of an old dam from a river safety hazard to a popular public recreation site; project included replacing a bike/pedestrian bridge.
- **Dungeness River Pedestrian Bridge; Sequim, WA:** Replacement of a damaged trestle, a popular part of the Olympic Discovery Trail in Washington, and restoration of habitat on tribal lands.
- **Washougal River Waterline and Pedestrian Bridge; Camas, WA:** Design of two miles of a regional trail system, a new water main, and a new bridge, all among archaeologically sensitive sites, important fish habitat, and environmentally-sensitive areas.
- **Hood Canal Estuary Restoration; Kitsap County, WA:** Restoration of tidal conditions in preparation for new construction on the naval base. The design included a new bridge to replace two culverts blocking fish passage. Otak prepared the mitigation design to accompany permit applications and played a key role in negotiations with state and federal agencies.

Gary will spend about 8% of his work week on this project

Li Alligood, AICP

Project Role: Permitting



Registrations
- American Institute of Certified Planners

Education
- Master of Community Planning (University of Cincinnati, OH)
- BA, Community Development (Portland State University, OR)
- BA, Sociology (University of Minnesota, MN)

Before joining Otak, Li was a development review planner and long-range planner for the City of Milwaukie,,OR. She has eight years' experience in municipal planning; more than 10 years' experience managing projects of various sizes and levels of complexity, and 10 years' experience in public outreach and engagement. She draws upon her local government experience and relationships with local officials to negotiate on behalf of clients and to shepherd applications through complex approval processes. Li is skilled presenting land use and development applications at public hearings and neighborhood meetings.

As a former City of Milwaukie employee, Li will support the project team through her familiarity with City processes and procedures and her understanding of the relevant permitting requirements.

Li will spend about 8% of her work week on this project

Steven Boice, PE, PTOE

Project Role: Trail Lighting and Traffic



Registrations
- Professional Engineer (OR, WA)
- ODOT Certified Traffic Signal Inspector
- Professional Traffic Operations Engineer

Education
- Master of Civil Engineering (Portland State University)
- Bachelor of Civil Engineering (Oregon State University)

Steve is an expert in the design, operations, planning, and safety areas of transportation. He has successfully managed projects involving traffic and pedestrian signals, roadway and pathway signing, striping, lighting, temporary traffic control, and intelligent transportation systems for multiple agencies. Steve is proficient at analyzing pedestrian crossing needs and treatments at intersections and mid-block locations, designing pedestrian-scale lighting systems and wayfinding signage, and accommodating trail users at signalized intersections. Steve has experience in:

✓ **Opinions of probable cost**
✓ **Lighting design for pathways**
✓ **Electrical service coordination**
✓ **Construction document preparation**

Steve will spend 10-15% of his work week on this project

Relevant Projects:

- **Crescent Connection Trail; Beaverton, OR:** Transformation of a heavily used pedestrian corridor into a safe urban connection for pedestrians and cyclists between two light rail stations, residential areas, and retail services. Steve managed the design and pedestrian crossing treatment recommendations.
- **Rock Creek Trail Master Plan; Washington County, OR:** Development of safe pedestrian crossing treatments at multiple roadways. Construction plans included pedestrian safety enhancements, such as lighting, midblock rectangular rapid flashing beacons, pedestrian signals at the trailhead along a heavily traveled avenue, and signing and striping.
- **Clackamas County Trolley Trail Final Design; Clackamas County, OR:** Development of safe trail crossing recommendations and designs, including high-visibility crosswalks, signing and striping, shared roadway symbols along roadways, speed humps and tables, and modern loop detection on curb return ramps for bikes at signalized intersections
- **Homestead Canal Trail; Redmond, OR:** Development of safe crossing recommendations and designs for a trail that parallels to US97 and crosses busy streets. Recommendations included revising the trail alignment to site pedestrian crossings at traffic signals, widening pedestrian ramps to accommodate bicycles, curb extensions to minimize pedestrian crossing distance, high visibility signing and striping, and modern loop detection on curb return ramps for bikes at the signalized intersections.

SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

Risheng "Park" Piao, PE, GE



Project Role: Geotechnical Engineering

Registrations

- Registered Civil Engineer, Geotechnical Engineer (OR)

Education

- MS, Civil Engineering, Portland State University
- BS, Civil Engineering, Dalian Institute of Technology

Park has more than 26 years of experience with geotechnical investigations for trails and natural areas, bridge replacements, roadway improvements, and landslide investigation and stabilization. He has analyzed and designed bridge and waterfront structure foundations on piles and drilled shafts; designed retaining walls; and performed soft ground and seismic ground improvements evaluation. He is experienced in seismic ground motion characterization analysis, liquefaction analyses, post-liquefaction settlement analyses, post-liquefaction soil residual strength evaluations, and seismic soil-structure design. Park has experience in:

- ✓ **Opinions of probable cost**
- ✓ **Geotechnical field investigations**
- ✓ **Construction document preparation**

Relevant Projects:

- **TriMet, Orange MAX Line: Pedestrian Structure over Railroad; Portland, OR:** Development of an alternative type of foundation for the Lafayette pedestrian bridge, which had limited ROW for foundations and abutments, and was above a nearly 100-year-old Portland sewer line. Drilled-in piles straddle the sewer pipe without damage to it.
- **TriMet, Kellogg Pedestrian Bridge Landings; Milwaukie, OR:** Design of parameters and construction recommendations for pedestrian bridge foundation construction, located below the Kellogg Lake TriMet Light Rail Bridge.
- **City of Milwaukie, Adams Street Connector Improvements; Milwaukie, OR:** Subsurface explorations, lab and infiltration testing, and recommendations for new pavement, stormwater infiltration facilities, earthwork, and light pole foundations as part of a new pedestrian mall connecting to the Portland-to-Milwaukie light rail line.
- **City of Tigard, Fanno Creek Trail Pedestrian Bridge Evaluation; Tigard, OR:** Recommendations for a 60-foot-long pedestrian bridge that included a 100-foot-long boardwalk. Due to environmental concerns, the trail had to be elevated using pined foundations. Shannon & Wilson recommended driven steel pipe pile as the bridge abutment supports and driven small-diameter pin piles for the trail supports. This helped resolve potential bank instability caused by creek scour.

Park will spend about 15% of his work week on this project

Team Assignments and Availability

As we assembled the team for this project, we reviewed each team member's existing assignments and availability. We have confirmed that the team members listed in this proposal are available and will be committed to the project for its duration. Most of their current projects are located within the Portland metro area.

At times, the weekly needs for the Kronberg Park Multi-Use Trail project may be higher than the average overall availability for the project's duration. Our project managers review workloads and schedules on a weekly basis to ensure that all project work is completed on time. Otak and our subconsultants have the capacity and availability to complete the Kronberg Park Multi-Use Trail project within the City's schedule and budget.

Project Understanding

Existing Conditions

Robert Kronberg Park is a natural area located just south of downtown Milwaukie that links communities in the Island Station Neighborhood to the downtown area. The park is composed of six parcels owned by the City of Milwaukie and is bordered by McLoughlin Blvd to the west, Kellogg Lake to the north and east, and private properties to the south. The site is also bisected by TriMet's Orange Line as well as the Union Pacific Railroad (UPRR) trestle in the norther part of the site.

Access to the central part of the park is very limited due to existing terrain that is almost 20 feet lower than McLoughlin Blvd. Due to vandalism, transient camping, and illegal dumping on the site, unimproved trails and access from Kellogg Lake Bridge have been closed, thereby limiting pedestrian access to the site. Vehicular access is limited to emergency and maintenance vehicles that use an Oregon Department of Transportation (ODOT) and TriMet/UPRR access easement on the north side of the railroad trestle.

Project Purpose



Based on a review of the Robert Kronberg Nature Park Master Plan, site visits, and meeting with the City, Otak understands that this project is the second phase in the development of a "Natural Preserve" that includes a multi-use trail, maintenance access, soft surface pathways, experiential nodes, and habitat preservation and restoration. In addition to restoring natural habitat and improving safe access to the park, the multi-use trail will connect Kellogg Bridge on the north end of the site to the McLoughlin Blvd on the south end of the site. The first phase of the master plan included the construction of the bridge across Kellogg Lake that was completed as part of TriMet's Portland-Milwaukie Orange Max line.

This second phase of the master plan will include the multi-use trail that will provide a connection from the Kellogg Lake Bridge to McLoughlin Blvd and include approximately 500 feet of an at-grade 12-foot-wide trail to be designed by the City of Milwaukie. It will also include approximately 500 feet of an elevated 12-foot wide trail through a forested area to be coordinated and designed by the consultant. An elevated multi-use trail was preferred by the public in order to minimize impacts to the natural habitat and provide a user experience among the tree canopy. The trail is a desired community amenity and destination that will attract the general public and encourage daily use and activity through the park. Regular use by the public is one of the strategies for keeping eyes on the park and limiting undesirable activities such as vandalism and transients. In order to promote usage, the trail will need to provide visibility from McLoughlin Blvd. and along the corridor and include ample lighting to encourage usage after sunset. The multi-use trail will include overlook areas that provide scenic viewpoints along the corridor and put on display the uniqueness of the natural area, enhancing the user experience. In addition, the trail will be designed to accommodate access by small vehicles in order to facilitate maintenance and emergency response.



Future phases of the park master plan include the addition of soft surface pathways to provide a secondary circulation system with access to natural areas while preserving and restoring natural aspects of the park. This may include access to experiential nodes such as interpretive signage, overlooks, picnic facilities, bird blinds, and a nature play area for children.

Key Issues

Avoid Trees: We recommend that an arborist be hired to conduct a survey to describe the condition of the existing trees. That will provide the City with valuable information for selecting a preferred alignment through the trees and defensible decision-making data to share with the City Council and the public when it comes to which trees are impacted by construction of the trail. We will work with the arborist to develop a design that minimizes impacts.

Construction Access: Essential elements include utilizing existing access routes, minimizing the disturbance to the natural area, and maintaining access to the existing sanitary sewer. Otak will help the City define specifications for restricting the contractors' work area and incorporate the specifications into the plans so that there are no surprises during bidding and low bid contract negotiations.

Small Vehicle Access: The structure needs to support the weight of small vehicles and the alignment needs to accommodate their movements so that the City may access the entire length of the trail for maintenance and emergency response.

ODOT Process: Otak performs a lot of work for local agencies under ODOT contracts. Our principal and project manager will be available throughout the process to advise the City on ODOT design standards and requirements for connecting to McLoughlin Boulevard.

Overlooks: The elevated trail provides a unique opportunity to bring the public through the tree canopy in a natural area close to an urban core. The structural design, including the railing should make the user feel like they are in a unique place and that they are connected with their surroundings. Overlooks are desirable so that users have an opportunity to stop and observe their surroundings at one or more strategic locations along the trail.

Coordination with the City PM and Design: The City PM will be managing the project, coordinating with stakeholders, completing design and construction documents for other portions of the project, and preparing permit applications for submittal to the City. The Otak team plans to provide design and construction documents for the elevated portion of the trail. Otak also has the internal staffing resources to supplement the City's design efforts if requested. Otak can provide drafting, survey, permitting, engineering, landscape architecture services.

Support City with Permitting: Otak employs a former City of Milwaukie planner, Li Alligood, who is familiar with City code and processes and who will be available for consultation with the design team and to provide advice on navigating the local permitting process. Since nearly the entire project falls within environmental overlay zones, the project will need to be designed to minimize and mitigate impacts per City code. Otak has a certified floodplain manager to guide the floodplain development portions of the code. We are familiar with the City permit process in environmental overlay areas based upon our recent experience permitting a river bank stabilization project a year ago at the Johnson Creek confluence with the Willamette and our current work on the Kellogg Creek Bridge replacement at the confluence of Kellogg Creek and the Willamette.





Trail Lighting: A lighting system will improve public comfort and safety of trail users. The City desires to utilize a lighting design consistent with the lighting design planned for the existing Kellogg Lake Bridge.

Trail Connection to McLoughlin Blvd and Trolley Trail: Based upon our recent experience on a Shared-use Trail in Beaverton connecting to Cedar Hills Blvd, we expect ODOT will require some signal and crossing upgrades at McLoughlin Blvd to provide a safe connection to the Trolley Trail that meets current ADA standards.

Cultural/Historic Resources: Finding historic or cultural artifacts during construction can be very expensive because it causes the contractor delays. With such a long history of human activity around Kellogg Lake and the presence of an old building foundation, retaining wall, and vehicle chassis visible at the project site it is advisable to hire a cultural resource expert to conduct some preliminary research at the project site. This survey would either provide extra assurances that artifacts are not likely to be discovered or identify the potential areas with higher probability of finding artifacts. Either result would provide insights about areas to be avoided by the project design, construction activities, and construction staging.

Stakeholders/ROW

Key stakeholders for the project include ODOT, TriMet, Union Pacific Railroad, and Portland Western Railroad, which were involved during planning and construction of phase 1 of the master plan and have facilities that are located adjacent or within the park. Coordination with these stakeholders will be critical as the multi-use trail will connect to existing facilities that are located within their Right-of-Way. The southern connection of the multi-use trail will connect to McLoughlin Blvd. (OR-99E), a state facility, and will provide a connection to the Trolley Trail by use of the signalized pedestrian crossing at River Road.

Project Approach

Upon selection and award, Otak's Project Manager, Adrian Esteban, will begin to develop a work plan that follows the proposed scope of work. He will provide strong leadership from the outset by identifying and establishing communication protocols, initiating the quality assurance/quality control (QA/QC) process, commencing budget and schedule tracking measures, and actively monitoring progress to uncover and resolve unanticipated project changes. Adrian will update the work plan and discuss scope of work changes and level of effort with the City Project Manager, Sheri Markwardt.

Communication

Communication is essential to the success of any project, but will be particularly important on this project because the design of the elevated portion of the trail will be coordinated with the design of the at-grade portion that will be designed by the City of Milwaukie. We propose having bi-weekly coordination meetings so that we can discuss in a timely manner any issues that arise. Moreover, there are several key stakeholders (ODOT, TriMet, UPRR/PWRR) that will be involved in the project and they may have input on the design. In addition, communication with subconsultants is vital to ensuring that the project remains on schedule and within budget, so Adrian will include all key personnel from the subconsultants at the critical project meetings.

Project Deliverables Chart

The table on this and the next page shows the project tasks and activities and their corresponding deliverables, the team members involved, the points for review and input from City staff, and the estimated time frame for completion of each.

A. Task & Members	Methodology	B. Deliverables	C. City Input	D. Time
1. Project Management				
1.1 Project Administration Adrian Esteban (Otak) Sheri Markwardt (City)	Develop a work plan that follows the proposed scope of work. Establish communication protocols. Initiate quality assurance/quality control (QA/QC) process. Implement budget and schedule tracking measures. Actively monitor progress and work with City resolve unanticipated project changes during during bi-weekly meetings.	Provide monthly schedule and budget status report. Provide agenda and notes for bi-weekly conference calls/meetings.	Approve Scope/Fee. Review Agenda/Notes. Review Status Reports.	Duration of project
1.2 QA/QC Kevin Timmins (PIC) Adrian Esteban (PM) Doug Sarkinnen (Otak) Park Piao (S&W) Steve Boice (DKS) Senior Staff Members	Utilize established Otak Quality Assurance policies/guidelines to implement quality, cost, and schedule control on a weekly basis. Review subconsultants work prio to submitting to the City. Reviews led by senior staff members. Additional discipline-specific technical by selected staff. Quality Management built into project schedule to conduct a thorough review before submitting deliverables.	QA/QC plan.	Review QA/QC Plan	Duration of Project
2. Data Gathering				
2.1 Kickoff Meeting Adrian Esteban (Otak) Sheri Markwardt (City) Doug Sarkinnen (Otak) Park Piao (S&W) Steve Boice (DKS) City staff (ss needed)	Schedule/Lead kickoff meeting. Discuss Project background. Set project and communication expectations with City staff. Review scope, budget, and schedule. Review critical project elements.	Revised scope/schedule, if needed. Meeting notes.	Participate in kickoff meeting. Provide project background. Develop expectations.	Within 2 weeks of NTP
2.2 Collect and Review Current Data Adrian Esteban (PM) Andy Kutansky (Civil) Doug Sarkinnen (Struct) Park Piao (Geotech) Steve Boice (Lighting) Jon Yamashita (Survey)	Provide List of Data Needs to City. Review existing data provided by City.	List of data needs. Additional data collection, if necessary.	Provide data.	Within 2 weeks of Kickoff Meeting

A. Task & Members	Methodology	B. Deliverables	C. City Input	D. Time
3. Design Development				
3.1 Elevated Pathway Design Adrian Esteban (PM) Andy Kutansky (Civil) Doug Sarkinnen (Struct) Kelly Freeman (Struct) City Staff (as needed)	Develop detailed design criteria, constraints and preferences; Develop alternative structure alignments, configurations and railing concepts; Review and refine with City, finalize selection of preferred types. Develop detailed structure configurations and construction approach, perform evaluations and design analyses.	Alignment alternatives.	Design coordination with at-grade segment of trail.	4 weeks
3.2 Geotechnical Engineering Adrian Esteban (PM) Park Piao (Geotech) Doug Sarkinnen (Struct)	Review of existing information including previous geotechnical reports and published geologic literatures; Perform site reconnaissance to observe the site conditions and geologic hazards; Conduct field explorations including hand augers to explore the subsurface conditions; Evaluate potential seismic hazards which may impact the proposed Board walk; Develop foundation alternatives including spread footings, mini-piles, or driven piles; Provide design and construction recommendations for the selected preferred foundation alternatives.	Draft geotechnical report. Final geotechnical report.	Review report.	6 weeks
3.3 Lighting Plan Adrian Esteban (PM) Steven Boice (DKS) Kelly Freeman (Struct)	Review Kellogg Creek Bridge Lighting Plans. Review City standards. Conduct lighting analysis between SE Main and SE McLoughlin Blvd. Determine location of power source. Develop plans.	Lighting analysis. Lighting plans.	Design coordination with at-grade segment of trail.	4 weeks
3.4 Construction Drawings Adrian Esteban (PM) Sheri Markwardt (City) Andy Kutansky (Civil) Doug Sarkinnen (Struct) Kelly Freeman (Struct) Steve Boice (Lighting)	Coordinate drawing development with City design. Develop bid-ready construction drawings. Drawings will include, but are not limited to, civil, structural, lighting, and all necessary details.	Final construction ready plans.	Review design.	4 weeks
3.5 Construction Specifications and Special Provisions Adrian Esteban (PM) Doug Sarkinnen (Struct) Kelly Freeman (Struct) Steve Boice (Lighting)	Develop construction specifications per ODOT Standards.	Draft specifications. Final specifications.	Review specifications.	4 weeks 2 weeks
3.6 Design Parameters Adrian Esteban (PM) Andy Kutansky (Civil) Doug Sarkinnen (Struct) Kelly Freeman (Struct) Li Alligood (Land Use)	Review City design standards, ODOT design standards, TriMet Design Parameters, City Land Use planning requirements. Utilize ODOT Bicycle and Pedestrian Guide. Utilize ODOT Standard Specifications for Construction. Use Boardwalk loading of 16 Kip for design. Use Design vehicle weight of 6,000 pounds	Design and plans meeting all required standards.	Review and develop standards that will be used for project.	4 weeks
3.7 City Review of Design Adrian Esteban (PM) Sheri Markwardt (City) City Staff (TBD)	Meet with City staff prior at submittal to provide overview of design intent. Submit documents for review.	Design deliverables outlined in scope.	Review plans, specs and estimate	30% - 1 Week 60% - 1 Week 90% - 2 Weeks
3.8 Design Deliverables Adrian Esteban (PM) Andy Kutansky (Civil) Doug Sarkinnen (Struct) Kelly Freeman (Struct) Steve Boice (Lighting)	Coordinate design with City designed portion of trail. Develop engineering design calcuations. Prepare construction drawings to be assembled with City design documents. Coordinate and prepare bidding documents.	Design calculations (PDFs, hard copies). 30% plans (PDF). 60% Plans and estimate (PDF). 90% Plans, estimate, specs (PDF, Word). Final plans, specs, estimate (PDF, Word, DWG, 2 paper sets).	Coordinate City design with consultant design. Coordinate bidding documents.	30% - 6 Weeks 60% - 6 Weeks 90% - 8 Weeks CDs - 3 Weeks

A. Task & Members	Methodology	B. Deliverables	C. City Input	D. Time
4. Construction and Bid Phase Services				
4.1 Bid Support Adrian Esteban (PM) Doug Sarkinnen (Struct) Steve Boice (Lighting)	Assist City with responses to questions during the bidding process. Assist City with Bid Addenda. Attend pre-bid conference (if necessary). Attend pre-construction meeting (if necessary).			3 weeks
4.2 Construction Support Adrian Esteban (PM) Doug Sarkinnen (Struct) Park Piao (Geotech) Steve Boice (Lighting)	Respond to requests for information (RFI). Assist City with issuing of clarifications and interpretations of Construction Documents. Assist City with authorization of change orders resulting from design changes.	Written responses to RFI's and required documentation.		6 mos.
4.3 Final Notice of Acceptability Adrian Esteban (PM) Sheri Markwardt (City) Doug Sarkinnen (Struct) Kelly Freeman (Structural) Steve Boice (Lighting) City Staff (as needed)	Conduct a final site visit to determine if completed work meets in accordance with Construction Documents. Provide written notice that completed work is in general accordance with construction documents and recommend final payment.	Attend site visit. Written notice of acceptability. Written recommendation for final payment.	Design coordination with at-grade segment of trail.	1 week

Approach to the Project Design Effort

Our approach to the design of the elevated pathway structure will be to solidify the constraints and criteria forming the boundaries of the design and then find the best solution within those boundaries with respect to structure type, aesthetics, alignment and the minimization of site impact, all within the available budget. Our approach is to keep costs as low as practicable in the foundation and span configurations, while providing an overall appearance suitable to the site that will be both low maintenance, attractive, and safe and functional for the users. Once we narrow the field to several alternatives, we evaluate their merits and compare them using a matrix of project criteria. This makes the preferable alternative or alternatives easily identified. Details of our approach and some thoughts on our current assessment are as follows:

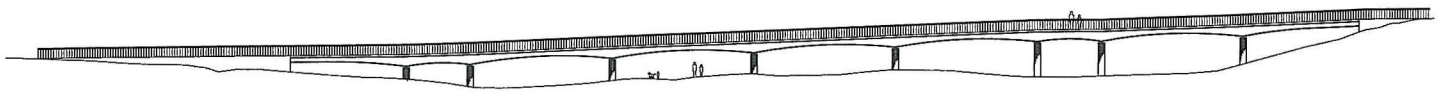
Alignment, Structure Type, and Configuration Selection

Given the project constraints, preferences and site conditions, the alignment shown in the RFP reduces long-term site impacts. Adjustments will be made to reduce the complexity and number of conditions to be addressed during fabrication and construction. The site is particularly constrained near the connection to McLoughlin Blvd. by the presence of several fir trees and the adjacent property. This will be a difficult condition for construction and warrants careful study and development of the path and abutment design.

The best structure types for this elevated pathway are mostly determined by the height of the profile above ground, the horizontally curved segments of the alignment, and the desire to minimize the site impacts both during and after construction. The ideal span lengths between piers will normally be two to four times the profile height above the ground in order to present a visually correct proportion and to make the cost of superstructure and substructure most economical. Shorter spans tend to create the visual effect of a "forest" of substructure columns or piles, much like the appearance of a railroad trestle, and also have a greater impact on the site when in service. Longer spans sometimes require disproportionally larger and heavier beam elements which can increase cost substantially, and the piers may require a more expensive type of foundation system as a result of the greater weight. Moving larger beams onto the site may also be impractical, and there can be attendant increase of site impacts. The capacity of suitable cranes for placing structure elements also can be exceeded with heavier beams.

In consideration of the RFP path profile and budget limitations, our preliminary assessment is that the best-fit structure type would be steel beams spanning about 50 to 60 feet with a cast-in-place concrete deck. Steel beams can be easily fabricated to accommodate the curves in the horizontal alignment and are comparatively lightweight. Their reduced weight compared to concrete beams will lower foundation costs and seismic forces. Less weight also allows them to be placed by being lifted over the tops of the trees by large hydraulic cranes. In the more densely vegetated area to the south, a crane located on McLoughlin Blvd. can lift the steel spans over the treetops and into place on the piers, significantly reducing site impacts. Another aspect of steel beams we like is that they can be made with weathering steel, and so have a natural color and texture to their appearance, with low maintenance. Weathering steel will also match the appearance of the nearby light-rail bridge.

The vertical alignment shown in the RFP could be adjusted by beginning a 4.75% grade at Sta. 5+00, up to about 6+20, then continuing to the south end with a flatter grade of about 2% (except for viewing platforms). This allows



most of the path to be at an elevation above ground that is comparable to the maximum path height near the south end. In this configuration we feel that a weathering steel truss below a cast-in-place deck may be an ideal solution. A square box truss made up of square steel tubes, maybe 5' or 6' on a side, would be of constant depth throughout the length of the elevated path, except for the north end where it would taper to a shallower depth. The truss can easily be fabricated to the alignment horizontal curves and the torsional rigidity of a full box truss allows columns to be placed anywhere along the alignment. The open section of the truss will greatly reduce its visual impact since the thin deck will be the only visually solid element.

There are other structure configurations that are feasible for this project and suitable for consideration. We look forward to identifying these and finding the best match to the site.

Geotechnical, Foundations, and Seismic

The site soils profile is likely similar to nearby borings for the light rail bridge, where surface soils of sands gravels and silts transitions to weathered basalt at depths of 20 to 40 feet. Foundations can be a major factor in cost, and spread footing are probably suitable for this site and will likely be less costly than driven piles or drilled shafts. Although a spread footing may have a greater footprint disturbance on the ground surface than piles or shafts, the heavy equipment needed to install typical piles and shafts may have as large or larger of an impact than the excavation of a footing. The use of smaller piles or shafts can greatly reduce the size of equipment needed for installation, however, the increased number of foundation elements needed can offset the benefit of smaller equipment. For the selected foundation system, a carefully developed site access plan will be needed that fully considers the equipment employed at each stage of construction.

The seismic design of elevated path structures is challenging due to their lack of correlation with either bridges or buildings in structure size, weight, or configuration, for which most codified earthquake resistant energy dissipating systems have been developed. Ordinary elevated path structures do not have the combination of weight and column height to develop the column plastic hinge mechanisms that act normally as energy dissipaters in most highway bridges. As a result, our path structure designs in the seismically active Pacific Northwest have typically required either a comparatively conservative elastic design without energy dissipation, or, for some structures, the use of small base isolators are best for seismic safety. For this elevated path project, a method we may consider is the use of foundation rocking (i.e., literal rocking of the structure footings back and forth on the ground), as a means of accommodating ground displacements and dissipating energy. The geotechnical report for the nearby light-rail bridge identifies potentially liquefiable soil layers for borings in the area to the north and to the south of the wooded area of the park, but not for the area in between, which corresponds to the location of the elevated path. While the potential exists for the presence of liquefiable soils within the site, they may not be an issue.

Railings and Deck

We have provided a full range of deck types for the many trail and path structures we have designed, including fiberglass grates, plastic lumber, softwood and hardwood timber, precast planks and cast-in-place concrete. Without a doubt concrete decks are usually the best for all around durability, maintenance, slip resistance, and ADA compliance. Unless discussions indicate otherwise, we will assume a concrete deck is a given for this project. Compared to cast-in-place decks, precast concrete plank decks have some construction advantages and they sometimes have a cost advantage if conditions are right, but generally they have more disadvantages than benefits and probably will only be considered if they have substantial constructability or cost advantages.

An elevated path railing should have strong aesthetic appeal and/or appropriateness in its overall configuration, while maintaining a simplicity for ease and economy of fabrication. Otak not only does engineering but is an architectural and planning firm as well. Our building and landscape architects regularly work with our engineers to develop railing systems that are both visually appropriate to the site or structure but which are also carefully thought through with respect to real-world fabrication, finishing, installation, and service performance. These range from the most simple industrial safety railings to unique custom fabrications with computer controlled LED lighting systems. In an evaluation process similar to the structure selection, we will work with the City to determine what railing system materials and configuration best meets the project needs and budget while providing a user-friendly look and feel within the context of the site. The preferred railings system will then be carefully developed for incorporation into the project plans and specifications.

Except for issues of power supply, incorporating lighting into a structure involves many of the same types of design and detailing considerations as does the installation of the railing. As such, we will develop the lighting system look and details in parallel with the railing design. The use of custom support poles matching the aesthetic of the railings may also be considered.

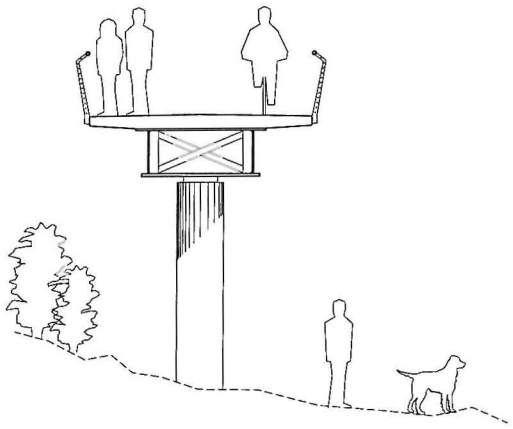
Long-span light-weight pedestrian bridges, especially cable supported spans, are particularly vulnerable to significant cumulative vibration responses. Providing the span with sufficient dynamic stiffness, mass, and/or damping properties is the usual solution. Otak structural engineers are well-versed in structural dynamics and know how to model and predict bridge dynamic behavior. Their experience will guide preliminary designs away from configurations that tend to unacceptable dynamic performance. If overall structure characteristics warrant it, we will also perform an in-depth dynamic analysis on the preliminary and final structures to identify and limit any potential vibration issues.

South Abutment

The limitations in space and access to the south abutment is a central area of concern for this project, compounded by its sloping terrain. It is unlikely that access from McLoughlin Blvd. will be possible except for short duration lane closures, and those possibly at night or on weekends. The abutment construction will likely need to be the first elevated structure component built since the access will be blocked by subsequent activities. A longer construction duration may be needed to take this into account. Reducing the amount of on-site construction needed for the abutment and simplifying the site construction will be key to mitigating the impacts of this condition.

Cost

The cost of the elevated path structure will be a driving factor in selecting an alternative configuration for development and construction. The primary contributors to the cost are also those elements that need to be scrutinized to determine where costs can or must be reduced in order to deliver the project under budget. The primary cost contributors are the foundations and piers, and the beam spans and deck. Each structure alternative will need to have each of these components evaluated for a proper balance between cost, suitability, and compatibility with other components to arrive at an overall cost for that alternative.



The construction access difficulties as well as overall constructability are important contributors to the cost of each alternative. A preliminary evaluation of constructability costs will be needed for each structure alternative and included as a factor in that alternatives overall cost. Final design will further refine these costs to ensure the project estimate remains within budget.

Potential areas for cost reduction, but which may compromise the desirable project criteria, include reducing the width of the pathway from 12 feet to 10 feet; simplifying the railing to a lowest cost configuration while still meeting the needs of safety and durability; simplifying the alignment to a series of straight tangent sections, possibly with widened view areas at the changes in direction (this can be used to significant advantage for a lowest-cost configuration). The process of selecting a structure alternative will determine the need for and acceptibility of cost-cutting measures.

Additional Tasks That Could Benefit the Project

Based on our experience working on multi-use projects through sensitive areas that encompass multiple jurisdictions, we have identified additional work tasks for the City's consideration that would be of benefit to the project. The suggested tasks include:

- **Tree Assessment** - We recommend hiring a certified arborist to conduct a survey to describe the condition of the existing trees. This will provide defensible decision-making data to share with the City Council and the public when it comes to which trees are impacted by construction of the trail.
- **Cultural/Historical Survey** - Finding historic or cultural artifacts during construction can be very expensive because it causes the contractor delays. The presence of an old building, retaining wall, and vehicle chassis on the site indicate a long history of human activity around Kellogg Lake. We recommend hiring a cultural resource expert to conduct preliminary research at the project site to identify areas with a lower probability of the presence of artifacts.
- **Hazardous Material Assessment** - If the City did not perform a Level 1 Hazardous Material assessment of the site when it was acquired, we recommend that one be performed to determine if hazardous materials are located within the site of potential excavation.
- **ODOT/TriMet Permitting** - Connecting to McLoughlin Boulevard (ODOT) and to the Kellogg Bridge (TriMet) may require an ODOT permit to connect to a state facility and revisions to railroad crossing orders for TriMet, as both connections are within their respective right-of-way. We recommend adding a task to focus on permits from other jurisdictions.

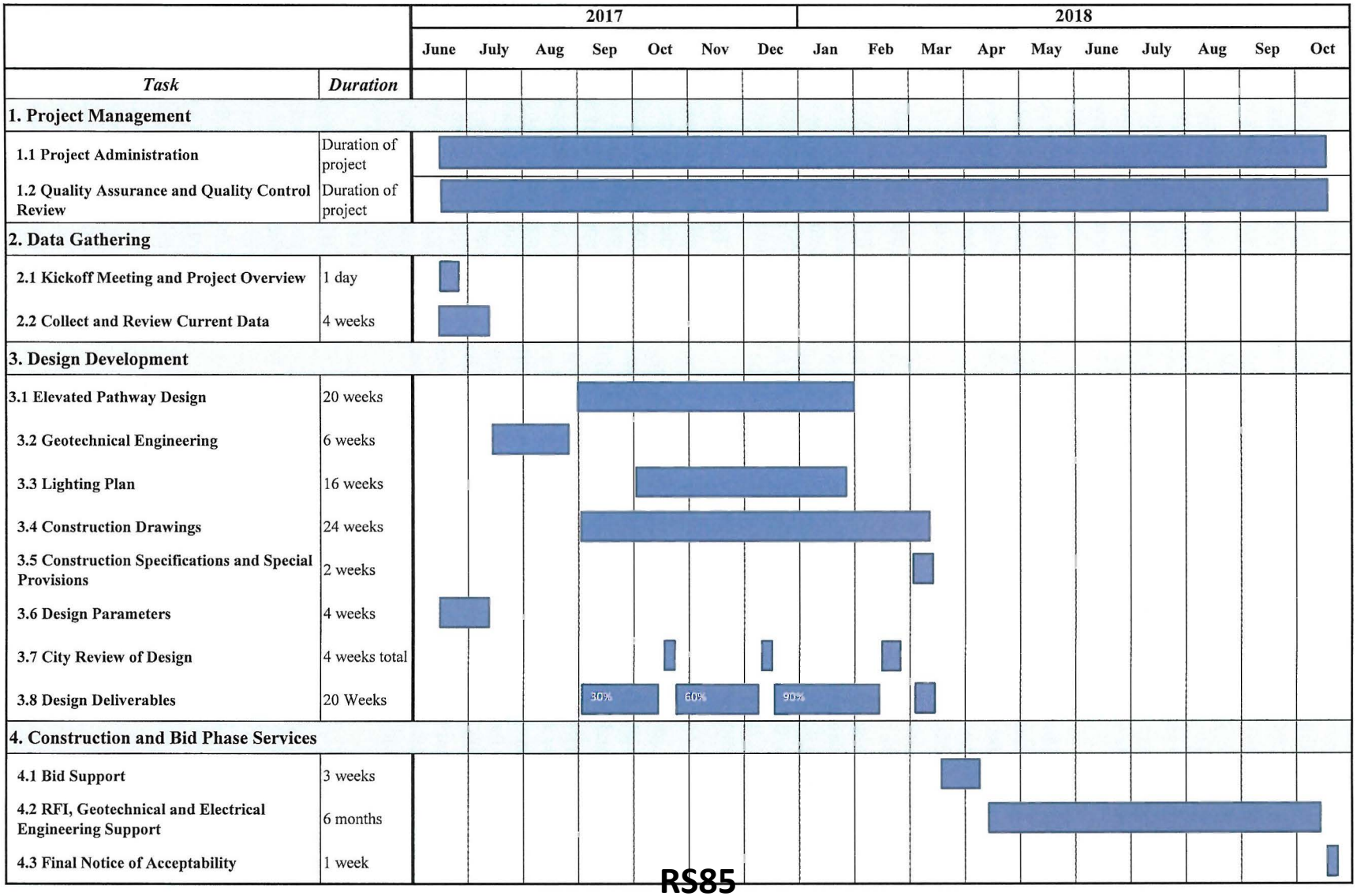
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Project Schedule (one page max)

Optimizing Overall Project Schedule

We have developed a project schedule based on the scope of work and City delivery expectations. This schedule identifies interrelationships between each task and the critical path elements to project delivery. The current schedule shows work is to start in June 2017 and be complete by March 2018, which will require diligent management of design and coordination with the City and key stakeholders. The schedule allows for construction documents to be completed and ready for bidding in early Spring 2018 to allow for construction to begin in late spring/early summer 2018.

We expect that adjustments to our schedule may be needed to coordinate with the City's design and deliverable schedule for the at-grade portion of the trail. By allowing nine months for design, this provides us with flexibility to meet the City's schedule while at the same time bidding the project in early spring, which is optimal for getting lower costs of construction.



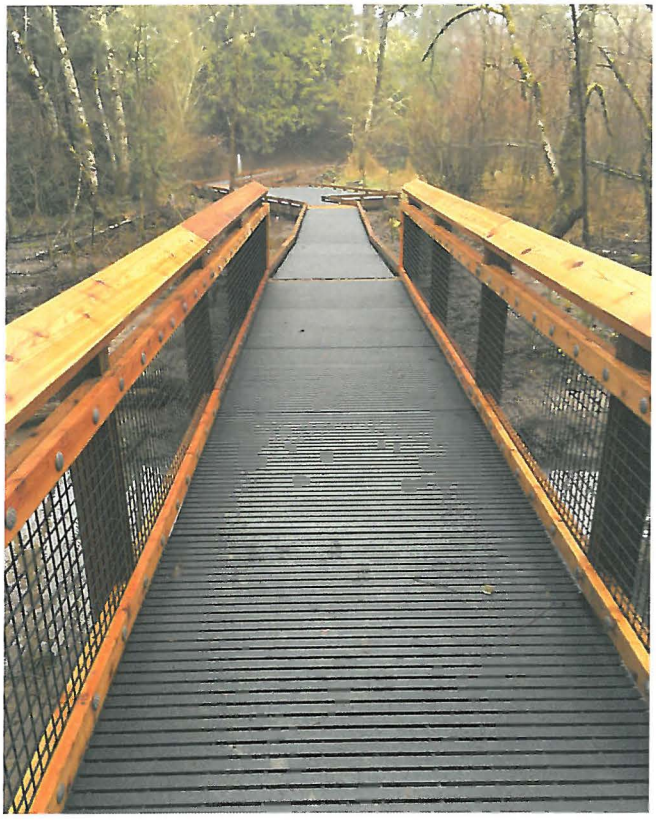
April Hill Park Trail | Portland, Oregon

Otak designed trail improvements in the natural area of April Hill Park in southwest Portland for the City of Portland's Bureau of Parks & Recreation. The trail includes two 30-foot bridges crossing Woods Creek, 130 linear feet of five-foot-wide elevated boardwalk crossing the wetland/floodplain portion of the natural area, a 250-square-foot viewing platform within the wetland, and 670 linear feet of connecting soft trail.



Restoring the area to natural conditions included removing the social trails that had been formed over time, because they had created ruts that drained the wetland. The goal of the project was to provide controlled access through the natural area for recreational and educational opportunities while reducing the formation of social trails and allowing Parks & Recreation staff to monitor activities in, and the conditions of, the park.

Because the boardwalk and bridges were within the wetland area that needed to be undisturbed, there was limited space to conduct construction activities and bring in needed material. Otak's design accommodated this because it allowed for streamlined permitting and limited small equipment access. Pin foundations were used for the boardwalk for easier installation and minimal disturbance, while the bridge abutments were made from cast-in-place concrete that could be pumped to the site. The bridges were prefabricated and assembled on-site using wreathing steel girders and fiberglass decking. Soft trail was used outside of the wetland areas. The Bureau of Parks and Recreation conducted restoration planting and vegetation management in conjunction with the construction.



Client Reference:
Lisa Tyler
City of Portland Bureau of Parks & Recreation
(503) 823-8649

Project Schedule: May 2015 - March 2017

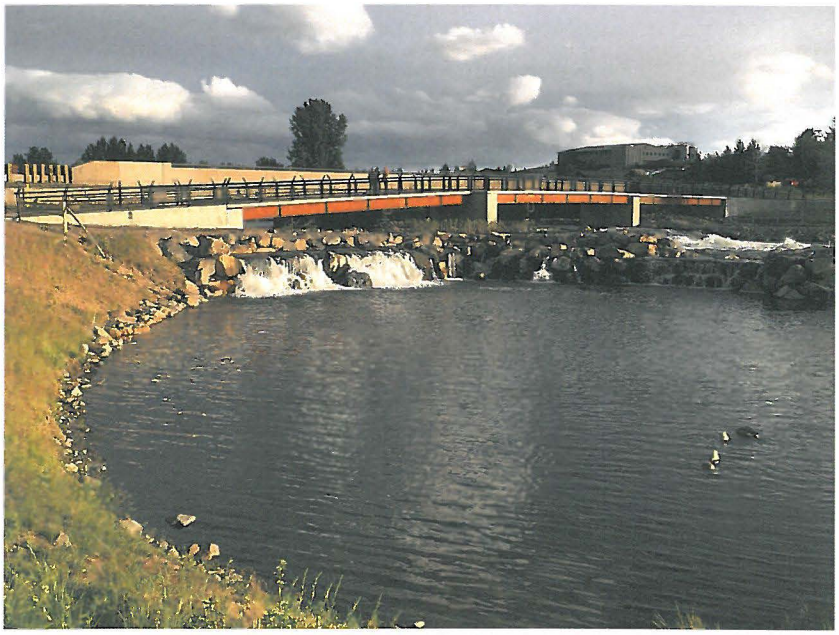
Project Deliverables:
Project management, structural engineering, water resource engineering, elevated bridge and trail design, environmental permitting, habitat restoration, construction management

Project Team: Kevin Timmins, Kelly Freeman

Bend Whitewater Park | Bend, Oregon

A dam built on the Deschutes River at Colorado Avenue in 1911 was a significant safety hazard that required the 160,000+ annual river users to exit the river and portage around the impediment. The Bend Whitewater Park project replaced the Colorado Avenue Dam and created three channels in the river to provide locals and tourists with new river recreation experiences right in the center of Bend. The project achieved its primary goal of balancing recreation with river health by:

- Removing hazardous rock and steel pilings from the river
- Expanding river recreation opportunities with the creation of two whitewater channels: one for experts and one for beginning river enthusiasts
- Enhancing and protecting river health, habitat, fish, and wildlife

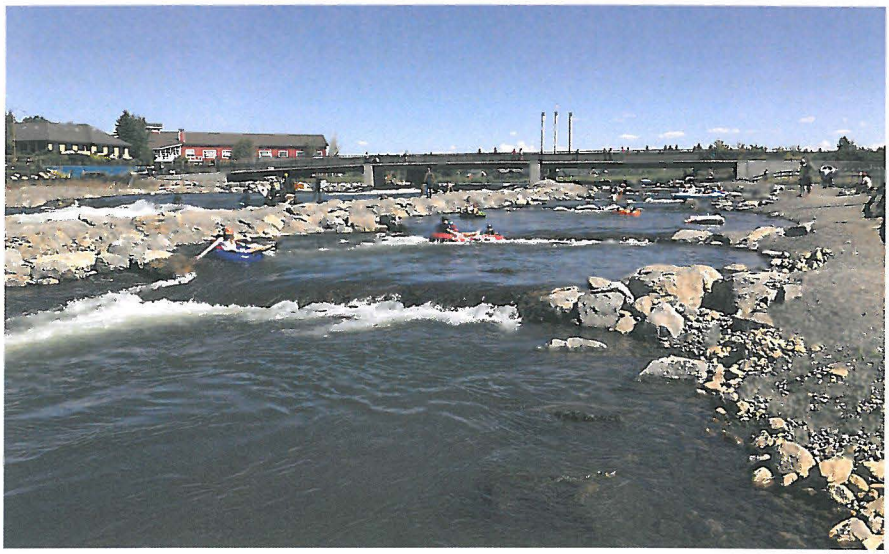


The project also replaced the bike/pedestrian bridge that connects McKay Park to Miller's Landing Park on either side of the river and provides a safe platform from which the public can observe activities on the river as they happen.

Otak lead a team of consultants through preliminary design, permitting, final design, and construction support that assisted the Bend Parks and Recreation District and its stakeholders with the complicated task of implementing this challenging, technically complex, and highly visible project.

Project Team:
Doug Sarkkinen, Kelly Freeman, Gary Wolff, Kevin Timmins

Project Deliverables:
Project management, hydraulic engineering, restoration design, structural engineering, architecture, construction engineering



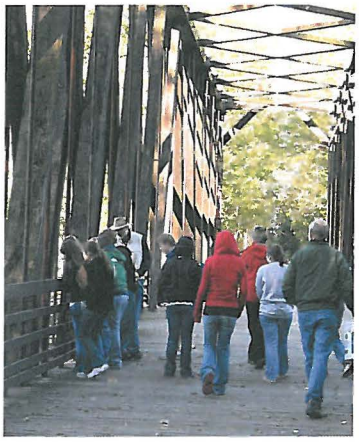
Client Reference:
Brian Hudspeth
Bend Parks and Recreation
(541) 706-6137
Brian@bendparksandrec.org

Project Schedule:
October 2014 - June 2016

Dungeness River Pedestrian Bridge | Sequim, Washington

In February 2015, during a large flood event, the Dungeness River jumped its banks by approximately 100 feet and destroyed two bents of a trestle that carries the popular Olympic Discovery Trail near Sequim, Washington. Immediately after the event, the property owner, Jamestown S'Klallam Tribe, applied for grants to fund the restoration and crossing. After several months, they were able to secure a number of grants that were primarily focused on salmon recovery.

Otak was selected to be the prime design consultant and began work in May 2015. Preliminary meetings with the tribe and the stakeholder group allowed for an expedited alternatives evaluation and selection process with final design completed by the end of July 2015. The bridge sections were pre-ordered in July, with the main construction bid out in August 2015.



Environmental permitting was expedited for the project, including the US Army Corps of Engineers permit, which was applied for in June and granted three days before mobilization. The timber trestle that was to be removed was the longest trestle in the State of Washington, so Washington State Department of Archaeology & Historic Preservation (SHPO) approval was required.

Construction included a temporary road and bridge over the Dungeness River and was finished within four months. After the foundations and piers were complete and the bridge spans erected in late November, a heavy rain warning was issued. Three days later flooding washed out the section of the river where the bridges were and shifted the thalweg of the river another 80 feet to the west, exposing one of the buried piers. However, the bridge foundations proved to be structurally robust enough to withstand the shift.

The removal of the trestle and replacement with a longer spanning structure allowed the river to naturally migrate, which significantly increased the potential for fish-bearing habitat.

Recipient of 2017 ACEC Washington Engineering Excellence Bronze Award



Design, permitting, and construction on this $2.2 million bridge was completed in just eight months.

A grand opening ceremony was held on December 30, 2015, at which the Jamestown S'Klallam Tribe performed a bridge blessing ceremony.

Client Reference:
Randy Johnson, Habitat Program Manager
Jamestown S'Klallam Tribe, (360) 683-1109

Project Schedule: May 2015 - December 2015

Project Deliverables:
Project management, restoration design, structural engineering, construction engineering, bridge and trail design, environmental permitting, habitat preservation and enhancement, construction management

Project Team:
Doug Sarkkinen, Gary Wolff



Washougal River Waterline and Pedestrian Bridge | Camas, Washington

The City of Camas selected Otak as the prime consultant for the design of nearly two miles of the City's regional trail system, a new 24-inch water main, and a new bridge over the Washougal River to carry the trail and water main. The design also provided new piping for future regional sewer service.



The project was in an area that is known to contain archaeologically sensitive sites, important fish habitat, and environmentally-sensitive areas.

Otak managed a full service design team that performed structural and geotechnical engineering, scour analysis, water and utility design, civil engineering, trail and landscape architecture, environmental analysis and permitting, and archaeological investigation. Otak was responsible for overall project management and design, civil engineering and water main design, river hydraulic analysis and scour design, survey and mapping, and trail design.

The project scope evolved in response to changing site conditions due to the operations of a separate project in the same area. The Otak-led team worked closely with the City to discuss ways to change the scope and meet the needs of the project while minimizing costs at each step.

The project was awarded with an ACEC Oregon Honor Award for Water and Wastewater in 2010.



Client Reference:
Jerry Acheson, Parks and Recreation Manager,
City of Camas
(360) 817-1561 x4234

Project Schedule:
November 2011 - July 2010

Project Deliverables: Project management, bridge design, environmental permitting, water transmission line, sewer trunkline

Project Team: Doug Sarkkinen

References

Washougal River Waterline and Pedestrian Bridge

Jerry Acheson, Parks and Recreation Manager
City of Camas, WA
616 NE 4th Avenue
Camas, WA. 98607
(360) 834-5307
jacheson@cityofcamas.us

Bend Whitewater Park

Brian Hudspeth
Bend Parks and Recreation
799 SW Columbia Street
Bend, OR 97702
(541) 706-6137
brian@bendparksandrec.org

April Hill Park Trail

Lisa Tyler
City of Portland, OR
Bureau of Parks & Recreation
1120 SW Fifth Avenue, Suite 1302, Portland, OR, 97204
(503) 823-8649

Dungeness River Pedestrian Bridge

Randy Johnson, Habitat Program Manager
Jamestown S'Klallam Tribe
Natural Resources Department
1033 Old Blyn Hwy.
Sequim, WA 98382
(360) 681-4624
rjohnson@jamestowntribe.org

Attachment A – Proposal Form

Proposal Representations

The undersigned hereby submits this Proposal to furnish all work, services systems, materials, and labor as indicated herein and agrees to be bound by the following documents: Request for Proposal, Engineering Services Agreement, and associated inclusions and references, specifications, Proposal Form, Proposer response, mutually agreed clarifications, exceptions which are acceptable to the City, and all other Proposer submittals.

The undersigned hereby certifies and represents that the Proposer:

1) has examined and is thoroughly familiar with the Request for Proposal and fully understands its intent; and
2) has examined and is thoroughly familiar with the Engineering Services Agreement, agrees to accept the contract terms, and execute such contract upon award of the contract; and
3) understands that the City reserves the right to accept a proposal or reject all proposals if deemed in the best interest of the City; and
4) understands that all information included in, attached to, or required by this Request for Proposal shall be public record subject to disclosure within the context of the federal Freedom of Information Act and Oregon Revised Statutes (ORS) 192.501 and ORS 192.502.

Receipt of Addenda

Proposer acknowledges that addenda numbers (none issued) have been delivered and examined as part of the Request for Proposal.

Certifications

Non-Collusion

The undersigned Proposer hereby certifies that it, its officers, partners, owners, providers, representatives, employees and parties in interest, including the affiant, has not in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, potential Proposer, firm or person, in connection with this solicitation, to submit a collusive or sham proposal, to refrain from bidding, or manipulating or ascertain the price(s) of other Proposers or potential Proposers, or to secure through any unlawful act an advantage over other Proposers or the City. The fees and prices to be submitted herein have been arrived in an entirely independent and lawful manner by the Proposer without consultation with other Proposers or potential Proposers of foreknowledge of the prices to be submitted in response to this solicitation by other Proposers or potential Proposers on the part of the Proposer, its officers, owners, providers, representatives, employees or parties in interest, including the affiant.

Conflict of Interest

The undersigned Proposer and each person signing on behalf of the Proposer certifies, and in the case of sole proprietorship, partnership, or corporation, each party thereto certifies as to its own organization, under penalty of perjury, in whole or in part by the City, has a direct or indirect

financial interest in the award of this Proposal, or in the services to which this Proposal relates, or in any of the profits, real or potential, thereof, except as noted otherwise herein.

Reciprocal Preference Law

Residency

The undersigned Proposer certifies that their firm is a (X) Resident Proposer ( ) Non-resident Proposer.

Signature Block

The Proposer hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

Otak, Inc.
Proposer Firm Name

808 SW Third Avenue, Suite 300, Portland, Oregon 97204
Mailing Address, City, State, Zip

503-287-6825
Telephone Number

503-415-2304
Facsimile Number

Kevin Timmins, PE
Proposer Name

kevin.timmins@otak.com
Proposer Email Address

Signature

May 26, 2017
Date

Sample Personal Services Agreement - Attachment B

Otak has reviewed the sample Personal Services Agreement and accepts its terms and conditions.

Addenda

No addenda were issued.



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City of Milwaukie
Kronberg Park Multi-Use Trail CIP-2017-D29
Professional Engineering Services
SCOPE OF WORK
June 27, 2017

PROJECT UNDERSTANDING

The Robert Kronberg Nature Park Master Plan is comprised of four phases. The first phase, completed in November 2015, was the construction of a bridge across Kellogg Lake to provide for a connection to downtown Milwaukie, the new Orange Line Max station, and to the bicycle and pedestrian network of the City of Milwaukie. The second phase, and the subject of this scope of work, is the construction of a multi-use trail connecting the Kellogg Lake Bridge to the existing crossing of McLoughlin Blvd at River Road and the regional Trolley Trail. The north half of the trail is on-ground through the meadow area of the park. The south half of the trail through the forested area will be supported on an elevated structure. The third phase will construct additional improvements to the park including soft surface paths and experiential nodes. The fourth phase, consisting of habitat preservation and the restoration, is being done independently and/or with the other phases. Some of that work has been completed.

This Scope of Work is to provide Professional Engineering Services for those portions of Phase 2 which will not be performed by the City. The Consultant will work with the City to finalize the elevated pathway alignment to minimize the removal of existing trees. Construction methods will be considered when designing the elevated pathway as disturbance of the natural resource area during construction is to be kept to a minimum.

The elevated portion of the trail will be 12.0’ wide except for widened areas for viewing. The north end of the elevated trail will connect to a 12.0’ at-grade concrete pathway to be designed by the City in tandem with the elevated structure. The south end of the elevated pathway connects to the existing sidewalk and crosswalk at McLoughlin Blvd. Pedestrian and bicycle traffic patterns will be considered at this location as the trail will be utilized by traffic from both the Trolley Trail and from northbound McLoughlin Blvd. The future maintenance of the trail and lighting will be considered during the design process.

Major components of this project include:

- Geotechnical Engineering exploration and reports
- Construction documents, specifications and cost estimates for elevated multi-use trail
- Illumination plan consistent with the Kellogg Lake pedestrian bridge

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SCOPE OF WORK

TASK 1: PROJECT MANAGEMENT

Consultant shall provide management, coordination, and direction to the Project Team throughout the duration of the Project. The Project is expected to be completed by October 31, 2018

1.1 Project Coordination

Consultant shall coordinate with the City's Project Manager and staff as needed throughout the duration of the project. Coordination will occur via telephone communication, written correspondence, e-mail and meetings.

Task 1.1 Deliverables: Maintain records of coordination activities and decisions made, and provide copies of documentation as requested by City's Project Manager.

1.2 Project Schedule

Consultant shall monitor and maintain a project schedule. Schedule updates will be provided on a monthly basis with invoices and progress reports.

Task 1.2 Deliverables: A Project schedule that shows appropriate milestones for the Project including intermediate and final submittal dates for work products and key decision points; monthly schedule updates.

1.3 Monthly Invoices and Progress Reports

Consultant shall prepare sixteen (16) monthly billing invoices in a format approved by the City. Consultant shall submit monthly invoices and progress reports to the City including updated project schedules that reflect changes in the project and that track progress on services completed.

Task 1.3 Deliverables: Monthly progress reports with schedule update and invoices.

1.4 Meetings

Consultant shall schedule, conduct, prepare for, attend and document meetings. Anticipated meetings include:

- Project Kick-off Meeting with the City's project team, other City staff, and project stakeholders to review roles and responsibilities, project scope and objectives, project schedule, and expectations.
- Design Team Meetings: up to ten (10) Team Meetings during the course of the Project design phases to review work-in-progress, City review comments and to resolve Project issues as they are encountered. Frequency of meetings to be determined in coordination with the City.

Task 1.4 Deliverables: Meeting Agendas and Meeting Notes

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TASK 2: DATA COLLECTION

This task consists of gathering existing data, including, but not limited to, field survey for the project area provided by the City, and existing geotechnical, structural and environmental reports.

2.1 Collect and Review Available Information

- Conduct site visit to identify design issues and construction related constraints. Items to be considered include roadway geometry at McLoughlin, existing grades and existing trees.
- Identify potential right-of-way constraints, utility conflicts, environmental impacts
- Review City design criteria and standards as well as ODOT Bicycle and Pedestrian standards.

Task 2.1 Deliverables: Technical memorandum summarizing design issues, construction related constraints, and identifying additional information needed for design.

2.2 Mapping

- Review City provided survey data and identify additional survey needs, if any.
- Identify the approximate location of the existing right-of-way lines and property line(s) from City provided mapping.
- Create a basemap file from survey data provided by City.

Task 2.2 Deliverables: AutoCAD (*.dwg) basemap created from city provided survey data.

TASK 3: GEOTECHNICAL ENGINEERING

The Consultant will perform site reconnaissance and explorations in the vicinity of the City provided preliminary alignment from Task 5 and provide geotechnical recommendations associated with the multi-use trail structures for the project. The specific scope of work is summarized below.

3.1 Literature Review and Site Reconnaissance

- Review both City-provided and other readily available geotechnical reports, well drilling logs, and other relevant documents pertaining to soils conditions within the project area.
- Perform a site reconnaissance including the following:
  1. Observe surface features indicative of past or ongoing geologic processes (e.g., areas of seeps or springs, erosion, unstable slopes, shallow groundwater, roadway settlement, offsets and depressions, existing earthwork performance, and/or exposed soil and bedrock units).
  2. Identify site constraints, staging concerns (for exploration and construction), and environmental issues (including wetland locations).
  3. Identify potential exploration locations.
- Stake or paint proposed boring locations on the ground.

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3.2 Geotechnical Field Exploration and Laboratory Testing

- Complete up to four (4) borings for the project. Two boreholes will be drilled to depths up to 50 feet and two boreholes will be drilled to up to 30 feet. One boring will be located at the northwest bridge abutment. The remaining three borings will be located along the structure alignment, either at possible locations of interior bents or as determined by the geotechnical engineer as most suitable. Subsurface geotechnical information at the southeast abutment is available. It may be assumed that when weathered basalt is encountered, the drill hole need only be advanced an additional 10 feet to verify the presence and condition of the material.
- Perform laboratory testing on selected suitable soil samples. Tests may include up to three (3) Atterberg limit tests, three (3) soil gradation tests, and twenty (20) moisture content tests.

3.3 Geotechnical Analysis and Reporting

- Perform geotechnical evaluation to quantify the seismic hazards, including selection of site class, seismic design parameters, and analysis to determine liquefaction potential.
- Perform geotechnical capacity analysis for bent and abutment foundations and abutment retaining walls.
- Provide a draft and final report that summarizes findings and recommendations.

Task 3.4 Deliverables: One (1) electronic Draft Geotechnical Engineering Report (.pdf) and one (1) electronic Final Geotechnical Engineering Report, to City.

TASK 4: Illumination & Signal Modifications

This task will focus on performing an Illumination Analysis and providing a design that is consistent with the Kellogg Lake Bridge.

4.1 Illumination Analysis

An illumination analysis will be conducted between the west end of the Kellogg Lake Bridge and where the trail connects to SE McLoughlin Boulevard. The Consultant shall prepare a lighting analysis using a lighting standard and luminaire that is approved by the City and consistent with the Kellogg Lake Bridge. It is anticipated that new lighting will utilize LED light sources. The AGI 32 lighting software program will be used to conduct the analysis. Light levels to be achieved will follow IES (Illuminating Engineering Society) standards except as modified by the City of Milwaukie.

Task 4.1 Deliverables: Lighting analysis memorandum, graphical output of lighting analysis and engineer's cost estimate.

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4.2 Illumination Design

Based on input provided by the City from the lighting analysis memorandum, plans, specifications, and engineers cost estimate will be developed for the multi-use trail illumination. The Consultant will conduct a field review and coordinate closely with City staff on lighting hardware locations. Known conflicts with overhead utilities, underground utilities, trees and solutions to these conflicts will be identified. The Consultant will coordinate with the local power company to confirm power service locations.

Assumptions:

- No foundation design will be required for light poles under this Task.

Task 4.2 Deliverables: Up to two (2) illumination plan sheets, one (1) legend sheet, one (1) detail sheet, specifications and engineers cost estimate at the 60%, 90% and Final design level.

TASK 5: PRELIMINARY DESIGN ALTERNATIVES EVALUATION AND SELECTION

During this stage of the project the Consultant will work with the City to develop initial alternatives concepts for the type and configuration of the trail structure, pedestrian railings, lighting supports and abutments.

5.1 Alternative Development Meeting

Consultant will conduct a design meeting that will include structural, civil, architecture, geotechnical and other design disciplines as well as selected City staff to discuss concepts that consider cost, aesthetics, structure dynamics, constructability, site impacts, maintenance, and public safety. The goal of the meeting is for the design team to gain a better understanding of key elements that need to be considered in order to develop alternative alignments that take into account the different points of view.

Task 5.1 Deliverables:

- Meeting notes
- Design Memorandum

5.2 Develop Alternatives

Consultant will develop alternative concept sketches and renderings developed from Task 5.1 that will be used for public input and selection of the preferred alternative to be used for final design.

Task 5.2 Deliverables:

- Develop and prepare exhibits/renderings for up to two (2) alternatives.
- Further develop exhibits/renderings for the selected preferred alternative.
- Cost comparison of alternatives including structural and architectural elements
- Attend Public Input meeting to present alternative concepts

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TASK 6: CONSTRUCTION PLANS

The purpose of this task is to provide construction plans for the elevated multi-use trail in coordination with the City designed at-grade trail. Plans shall include, but are not limited to: civil plans, structural plan and profile, illumination plans and fixture schedule, traffic control plans and detail plans to show all structural details of the connection to the at grade sidewalks on each end, including all details of the elevated walkway and retaining walls (if needed).

The following shall be utilized as design parameters and guidelines:

- ODOT's Bicycle and Pedestrian Design Guide
- Oregon Standard Specifications for Construction
- AASHTO LRFD Guide Specifications for the Design of Pedestrian Bridges
    - Pedestrian Loading, 90 psf
    - H10 Vehicular Truck Loading (10 ton)
- AASHTO Guide Specifications for LRFD Seismic Bridge Design

6.1 30% Preliminary Plans

During the Preliminary Plans phase of the project, Consultant will attend project meetings, coordinate design requirements, and prepare preliminary design documents.

In conjunction with the preparation of preliminary plans, Consultant will prepare a Basis of Design narrative to describe the civil aspects of the project, identify any impacts, and define the approach to be taken for the completion of the civil design of the project.

Task 6.1 Deliverables:

- 30% Construction Plans one (1) pdf copy
- Basis of Design Memorandum

6.2 60% Plans and Estimate

During the 60% Plans phase of the project, Consultant will address City review comments from the 30% Preliminary Plans phase. Consultant will proceed with further development of the design and identify any coordination, impacts or other issues that may affect the project.

Task 6.2 Deliverables:

- 60% Construction Plans one (1) PDF Format
- Construction Cost Estimate in Excel Format

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6.3 90% Advanced Plans, Specifications and Estimate

During the Advance Plans phase of the project, Consultant will address City review comments from the Preliminary Plans phase. Consultant will proceed with further refinement of the construction documents and coordinate utility relocation (if needed).

Task 6.3 Deliverables:

- 90% Construction Plans one (1) PDF Format
- Construction Cost Estimate in Excel Format
- Specifications Outline in Word Format using ODOT's standard construction specification and special provision template

6.4 100% Construction Documents, Specifications and Estimate

Upon receiving City review comments for the Advanced Plans phase of the project, Consultant will proceed to address City comments and prepare Construction Documents for the project.

Task 6.4 Deliverables:

- Final Plans for Construction, One (1) Electronic in PDF Format, One (1) Electronic in DWG Format and Two (2) Paper Prints in ANSI D (22"x34") Format
- Final Construction Cost Estimate
- Specifications using ODOT's standard construction specification and special provision template
- Structural calculations, One (1) Electronic in PDF Format and one (1) paper copy

TASK 7: BID SUPPORT

Consultant will provide bidding and negotiation support as follows:

- Assist City with Bid Item List using City provided boilerplate documents
- Respond to bidder questions
- Assist with evaluation of bids
- Attend Pre-Bid meeting

Task 7 Deliverables:

- Bid Item List
- Written responses to bidder questions
- Assist in preparing (1) addendum for bid package

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TASK 8: CONSTRUCTION SUPPORT AND INSPECTION

Consultant will provide Construction Support and Inspection services during the construction of the project. The services to be provided are as follows:

- Attend pre-construction meeting per bid package
- Review and respond to Contractor RFI's
- Conduct structural and geotechnical inspections (10 hours/wk for 12 weeks)
- Conduct up to two (2) site visits and/or attend construction meetings
- Final site visit at completion of project

Task 8 Deliverables:

- RFI responses
- Site visit field reports
- Written recommendation for final payment to contractor

CONTINGENCY TASKS

TASK C1: GEOTECHNICAL ENGINEERING

C1.1 Infiltration Testing

- Provide infiltration testing at two locations selected by the City for proposed water quality facilities. It is assumed that a backhoe will be mobilized to site to dig the infiltration pits. The pits will be filled with 1 foot of water and held at this level for 7 hours. Next, the flow rate will be monitored for one hour while holding the water level at 1 foot. The water flow into the pit will then be discontinued and the pit will be allowed to drain. Monitor the level of water to determine the drainage rate of infiltration.
- Consultant assumes that the City will provide access to water to use for these tests.

SCHEDULE & FEE

This proposal assumes that the project will begin within 5 business days of receiving Notice to Proceed. Final documents are estimated to be completed within 9 months. See attached Fee estimate.

808 sw third avenue, suite 300 • portland, oregon 97204
(503) 287-6825 • fax (503) 415-2304
www.otak.com

ASSUMPTIONS

Our scope of services as outlined herein, are based on the following assumptions and conditions:

A. Civil drawings will be prepared in AutoCAD Civil 3D per City of Milwaukie Standards

B. Consultant's anticipated involvement covers the specific scope of services described above, and does not cover: field survey, environmental assessments and cultural assessments.

C. City application, permit fees, and system development type fees or assessments are not included in Consultant's fee for services, and will be the responsibility of the City.

D. Where practical, record information will be provided by marking-up copies of the final permit documents.

E. City will provide survey data and additional field survey, if necessary.

G. City will conduct all public involvement and outreach not identified in scope.

Kronberg Park Multi-Use Trail

Date: 6/27/17

Task #		Job Classifications (Provide names if requested and for Key Persons)	PIC	PM/CE X	CE V	Architect	Landscape Architect	Engr Designer II	Const Inspector	Project Admin	Otak Hours	Otak Direct Expenses	Otak Total Cost
		Fully Burdened Billing Rate	$190.00	$180.00	$125.00	$125.00	$125.00	$80.00	$115.00	$70.00			
NON-CONTINGENCY TASKS/DELIVERABLES													
1	**PROJECT MANAGEMENT**		2	64	16	0	0	0	0	18	100		$ 15,160
1.1	Project Coordination		2	20							22		$ 3,980
1.2	Poject Schedule			4						2	6		$ 860
1.3	Monthly Invoices and Progress Reports			16						16	32		$ 4,000
1.4	Meetings			24	16						40		$ 6,320
2	**DATA COLLECTION**			0	20	0	0	0	0	0	20		$ 2,500
2.1	Collect and Review Existing Data				12						12		$ 1,500
2.2	Mapping				8						8		$ 1,000
3	**GEOTECHNICAL ENGINEERING**		0	2	0	0	0	0	0	0	2		$ 360
3.1	Literature Review and Site Reconnaisance										0		$ -
3.2	Field Exploration and Lab Testing										0		$ -
3.3	Analysis and Reporting			2							2		$ 360
4	**ILLUMINATION AND SIGNAL MODIFICATIONS**		0	2	0	0	0	0	0	0	2		$ 360
4.1	Illumination Analysis										0		$ -
4.2	Illumination Design			2							2		$ 360
5	**PRELIMINARY DESIGN ALTERNATIVES**		0	12	58	28	28	28	0	8	162		$ 19,260
5.1	Alternative Development Meeting			4	4	4	4	4		4	24		$ 2,820
5.2	Develop Alternatives			8	54	24	24	24		4	138	$50	$ 16,440
6	**CONSTRUCTION PLANS**		6	40	334	0	0	343	0	8	731		$ 78,190
6.1	30% Preliminary Plans		1	8	98			115		2	224		$ 23,220
6.2	60% Plans and Estimate		2	12	104			128		2	248		$ 25,920
6.3	90% Advanced Plans, Specs and Estimate		2	12	82			54		2	152		$ 17,250
6.4	Final Construction Documents		1	8	50			46		2	107	$100	$ 11,800
7	**BID SUPPORT**		0	4	20	0	0	16	0	2	42		$ 4,640
7.1	Bid Support			4	20			16		2	42		$ 4,640
8	**CONSTRUCTION SUPPORT**		0	8	64	0	0	8	120	0	200		$ 23,930
8.1	Construction Support and Inspection			8	64			8	120		200	$50	$ 23,930
	TOTAL Non-Contingency		8	132	512	28	28	395	120	36	1259		$ 144,400

Task #		Job Classifications (Provide names if requested and for Key Persons)	VP	Associate	Sr. Prof. III	Sr. Prof. I	Prof. III	Office Srvcs II	Shannon & Wilson Hours	Shannon & Wilson Direct Expenses	Shannon & Wilson Total Cost
		Fully Burdened Billing Rate	$210.00	$165.00	$150.00	$125.00	$105.00	$70.00			
NON-CONTINGENCY TASKS/DELIVERABLES											
1	**PROJECT MANAGEMENT**		0	0	0	0	0	0	0		$ -
1.1	Project Coordination								0		$ -
1.2	Poject Schedule								0		$ -
1.3	Monthly Invoices and Progress Reports								0		$ -
1.4	Meetings								0		$ -
2	**DATA COLLECTION**		0	0	0	0	0	0	0		$ -
2.1	Collect and Review Existing Data								0		$ -
2.2	Mapping								0		$ -
3	**GEOTECHNICAL ENGINEERING**		9	51	20	58	80	8	226	$11,083	$ 40,598
3.1	Literature Review and Site Reconnaisance			4	4		4		12	$11	$ 1,691
3.2	Field Exploration and Lab Testing			5	8	2	30		45	$11,072	$ 16,497
3.3	Analysis and Reporting		9	42	8	56	46	8	169		$ 22,410
4	**ILLUMINATION AND SIGNAL MODIFICATIONS**		0	0	0	0	0	0	0	$ -	$ -
4.1	Illumination Analysis								0		$ -
4.2	Illumination Design								0		$ -
5	**PRELIMINARY DESIGN ALTERNATIVES**		0	0	0	4	0	0	4		$ 500
5.1	Alternative Development Meeting					4			4		$ 500
5.2	Develop Alternatives								0		$ -
6	**CONSTRUCTION PLANS**		0	0	0	0	0	0	0		$ -
6.1	30% Preliminary Plans								0		$ -
6.2	60% Plans and Estimate								0		$ -
6.3	90% Advanced Plans, Specs and Estimate								0		$ -
6.4	Final Construction Documents								0		$ -
7	**BID SUPPORT**		0	0	2	2	0	0	4		$ 550
7.1	Bid Support				2	2			4		$ 550
8	**CONSTRUCTION SUPPORT**		0	0	0	8	8	0	16		$ 1,840
8.1	Construction Support and Inspection					8	8		16		$ 1,840
	TOTAL Non-Contingency		9	51	22	72	88	8	250		$ 43,488

Task #		Job Classifications (Provide names if requested and for Key Persons)	Grade 21	Grade 12	Grade 7	Grade 4 (Graphics/CAD)	Tech G (Admin)	DKS Hours	DKS Direct Expenses	DKS Total Cost	Summary GRAND TOTAL Hours	Summary GRAND TOTAL Total Cost
		Fully Burdened Billing Rate	$219.96	$149.27	$106.86	$89.57	$86.43					
NON-CONTINGENCY TASKS/DELIVERABLES												
1	**PROJECT MANAGEMENT**		0	0	0	0	0	0		$ -	100	$ 15,160
1.1	Project Coordination							0		$ -	22	$ 3,980
1.2	Poject Schedule							0		$ -	6	$ 860
1.3	Monthly Invoices and Progress Reports							0		$ -	32	$ 4,000
1.4	Meetings							0		$ -	40	$ 6,320
2	**DATA COLLECTION**		0	0	0	0	0	0		$ -	20	$ 2,500
2.1	Collect and Review Existing Data							0		$ -	12	$ 1,500
2.2	Mapping							0		$ -	8	$ 1,000
3	**GEOTECHNICAL ENGINEERING**		0	0	0	0	0	0		$ -	228	$ 40,958
3.1	Literature Review and Site Reconnaisance							0		$ -	12	$ 1,691
3.2	Field Exploration and Lab Testing							0		$ -	45	$ 16,497
3.3	Analysis and Reporting							0		$ -	171	$ 22,770
4	**ILLUMINATION AND SIGNAL MODIFICATIONS**		4	30	90	40	6	170	$ -	$ 19,077	172	$ 19,437
4.1	Illumination Analysis		2	6	24		2	34		$ 4,073	34	$ 4,073
4.2	Illumination Design		2	24	66	40	4	136		$ 15,004	138	$ 15,364
5	**PRELIMINARY DESIGN ALTERNATIVES**		0	0	0	0	0	0		$ -	166	$ 19,760
5.1	Alternative Development Meeting							0		$ -	28	$ 3,320
5.2	Develop Alternatives							0		$ -	138	$ 16,440
6	**CONSTRUCTION PLANS**		0	0	0	0	0	0		$ -	731	$ 78,190
6.1	30% Preliminary Plans							0		$ -	224	$ 23,220
6.2	60% Plans and Estimate							0		$ -	248	$ 25,920
6.3	90% Advanced Plans, Specs and Estimate							0		$ -	152	$ 17,250
6.4	Final Construction Documents							0		$ -	107	$ 11,800
7	**BID SUPPORT**		0	2	2	0	0	4		$ 512	50	$ 5,702
7.1	Bid Support			2	2			4		$ 512	50	$ 5,702
8	**CONSTRUCTION SUPPORT**		0	8	8	0	0	16		$ 2,049	232	$ 27,819
8.1	Construction Support and Inspection			8	8			16		$ 2,049	232	$ 27,819
	TOTAL Non-Contingency		4	40	100	40	6	190		$ 21,638	1699	$ 209,526

To: Mayor Gamba and Milwaukie City Council

Through: Ann Ober, City Manager

From: Steve Bartol, Chief of Police

Date: June 20, 2017

Subject: OLCC Application – Chapel Theater & GSMP – 4107 SE Harrison St, Milwaukie, OR 97222

Action Requested:

It is respectfully requested the Council approve the OLCC Application from Chapel Theater & GSMP – 4107 SE Harrison St, Milwaukie, OR 97222

Background:

We have conducted a background investigation and find no reason to deny the request for liquor license.



Regular Session Agenda Item No. 6

Other Business

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council

Date: Written June 27, for July 5, 2017 Regular Session

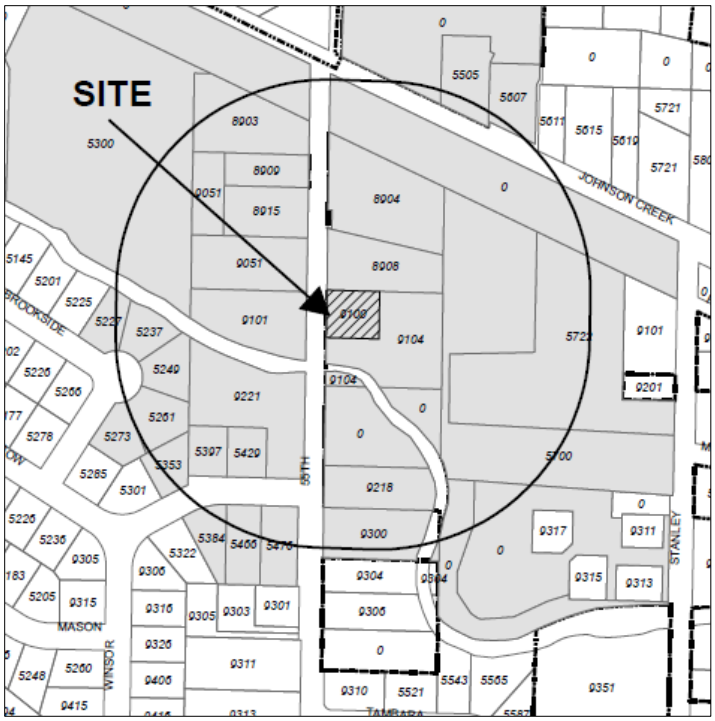
Through: Ann Ober, City Manager
Reviewed: Denny Egner, Planning Director
From: Vera Kolias, Associate Planner

Subject: **Expedited Annexation of 9100 SE 55th Ave**

ACTION REQUESTED

Approve application A-2017-003, 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 9100 SE 55th Avenue (Tax Lot 1S2E30AC 02600), the "Annexation Property," into the City.
- Application of a Low Density (LD) Comprehensive Plan land use designation and a Residential (R-7) 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

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."

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).

May 2017: The property owners at 9100 SE 55th Ave approached the City's Community Development Department to initiate the expedited annexation process.

ANALYSIS

Annexation Petition

The Annexation Property is developed with a single-family detached dwelling unit. The surrounding area consists primarily of single-family dwellings, with a manufacturing business in the Manufacturing Zone adjacent to the north.

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. There is one property owner of this property, who is also a registered voter. The property owner initiated this annexation petition. Clackamas County has certified that the necessary 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 General Industrial (GI), which corresponds to the City's Industrial (I) Comprehensive Plan designation upon annexation. The current County zoning designation for the Annexation Property is General Industrial (GI), which corresponds to a City zoning designation of Manufacturing (M) 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 55th Avenue.
- Water: The Annexation Property is currently served by Clackamas River Water (CRW) through CRW's water line in 55th Avenue adjacent to the Annexation Property. Pursuant to the City's intergovernmental agreement (IGA) with CRW, the Annexation Property should not be withdrawn from this district at this time.
- 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. Although the City now provides the services through the IGA, the properties will remain in the District until they are annexed to the City. The Annexation Properties should 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.

BUDGET IMPACTS

The annexation of the Annexation Property will have minimal fiscal impact on the City. As with most annexations, 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 $139,730. Based on the latest information available (from the Clackamas County Rate Book for 2016), total property tax collection of approximately $4,044 is anticipated for the Annexation Property; the City will receive approximately $1,156 of this total.

WORKLOAD 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.

COORDINATION, CONCURRENCE, OR DISSENT

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.

STAFF RECOMMENDATION

Approve the application and adopt the ordinance and findings in support of approval.

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

COUNCIL **ORDINANCE No.**

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AC 02600 AND LOCATED AT 9100 SE 55th AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2017-003)

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 electors and all owners of land in the territory proposed for annexation; and

WHEREAS, the territory proposed for annexation lies within the territory of the Clackamas County Service District for Enhanced Law Enforcement; 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-7.

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 withdrawals 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

Scott S. Stauffer, City Recorder

City Attorney

EXHIBIT A

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 9100 SE 55th Avenue, the "Annexation Property," the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising 0.21 acres (Tax Lot 1S2E30AC 02600). The Annexation Property is contiguous to the existing City limits via the adjacent public right-of-way in 55th Avenue to the west. 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, with a manufacturing business in the Manufacturing Zone adjacent to the north.

2. The property owner seeks annexation to the City to access City services, namely sewer service.

3. The annexation petition was initiated by Consent of All Owners of Land on May 22, 2017, with an application for annexation submitted to the City on May 22, 2017. 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 R7, 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-7, 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 55th Avenue to the west, as well as via the adjacent industrial property to the north.

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

Robert Moyer, owner of the Annexation Property, consented to the annexation by signing the petition. Clackamas County confirmed that there is one registered voter for the Annexation Property, who is also the property owner. 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 55th Avenue. 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 is one applicable urban service agreement adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding #9, Street lights). 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. However, the City's more recent UGMA agreement with the County identifies the City as the lead urban service provider in the area of the proposed annexation, and the Annexation Property is already connected to a City water line. 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. The City will continue to provide water service to the Annexation Property.

(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 55th Avenue 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 55th Avenue.

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

The Annexation Property consists of one tax lot 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 55th Avenue.

Water: The Annexation Property is currently served by Clackamas River Water (CRW) through CRW's water line in 55th Avenue adjacent to the Annexation Property. Pursuant to the City's intergovernmental agreement (IGA) with CRW, the Annexation Property should not be withdrawn from this district at this time.

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. Although the City now provides the services through the IGA, the properties will remain in the District until they are annexed to the City. The Annexation Properties should 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 B
Annexation to the City of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-2017-003

Property Address: 9100 SE 55th Ave., Milwaukie, OR 97222

Tax Lot Description: 12E30AC 02600

Legal Description: Beginning at the Northwest corner of Lot 6, GIBSON'S SUBDIVISION of Tracts No. 10, 11, 12, and 13 and the West 480 feet of tracts Numbered 1 and 2 of the LOGUS TRACTS, in the County of Clackamas and State of Oregon; running thence Southerly along the Westerly line of said Lot 6, 90 feet to a point; thence Easterly and parallel with the Northerly line of said Lot 6, 100 feet to a point; thence Northerly and parallel with the Westerly line of said lot 6, 90 feet to a point; thence Westerly along the Northerly line of said Lot 6, 100 feet to the point of beginning.

1 2 E 30AC
MILWAUKIE

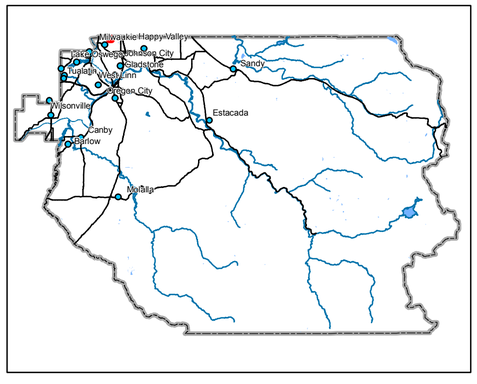
S.W.1/4 N.E.1/4 SEC.30 T.1S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
HECTOR CAMPBELL NO. 41
GEORGE WILLS NO. 42

Cancelled Taxlots

500
600
400
1400
1402
1500
1902
2000
2001
2090
5601
5701

- 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'



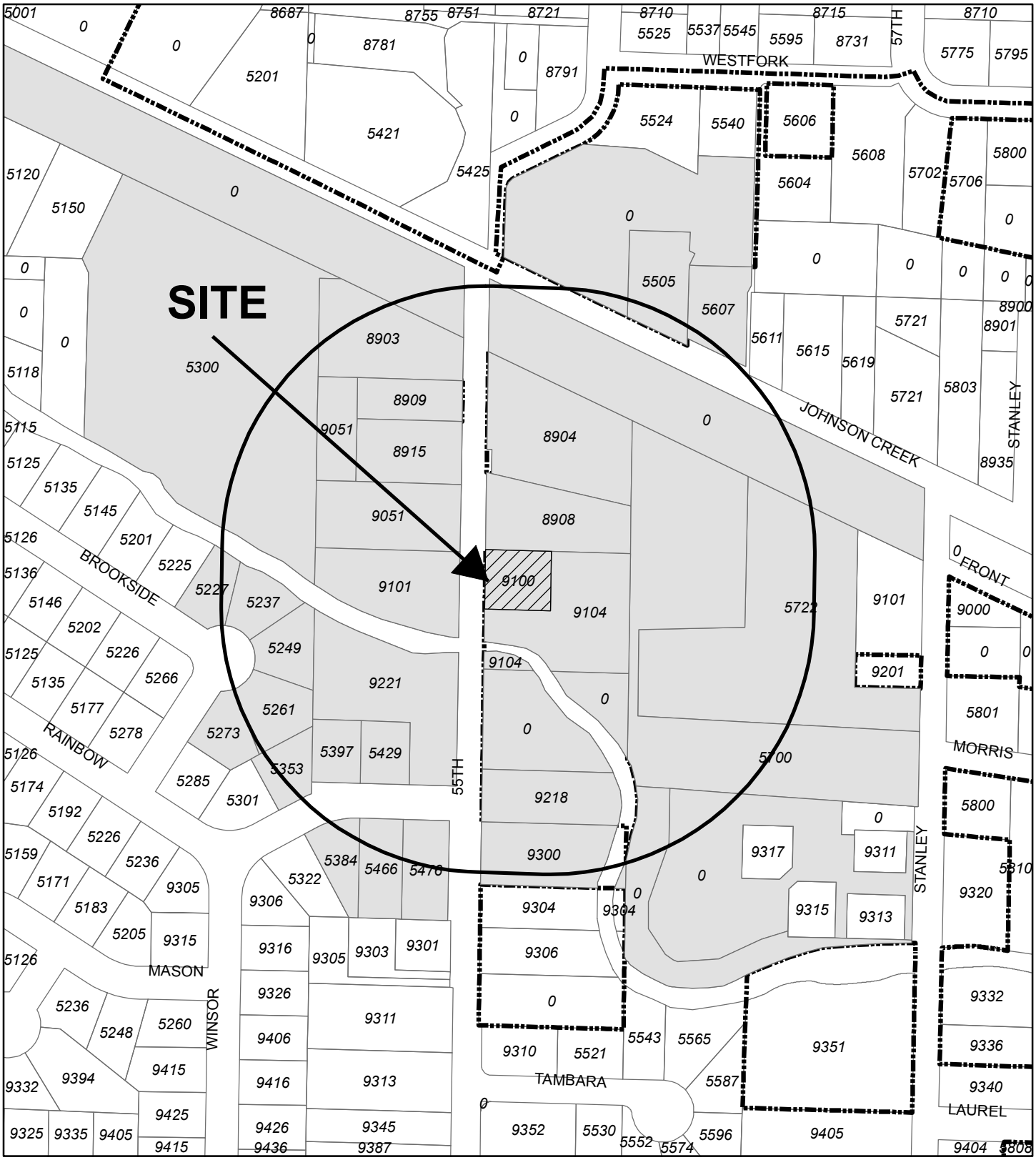
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

8/22/2016

1 2 E 30AC
MILWAUKIE

RS120

ATTACHMENT 2



Site Map
9100 SE 55th Ave
(12E30AC02600)
File# A-2017-003

North

0 62.5 125 250 375 500 Feet

Legend

- A-2017-003 property
- Properties receiving notice
- 400-ft buffer
- Tax Lots

RS121

601-17-000073PLNG

PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov
WEB: www.milwaukieoregon.gov

Expedited Annexation Application

150

File #: A-2017-003

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant):	Robert Moyer		
Mailing address:	9100 SE 55th Ave.	Zip:	97206
Phone(s):	503-702-0588	E-mail:	robmoyer@spiritone.com
APPLICANT'S REPRESENTATIVE (if different than above):			
Mailing address:		Zip:	
Phone(s):		E-mail:	

SITE INFORMATION:

Address(es):	9100 SE 55th	Map & Tax Lot(s):	1E30AC 02600	Property size:	9147
Existing County zoning:	R7			Proposed City zoning:	R7
Existing County land use designation:	LD			Proposed City land use designation:	LD

PROPOSAL (describe briefly):

Annexation for sewer hook up.

LIST OF ALL CURRENT UTILITY PROVIDERS:

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

Cable, internet, and/or phone:	☒ Comcast ☐ CenturyLink (formerly Qwest)
Energy:	☒ PGE ☒ NW Natural Gas
Garbage hauler:	☐ Waste Management ☒ Mel Deines ☐ Hoodview Disposal and Recycling ☐ Wichita Sanitary ☐ Oak Grove Disposal ☐ Clackamas Garbage
☐ **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: Robert Moyer Date: 5/22/2017

CONTINUED ON REVERSE

CERTIFICATION OF PROPERTY OWNERSHIP OF 100% OF LAND AREA

I hereby certify that the attached petition contains the names of the owners[1] (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 Mary Neigel

Title GIS Cartographer II

Department Assessment & Tax

County of Clackamas

Date 05.22.17

[1] 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.

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 1S 2E 30 AC) 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 Mary Neigel

Title GIS Cartographer II

Department Assessment + Tax

County of Clackamas

Date 05.22.17

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")

SEE ATTACHED!

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 PAUL HANES

Title DEPUTY CLERK

Department CLERK / ECECTIONS

County of CLACKAMAS

Date 5/22/17

CLACKAMAS COUNTY ELECTIONS
SHERRY HALL, COUNTY CLERK
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045

COUNTY OF CLACKAMAS 43 STATE OF OREGON 18

CONFIDENTIAL
Census Form

Date 5/22/17

Use one form per housing unit

CITY OF MILWAUKIE, OREGON

ADDRESS 9100 SE 55th Ave.

HOUSING TYPE:

- [x] Single Unit Structure
- [ ] Multiple Unit Structure
- [ ] Trailer or Mobile Home

TENURE:

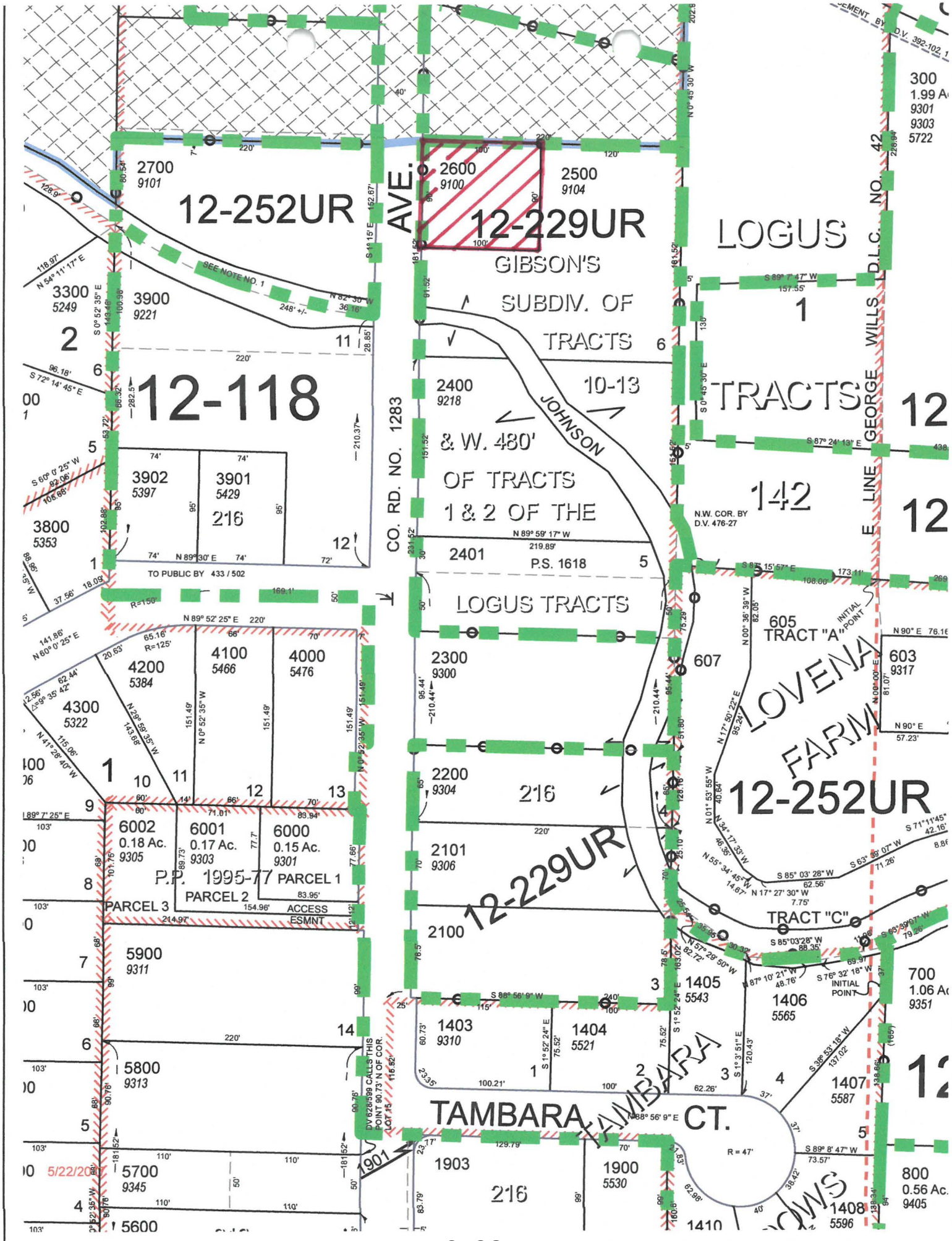
- [x] Owner Occupied
- [ ] Renter Occupied
- [ ] Vacant
- [ ] Seasonal

RESIDENTS:

	Last Name	First Name
Respondent	MOYER	B. Robert
2)		
3)		
4)		
5)		
6)		
7)		
8)		
9)		
10)		

POPULATION RESEARCH CENTER
PORTLAND STATE UNIVERSITY
(503) 725-3922

RS127


12-252UR
12-229UR
LOGUS
GIBSON'S
SUBDIV. OF
TRACTS 6
10-13
& W. 480'
OF TRACTS
1 & 2 OF THE
LOGUS TRACTS
12-118
JOHNSON
CO. RD. NO. 1283
AVE.
GEORGE WILLS D.L.C. NO. 42
E LINE
N.W. COR. BY D.V. 476-27
P.S. 1618
TO PUBLIC BY 433 / 502
SEE NOTE NO. 1
LOVENA FARM
TRACT "A"
INITIAL POINT
TRACT "C"
P.P. 1995-77
PARCEL 1
PARCEL 2
PARCEL 3
ACCESS ESMNT
TAMBARA
TAMBARA CT.
2700 9101
2600 9100
2500 9104
3300 5249
3900 9221
3902 5397
3901 5429
216
3800 5353
4200 5384
4100 5466
4000 5476
4300 5322
2400 9218
2401
2300 9300
2200 9304
2101 9306
2100
6002 0.18 Ac. 9305
6001 0.17 Ac. 9303
6000 0.15 Ac. 9301
5900 9311
5800 9313
5700 9345
5600
1403 9310
1404 5521
1405 5543
1406 5565
1407 5587
1408 5596
1410
1900 5530
1903
142
605
607
603 9317
700 1.06 Ac 9351
800 0.56 Ac. 9405
300 1.99 Ac 9301 9303 5722

RS128

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 Mailing City/State/Zip	Property Address Property Description (township, range, ¼ section, and tax lot)
1	Robert Moyer	9100 SE 55th PTLD, OR 97206	
2			
3			
4			
5			
6			
7			
8			
9			
10			

Lawyers Title

Lake Oswego Branch
File No. 87F0919621

Clackamas County Official Records
Sherry Hall, County Clerk
2015-022721
04/22/2015 11:13:36 AM
D-D Cnt=1 Stn=3 BARBARA
$10.00 $16.00 $10.00 $22.00
$58.00

After recording return to:
Robert E. Moyer
9100 SE 55th Avenue
Portland, OR 97206

Until a change is requested, all tax statements shall be sent to the following address:
Robert E. Moyer
9100 SE 55th Avenue
Portland, OR 97206
No change to current tax billing

LAWYERS 87F0919621 - NP

RECORDED BY LAWYERS TITLE AS AN ACCOMMODATION ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

STATUTORY WARRANTY DEED

William E. Harden, Grantor, conveys and warrants to Robert E. Moyer, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

Tax Account No. 00069277

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is $207,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated 21st day of April, 2015

William E. Harden

STATE OF OREGON
COUNTY OF Clackamas
The foregoing instrument was acknowledged before me this 21st day of April, 2015 by William E. Harden.

Notary Public State of Oregon
My commission expires: 5/15/2018

OFFICIAL STAMP
KATHLEEN CHARLOTTE KIRTLEY
NOTARY PUBLIC-OREGON
COMMISSION NO. 928185
MY COMMISSION EXPIRES MAY 15, 2018

Order No. 87F0919621



Exhibit "A" with Exceptions

Beginning at the Northwest corner of Lot 6, GIBSON'S SUBDIVISION of Tracts No. 10, 11, 12 and 13 and the West 400 feet of tracts Numbered 1 and 2 of the LOGUS TRACTS, in the County of Clackamas and State of Oregon; running thence Southerly along the Westerly line of said Lot 6, 90 feet to a point; thence Easterly and parallel with the Northerly line of said Lot 6, 100 feet to a point; thence Northerly and parallel with the Westerly line of said lot 6, 90 feet to a point; thence Westerly along the Northerly line of said Lot 6, 100 feet to the point of beginning.

MN 05.22.17

Subject to:

STANDARD EXCEPTIONS:

1. **Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public record; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.**

2. **Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.**

3. **Easements, claims of easements, or encumbrances not shown by the public records, reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.**

4. **Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.**

5. **Any lien, or right to lien, for unemployment taxes, workmen's compensation, services, labor, equipment rental or material heretofore or hereafter furnished, imposed by law and not shown by the public records.**

SPECIAL EXCEPTIONS:

6. **A deed of trust to secure an indebtedness in the amount shown below,**

Amount	:	**$195,600.00**
Dated	:	**June 22, 2006**
Trustor/Grantor	:	**William E. Harden**
Trustee	:	**Fidelity National Title Insurance Company**
Beneficiary	:	**Wells Fargo Bank, N.A.**
Loan No.	:	**0153171962**
Recording Date	:	**June 28, 2006**
Recording No.	:	**2006059116**

7. **A deed of trust to secure an indebtedness in the amount shown below,**

Amount	:	**$24,400.00**
Dated	:	**June 23, 2006**
Trustor/Grantor	:	**William E. Harden**
Trustee	:	**Chicago Title**
Beneficiary	:	**National City Bank**
Loan No.	:	**None shown**
Recording Date	:	**June 28, 2006**
Recording No.	:	**2006059117**

The Deed of Trust set forth above is purported to be a "Credit Line" Deed of Trust. It is a requirement that the Trustor/Grantor of said Deed of Trust provide written authorization to close said credit line account to the Lender when the Deed of Trust is being paid off through the Company or other Settlement/Escrow Agent or provide a satisfactory subordination of this Deed of Trust to the proposed Deed of Trust to be recorded at closing.

A-2017-003
Expedited Annexation of 9100 SE 55th Ave

Denny Egner, Planning Director

Milwaukie City Council

July 5th, 2017

Annexation Area



Annexation File #A-2017-003

- 9100 SE 55th Ave intends to connect to City sewer once annexed
- Zoning: R-7



Summary

- Annexation meets all relevant State, regional, City criteria
- City notified all interested persons & necessary parties
- No objections by any necessary parties
- Options:
  - Approve annexation
  - Deny annexation

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council Date: July 5, 2017
Through: Ann Ober, City Manager
Reviewed: Haley Fish, Finance Director
From: Reba Crocker, Rights of Way Contract Coordinator

Subject: **Solid Waste Rate Adoption**

ACTION REQUESTED
Discussion and adoption of the solid waste rates for fiscal year 2018.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
2004-2013
Council approved a solid waste rate increase.
June 2014
Council and Staff discussed current solid waste rate structure and concluded that no rate increase was necessary to sustain the system.
June 2015
Council approved a solid waste rate increase.
July 2016
Council approved a solid waste rate increase and creation of a new special wastes rates for asbestos and other waste required to be disposed of in appropriately permitted landfills outside the Metro region. Council approved a curb-side bulky waste pickup for the city.
June 2017
Council and Staff discussed adding a voluntary residential food scraps recovery program. Council directed staff to research the possible costs of such a program.

ANALYSIS
The City Council annually reviews and adopts solid waste rates charged by the City's four haulers. The process is as follows:

- The City's franchise solid waste haulers submit financial information to the City identifying revenues and expenses for the previous year relating to the provision of garbage, recycling and yard debris collection services.
- The City, through an intergovernmental agreement with Clackamas County, consolidates the information to create a composite.
- Costs are adjusted to eliminate amounts that may be allowable for tax purposes, but that aren't allowed for rate determination.
- The composite is used to evaluate the financial health of the system, as a whole, which is based on the "rate of return" (ROR).
- Chapter 13.24 of the City municipal code states that the rates shall be adequate to provide a ROR equal to 10% of the composite gross revenue and further states that a ROR within the range of 8% to 12% is sufficient to reflect the level of business risk assumed by the haulers, allow investment in equipment, and to ensure quality collection services.
- Staff discusses the ROR with the solid waste haulers and County Staff to identify and recommend rates to the City Council.
- City Council discusses the recommendations and adopts the solid waste rates.

This year the County's analysis of the composite recognizes the following: an increase in contractual labor; increasing fuel costs; and a decrease in disposal costs (Metro has adopted a small decrease to the cost of disposal, $1.30 per ton effective on July 1, 2017). Past adjustments

to the solid waste rates have allowed the system, as a whole, to remain in the middle of the targeted return of revenues.

Due to the decrease in disposal costs, the curb-side event costs are offset and no adjustment to residential rates are needed for the coming year. A slight increase in drop box rates is recommended by the County to equalize the return on revenues across all service levels.

Last year Council approved a drop box fee for special wastes requiring delivery to a landfill out of the district. The last increase in general drop box service charges was in 2013. Specifically, the last fee adjustment was approved in 2013 for the standard roll off service, both open box and compactors. In 2015 a separate fee was approved for lidded boxes. The County recommends an increase to the drop box collection fees for drop box and compactor collections services. The following table illustrates the proposed increase to drop box services for 2017.

Open Box	Current	**Proposed**	*Change*	
10 and 20 yd	$119.00	**$125.00**	*5.0%*	*$ 6.00*
30 yd	$136.00	**$145.00**	*6.6%*	*$ 9.00*
40 yd	$153.00	**$165.00**	*7.8%*	*$ 12.00*
Lidded/Specialized 10/20 yard	$135.00	**$150.00**	*11.1%*	*$ 15.00*

Compactor	Current	**Proposed**	Change	
<25 yards	$135.00	**$150.00**	*11.1%*	*$ 15.00*
25-34 yards	$169.00	**$189.00**	*11.8%*	*$ 20.00*
>34 yards	$196.00	**$218.00**	*11.2%*	*$ 22.00*

Clackamas County, the State, and Metro, have placed a priority on developing programs and policies to increase the recovery of food waste. The prevalence of food in our waste stream and the negative environmental impacts of disposing of food in the landfills are the reason it is identified as a primary material for recovery.

Staff and county staff has determined this year is a good time to consider Council's previous requests to allow residents to add food scraps to their yard debris cart. This is estimated to increase yard debris disposal costs, by an estimated 25 cents per customer, per month. It is difficult to measure the offsetting decrease in disposing of those food scraps as garbage, at this time. However, these offsets and additional expenses to provide the service and corresponding disposal savings will be included in future reviews.

In 2015, Council approved the development of a food waste collection service available to food generating businesses at the same price as the collection and disposal of an additional garbage container. While there have been some early adopting customers, the presence of a separate fee charged to the customer who wishes to participate has proven a significant barrier to participation.

During this program development phase, county staff has researched and considered a few options for the structuring of fees for commercial food scraps collection. At this early phase,

county staff believes the most important criterion for any fee structure is it encourages greater participation. In addition, the fee structure ideally will promote participation, material quality (food-only), capture efficiencies that minimize collection costs, and encourage businesses to generate less waste.

County staff has determined the best way forward is to add this service and include it in the fee for collection service. This is the same method used when adding recycling services to the fees charged for collection services at commercial businesses. The program will be initiated by targeting large food generators and securing additional businesses to create routing efficiencies.

This service can begin this year without a fee increase. However, the additional expenses to provide the service and corresponding disposal savings will be included in future reviews.

The food generating businesses currently signed up for food waste collection service will experience a fee decrease. The costs will be accommodated across the system in current commercial fees, as is done with recycling. As more businesses opt to participate, we expect that collection system costs will increase, on balance. An expected savings on disposal for food materials will help to partially offset costs. This proposal has been discussed with the franchisees.

BUDGET IMPACTS
None, the City will continue to receive franchise fees from the haulers.

WORKLOAD IMPACTS
If a voluntary residential food scrap recovery program is added, there may a small increase to staff workload for outreach and education of the City's residents.

COORDINATION, CONCURRENCE, OR DISSENT
Staff, Metro and the City's haulers support the introduction of a voluntary residential and commercial food scrap recovery program.
The County and the City's haulers support an increase to the drop box rates.

STAFF RECOMMENDATION
In alignment with Council's goals of creating a sustainable community and in consultation with our franchised solid waste haulers, staff is recommending the inclusion of a voluntary residential food scraps recovery program.
City staff is neutral on rate recommendation.

ALTERNATIVES
1. Reject the voluntary residential food scrap recovery program and adopt rates without an increase to drop box services (rate schedule B).
2. Reject the voluntary residential food scrap recovery program and adopt rates with an increase to drop box services (rate schedule A).
3. Adopt a residential food scrap recovery program and adopt rates without an increase to drop box services (rate schedule B).
4. Adopt a residential food scrap recovery program and adopt rates with an increase to drop box services (rate schedule A).

ATTACHMENTS
1. Solid Waste Rate Resolution.
2. Uniform Solid Waste and Recycling Rates with increase to drop box rates (rate schedule A).
3. Uniform Solid Waste and Recycling Rates without increase to drop box rates (rate schedule B).
4. 2016 Rate of Return Composite.

CITY OF MILWAUKIE
COUNCIL **RESOLUTION No.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING SOLID WASTE SERVICE RATES EFFECTIVE AUGUST 1, 2017.

WHEREAS, Section 13.24 of the Milwaukie Municipal Code provides that the City Council may set rates and implement rate changes; and

WHEREAS, the overall, rate of return is within the 8%-12% range prescribed by the City Code; and

WHEREAS, effective July 1, 2017, Metro's Transfer Station tip fee will decrease by $1.30 per ton;

WHEREAS, a voluntary residential food scraps recovery program is enacted;

WHEREAS, Commercial food waste collection will be included in the integrated solid waste collection services offered to food waste generator using carts or container for garbage collections; and

WHEREAS, the proposed rates are comparable to local jurisdictions in the metro area.

Now, Therefore, be it Resolved that the rates for garbage and recycling, herein attached as "Rate Schedule _____" are effective on August 1, 2017.

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 S. Stauffer, City Recorder

_____
City Attorney

RATE SCHEDULE A

City of Milwaukie
Uniform Solid Waste Rates
Rates as of August 1, 2017

Uniform Monthly Residential Rates

		Monthly Rate
20 Gallon Can (Mini-Can):		
1 Can/Cart (1 time/week)	$	26.00

Weekly collection includes recycling and yard debris service.

32 Gallon Can/Cart:		
1 Can/Cart (1 time/week)	$	29.90
2 Cans/Cart (1 time/week)	$	59.80
Each Addt'l Can/Cart	$	29.90
Extra Can of Garbage (occasional)*	$	6.05
Extra Can of Yard Debris (occasional)	$	2.60
Court Apartments (1 time/week/recycling only)	$	25.40

** This rate is for the first extra can collected, each additional at the stop is $3.00. Maximum weight for a 20 or 32 gal. can/cart is 60 lbs.*

Weekly collection includes recycling and yard debris service. Recycling carts and bins and yard debris carts must be placed at the curb. Additional stops per week are charged at 100% of the first stop per week rate.

Roller Carts:		
60 Gallon Cart (1 time/week)	$	39.40
90 Gallon Cart (1 time/week)	$	46.35
Extra Can of Yard Debris (occasional)	$	2.60

Weekly collection includes recycling and yard debris service. Recycling bins and yard debris carts must be placed at the curb. Additional stops per week are charged at 125% of the first stop per week rate. A deposit of $30.00 may be charged when cart is placed. Refunds will be made after return of cart or after five years (whichever comes first). A $10.00 redelivery charge may be charged for redelivery within one year, regardless of reason. Maximum weight for 60 gal. cart is 100 lbs and for 90 gal cart is 120 lbs.

Monthly and OnCall Service:		
Monthly	$	12.85
On Call	$	13.60

*Monthly service includes recycling but **not yard debris service**. Monthly and on call customers must subscribe for one year in advance for yard debris service. On call customers must provide hauler with 24 hours notice.*

City of Milwaukie
Uniform Solid Waste Rates
Rates as of August 1, 2017

Uniform Monthly Commercial Rates

		Monthly Rate
32 Gallon Can/Cart:		
One Can/Cart (1 time/week)	$	26.05
Two Cans/Cart (1 time/week)	$	52.10
Each Addt'l Can/Cart	$	21.85
Extra Can (occasional)	$	5.00

Additional stops per week are charged at 100% of the first stop per week rate.

Roller Carts:		
60 Gallon Cart (1 time/week)	$	37.50
90 Gallon Cart (1 time/week)	$	40.55

Additional stops per week are charged at 125% of the first stop per week rate. A deposit of $30.00 may be charged when cart is placed. Refunds will be made after return of cart or after five years (whichever comes first). A $10.00 redelivery charge may be charged for redelivery within one year.

Compacted Containers:
2.2 times the loose container rate

Containers weighing in excess of 500 lbs per cubic yard will be charged this rate plus disposal for the excess weight.
Compactors furnished by the customers shall be compatible with the equipment of the collector. If the collector agrees to furnish the compactor, the collector may charge a reasonable rental rate based on the value of the compactor and the cost of repair and maintenance.

Uniform Drop Box Rates

		New Monthly Rate	
Loose Material:			
10/20 Yards	$	125.00	*
30 Yards	$	145.00	*
40 Yards	$	165.00	*
Lidded/Specialized box that cannot be exchanged			
10/20 Yards	$	150.00	

** Plus disposal costs*

An additional $40.00 per drop box may be charged for one-stop service (plus disposal costs). Deposits of no more than $500.00 may be charged for each drop box.

Compacted Material:			
Under 25 Cubic Yards	$	150.00	*
25-34 Cubic Yards	$	189.00	*
34 + Cubic Yards	$	218.00	*

** Plus disposal costs*

Rental rate for permanent boxes hauled at least weekly is $50.00 per month. Rental rate for occasional boxes after 48 hours on location is $6.30 per day or $63.00 a month, whichever is less, if less than one load per week is hauled. Monthly Equipment Fee of $20.00 for Lidded/Specialty Drop Boxes. Mileage charge of $4.70 per mile (over 18 miles round-trip from shop or Metro South). Deadhead round trip for boxes that cannot be exchanged: $25.00.

Special Wastes delivered to an appropriately permitted Landfill			
10/20 Yards	$	161.00	*
30 Yards	$	178.00	*

** Plus disposal, monthly rental, mileage and monthly specialty drop box fees.*

City of Milwaukie
Uniform Solid Waste Rates
Rates as of August 1, 2017
Uniform Rates for Miscellaneous Services
Commercial and Residential

Hourly Fee:	**Rate**	
Truck + 1 person	$ 73.00	
Truck + 2 people	$ 105.00	
Other Miscellaneous:		
Furniture and Recyclable Appliance Pick-Up	$ 5.45 to $ 29.15	*
Tire Pick-Up (Off Rim)	$ 2.00	**
Tire Pick-Up (On Rim)	$ 5.50	**
Over 18 Inches	Special Handling Rate	

**Plus $30.00 freon removal charge.*
*** Plus disposal.*

Clean-up containers:	
First Collection	33% of regular container rate, plus $16.60 handling charge
Each Add'tl Collection	33% of regular container rate

Rent of container after 5 working days (M-F) with no collection:	
1 - 2 Yards	$ 2.10 per day
3 Yards	$ 3.10 per day
4 Yards	$ 4.10 per day

Rent not to exceed $20.00 per container in a 30-day period.

Non-Customer Services
Non-customer includes a regular customer with a less than weekly service frequency.

	Monthly Rate
Recycling Only:	
Weekly curbside collection of recyclables	$ 4.70
Yard Debris Subscription Service Annual rate must be paid in full in advance of service	
60 Gallon Cart	$ 5.70
Extra Can of Yard Debris	$ 2.60
Permanent Second Can	$ 3.85

Monthly rates are for weekly service.
This service is provided only within the Urban Growth Boundary.
The subscriber is required to pay for one year of service in advance.

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

City of Milwaukie
Uniform Solid Waste Rates
Rates as of August 1, 2017
Commercial Container Fees

Stops/ Week	Size in Cubic Yards					
	1	*Addt'l*	1 1/3	*Addt'l*	1.5	*Addt'l*
1	$95.68	*$81.24*	$118.23	*$100.07*	$125.55	*$107.40*
2	$183.63	*$156.40*	$228.74	*$195.01*	$243.35	*$207.36*
3	$271.58	*$230.12*	$339.22	*$288.93*	$361.17	*$307.86*
4	$359.53	*$306.72*	$449.72	*$383.47*	$478.96	*$407.58*
5	$447.48	*$380.43*	$560.23	*$477.41*	$596.77	*$510.94*
6	$535.43	*$456.21*	$670.73	*$570.65*	$714.57	*$610.06*

Stops/ Week	Size in Cubic Yards					
	2	*Addt'l*	3	*Addt'l*	4	*Addt'l*
1	$158.75	*$135.65*	$215.11	*$184.17*	$273.64	*$236.10*
2	$309.76	*$265.49*	$417.78	*$358.45*	$534.85	*$461.07*
3	$460.78	*$394.53*	$620.45	*$533.36*	$796.06	*$685.20*
4	$611.79	*$521.22*	$823.12	*$710.33*	$1,057.27	*$906.73*
5	$762.82	*$655.30*	$1,025.80	*$883.65*	$1,318.47	*$1,134.82*
6	$913.83	*$782.57*	$1,228.46	*$1,053.68*	$1,579.68	*$1,359.22*

Stops/ Week	Size in Cubic Yards					
	5	*Addt'l*	6	*Addt'l*	8	*Addt'l*
1	$329.83	*$305.08*	$378.96	*$350.49*	$465.44	*$432.43*
2	$646.05	*$597.26*	$744.30	*$689.49*	$917.27	*$851.92*
3	$962.27	*$887.28*	$1,109.63	*$1,022.20*	$1,369.09	*$1,271.61*
4	$1,278.47	*$1,178.98*	$1,474.97	*$1,361.43*	$1,820.92	*$1,689.31*
5	$1,594.70	*$1,473.63*	$1,840.32	*$1,700.28*	$2,272.75	*$2,100.03*
6	$1,910.91	*$1,770.86*	$2,205.66	*$2,032.94*	$2,724.58	*$2,523.70*

Fees include garbage and recycling services. Collector shall furnish the container. Overweight charge for containers over 300 lbs. per cubic yard determined through mutual agreement between hauler and customer. Container cleaning, if required more than twice in 12 months, will be charged the actual cost of cleaning.

City of Milwaukie
Uniform Solid Waste Rates
Rates as of August 1, 2017
Bio-Medical Services Fees

Number of units	Tub Rates per Gallon	
	20/21	35/48
1	$81.45	$83.25
2	$61.85	$63.50
3	$54.30	$56.00
4	$49.35	$51.00
5	$46.35	$48.00
6	$44.35	$46.00
7	$41.85	$43.50
8	$40.40	$42.00
9	$37.35	$39.00
10	$35.85	$37.50
11	$34.75	$36.50
12	$33.25	$35.00
13	$32.75	$34.50
14	$32.00	$33.75
15	$31.25	$33.00
16	$26.30	$28.00
17	$26.30	$28.00
18	$26.30	$28.00
19	$26.30	$28.00
20	$26.30	$28.00
60	$17.90	$18.75
75	$17.45	$18.05
90	$12.80	$13.10

RATE SCHEDULE B

City of Milwaukie
Uniform Solid Waste Rates
Rates as of August 1, 2017

Uniform Monthly Residential Rates

	Monthly Rate
20 Gallon Can (Mini-Can):	
1 Can/Cart (1 time/week)	$ 26.00

Weekly collection includes recycling and yard debris service.

32 Gallon Can/Cart:	
1 Can/Cart (1 time/week)	$ 29.90
2 Cans/Cart (1 time/week)	$ 59.80
Each Addt'l Can/Cart	$ 29.90
Extra Can of Garbage (occasional)*	$ 6.05
Extra Can of Yard Debris (occasional)	$ 2.60
Court Apartments (1 time/week/recycling only)	$ 25.40

** This rate is for the first extra can collected, each additional at the stop is $3.00. Maximum weight for a 20 or 32 gal. can/cart is 60 lbs.*

Weekly collection includes recycling and yard debris service. Recycling carts and bins and yard debris carts must be placed at the curb. Additional stops per week are charged at 100% of the first stop per week rate.

Roller Carts:	
60 Gallon Cart (1 time/week)	$ 39.40
90 Gallon Cart (1 time/week)	$ 46.35
Extra Can of Yard Debris (occasional)	$ 2.60

Weekly collection includes recycling and yard debris service. Recycling bins and yard debris carts must be placed at the curb. Additional stops per week are charged at 125% of the first stop per week rate. A deposit of $30.00 may be charged when cart is placed. Refunds will be made after return of cart or after five years (whichever comes first). A $10.00 redelivery charge may be charged for redelivery within one year, regardless of reason. Maximum weight for 60 gal. cart is 100 lbs and for 90 gal cart is 120 lbs.

Monthly and OnCall Service:	
Monthly	$ 12.85
On Call	$ 13.60

*Monthly service includes recycling but **not yard debris service**. Monthly and on call customers must subscribe for one year in advance for yard debris service. On call customers must provide hauler with 24 hours notice.*

City of Milwaukie
Uniform Solid Waste Rates
Rates as of August 1, 2017

Uniform Monthly Commercial Rates

	Monthly Rate	
32 Gallon Can/Cart:		
One Can/Cart (1 time/week)	$ 26.05	
Two Cans/Cart (1 time/week)	$ 52.10	
Each Addt'l Can/Cart	$ 21.85	
Extra Can (occasional)	$ 5.00	

Additional stops per week are charged at 100% of the first stop per week rate.

Roller Carts:		
60 Gallon Cart (1 time/week)	$ 37.50	
90 Gallon Cart (1 time/week)	$ 40.55	

Additional stops per week are charged at 125% of the first stop per week rate. A deposit of $30.00 may be charged when cart is placed. Refunds will be made after return of cart or after five years (whichever comes first). A $10.00 redelivery charge may be charged for redelivery within one year.

Compacted Containers:
2.2 times the loose container rate

Containers weighing in excess of 500 lbs per cubic yard will be charged this rate plus disposal for the excess weight.
Compactors furnished by the customers shall be compatible with the equipment of the collector. If the collector agrees to furnish the compactor, the collector may charge a reasonable rental rate based on the value of the compactor and the cost of repair and maintenance.

Uniform Drop Box Rates

	Monthly Rate	
Loose Material:		
10/20 Yards	$ 119.00	*
30 Yards	$ 136.00	*
40 Yards	$ 153.00	*
Lidded/Specialized box that cannot be exchanged		
10/20 Yards	$ 135.00	

** Plus disposal costs*

An additional $40.00 per drop box may be charged for one-stop service (plus disposal costs). Deposits of no more than $500.00 may be charged for each drop box.

Compacted Material:		
Under 25 Cubic Yards	$ 135.00	*
25-34 Cubic Yards	$ 169.00	*
34 + Cubic Yards	$ 196.00	*

** Plus disposal costs*

Rental rate for permanent boxes hauled at least weekly is $50.00 per month. Rental rate for occasional boxes after 48 hours on location is $6.30 per day or $63.00 a month, whichever is less, if less than one load per week is hauled. Monthly Equipment Fee of $20.00 for Lidded/Specialty Drop Boxes. Mileage charge of $4.70 per mile (over 18 miles round-trip from shop or Metro South). Deadhead round trip for boxes that cannot be exchanged: $25.00.

Special Wastes delivered to an appropriately permitted Landfill		
10/20 Yards	$ 161.00	*
30 Yards	$ 178.00	*

** Plus disposal, monthly rental, mileage and monthly specialty drop box fees.*

City of Milwaukie
Uniform Solid Waste Rates
Rates as of August 1, 2017
Uniform Rates for Miscellaneous Services
Commercial and Residential

Hourly Fee:	**Rate**	
Truck + 1 person	$ 73.00	
Truck + 2 people	$ 105.00	
Other Miscellaneous:		
Furniture and Recyclable Appliance Pick-Up	$ 5.45 to $ 29.15	*
Tire Pick-Up (Off Rim)	$ 2.00	**
Tire Pick-Up (On Rim)	$ 5.50	**
Over 18 Inches	Special Handling Rate	

**Plus $30.00 freon removal charge.*
*** Plus disposal.*

Clean-up containers:	
First Collection	33% of regular container rate, plus $16.60 handling charge
Each Add'tl Collection	33% of regular container rate

Rent of container after 5 working days (M-F) with no collection:	
1 - 2 Yards	$ 2.10 per day
3 Yards	$ 3.10 per day
4 Yards	$ 4.10 per day

Rent not to exceed $20.00 per container in a 30-day period.

Non-Customer Services
Non-customer includes a regular customer with a less than weekly service frequency.

	Monthly Rate
Recycling Only:	
Weekly curbside collection of recyclables	$ 4.70
Yard Debris Subscription Service Annual rate must be paid in full in advance of service	
60 Gallon Cart	$ 5.70
Extra Can of Yard Debris	$ 2.60
Permanent Second Can	$ 3.85

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City of Milwaukie
Uniform Solid Waste Rates
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Commercial Container Fees

Stops/ Week	Size in Cubic Yards					
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1	$95.68	*$81.24*	$118.23	*$100.07*	$125.55	*$107.40*
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	5	*Addt'l*	6	*Addt'l*	8	*Addt'l*
1	$329.83	*$305.08*	$378.96	*$350.49*	$465.44	*$432.43*
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Fees include garbage and recycling service. Collector shall furnish the container. Overweight charge for containers over 300 lbs. per cubic yard determined through mutual agreement between hauler and customer. Container cleaning, if required more than twice in 12 months, will be charged the actual cost of cleaning.

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8	$40.40	$42.00
9	$37.35	$39.00
10	$35.85	$37.50
11	$34.75	$36.50
12	$33.25	$35.00
13	$32.75	$34.50
14	$32.00	$33.75
15	$31.25	$33.00
16	$26.30	$28.00
17	$26.30	$28.00
18	$26.30	$28.00
19	$26.30	$28.00
20	$26.30	$28.00
60	$17.90	$18.75
75	$17.45	$18.05
90	$12.80	$13.10

Adjusted
Return on Revenues
City of Milwaukie January 1 to December 31, 2016

	Residential Service		Commercial Service		Drop Box		Grand Totals
Collection & Service Revenues	**2,307,444**		**1,257,047**		**1,214,068**		**4,778,559**
		% of		% of		% of	
Direct Costs of Operations	**1,665,218**	revenue	**874,020**	revenue	**1,205,583**	revenue	**3,744,821**
Disposal Expense	499,521	22%	358,640	29%	676,567	56%	1,534,728
Labor Expense	621,209	27%	282,662	22%	321,890	27%	1,225,761
Truck Expense	365,852	16%	122,284	10%	125,652	10%	613,788
Equipment Expense	57,883	3%	50,497	4%	24,206	2%	132,586
Franchise Fees	100,074	4%	51,385	4%	48,245	4%	199,704
Other Direct Expense	20,679	1%	8,552	1%	9,023	1%	38,254
Indirect Costs of Operations	**323,186**		**167,586**		**46,825**		**537,597**
Management Expense	79,288	3%	39,550	3%	10,481	1%	129,319
Administrative Expense	82,775	4%	43,114	3%	11,404	1%	137,293
Other Overhead Expenses	161,123	7%	84,922	7%	24,940	2%	270,985
Total Cost	1,988,404		1,041,606		1,252,408		**4,282,418**
Less Unallowable Costs	2,547		1,729		444		4,720
Allowable Costs	1,985,857		1,039,877		1,251,964		4,277,698
Franchise Income	321,587		217,170		-37,896		500,861
Customer Count / Yards / Hauls	5,808		79,053		1,297		
Revenues	2,307,444		1,257,047		1,214,068		4,778,559
		% of		% of			
		revenue		revenue			
Direct Costs of Operations	1,665,218	72%	874,020	70%	1,205,583		3,744,821
Indirect Costs of Operations	323,186	14%	167,586	13%	46,825		537,597
Total Cost	1,988,404		1,041,606		1,252,408		4,282,418
Less Unallowable Costs	2,547	0%	1,729	0%	444		4,720
Allowable Costs	1,985,857		1,039,877		1,251,964		4,277,698
Franchise Income	321,587		217,170		-37,896		500,861
Return on revenues	**13.94%**		**17.28%**		**-3.12%**		**10.48%**

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Denny Egner, Planning Director
From: Charles Eaton, Engineering Director, and Rodrick Buen, Civil Engineer

Date: June 23, 2017 for July, 5, 2017

Subject: **Kellogg Creek Bridge Preliminary Design Discussion**

ACTION REQUESTED
Provide review and direction for conceptual design of the proposed new bridge over Kellogg Creek within Riverfront Park prior to land use application.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
City Council has met several times since the FEMA designated disaster that damaged the bridge within Riverfront Park in December 2015.

On **May 16, 2017** at the City Council Regular Session, the council approved a resolution to authorize the City Manager to execute a contract with HP Civil, Inc for services to the City for the Kellogg Creek Bridge (#22142) Emergency Replacement Project in the amount of two million six hundred ten thousand dollars ($2,610,000.00).
https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-205

ANALYSIS
The winning proposal has design concepts that were part of the selection process. These included location, allowance for future path under McLoughlin and architectural elements to enhance the river and park setting. Staff is presenting these elements to Council for discussion prior to land use applications. The existing land use approval for Riverfront Park was for all four phases of the park construction and includes the removal of the existing trees and vegetation and replacement with the mitigation planting identified along Kellogg Creek. The proposal would alter the planned mitigation on the South Bank.

Bridge Location
The proposed location of the new bridge is immediately west of the existing bridge. This is extremely advantageous to allow the park to remain open during construction and for the future path under McLoughlin which would be located between McLoughlin and the park access road. This location is consistent with the adopted South Downtown Concept Plan.

Citizens comments have questioned the reconstruction of the bridge in the existing location in an effort to save the existing trees. The bridge could be reconstructed in the existing location but this would result in the elimination of the pathway connection proposed under McLoughlin and would require closure of the park for approximately 18 months unless an alternative access could be constructed.

Architectural Elements
The proposed design includes several architectural elements that are intended to enhance the bridges appearance within the Willamette Greenway and the park itself. These include the construction of a decorative concrete rail, Powder coating the metal pedestrian rails, using concrete rock liners on the abutments and wingwalls, and staining the concrete abutments and wingwalls to blend into the natural surroundings. The total cost of these elements is $34,600 and is included in the contract awarded. Removing any of these proposals would reduce the overall cost of the project.

Restoration
The storm damaged the area immediately downstream along the south bank of Kellogg Creek. Since then the south bank has continued to erode further with bank failures along the entire length between the bridge and the steel retaining wall along the Willamette River. Stabilization and restoration of this bank is critical to the long-term protection of the existing improvements and the future master planned improvements located along the south bank of Kellogg Creek. The proposal includes stabilization and restoration of this bank with measures that were utilized along the Willamette River north of the boat launch area. These measures survived very well during the most recent storm event and since then, areas that were not protected in this way have continued to fail.

BUDGET IMPACTS
Revisions to any of these elements will have budget implications. Currently $2,806,761 has been authorized of the $3,019,000 available for the project. Revising the proposal to have the bridge reconstructed in place would add to the overall project cost to account for the requirement to maintain access to the boat ramp and the added complexities working around the ODOT bridge.

WORKLOAD IMPACTS
Project is included in the current 2017-2022 Capital Improvement Plan; no additional impacts are anticipated.

COORDINATION, CONCURRENCE, OR DISSENT
Planning has been coordinating with the Engineering Department regarding Greenway and Natural Resource review for the new bridge and the mitigation plantings that will be required.

STAFF RECOMMENDATION
Staff is requesting City Council to confirm the proposed elements of the Kellogg Creek Bridge project and direct staff to submit for land use approval.

ALTERNATIVES
Provide direction to alternatives to proposed alternatives

ATTACHMENTS
1. Drawings



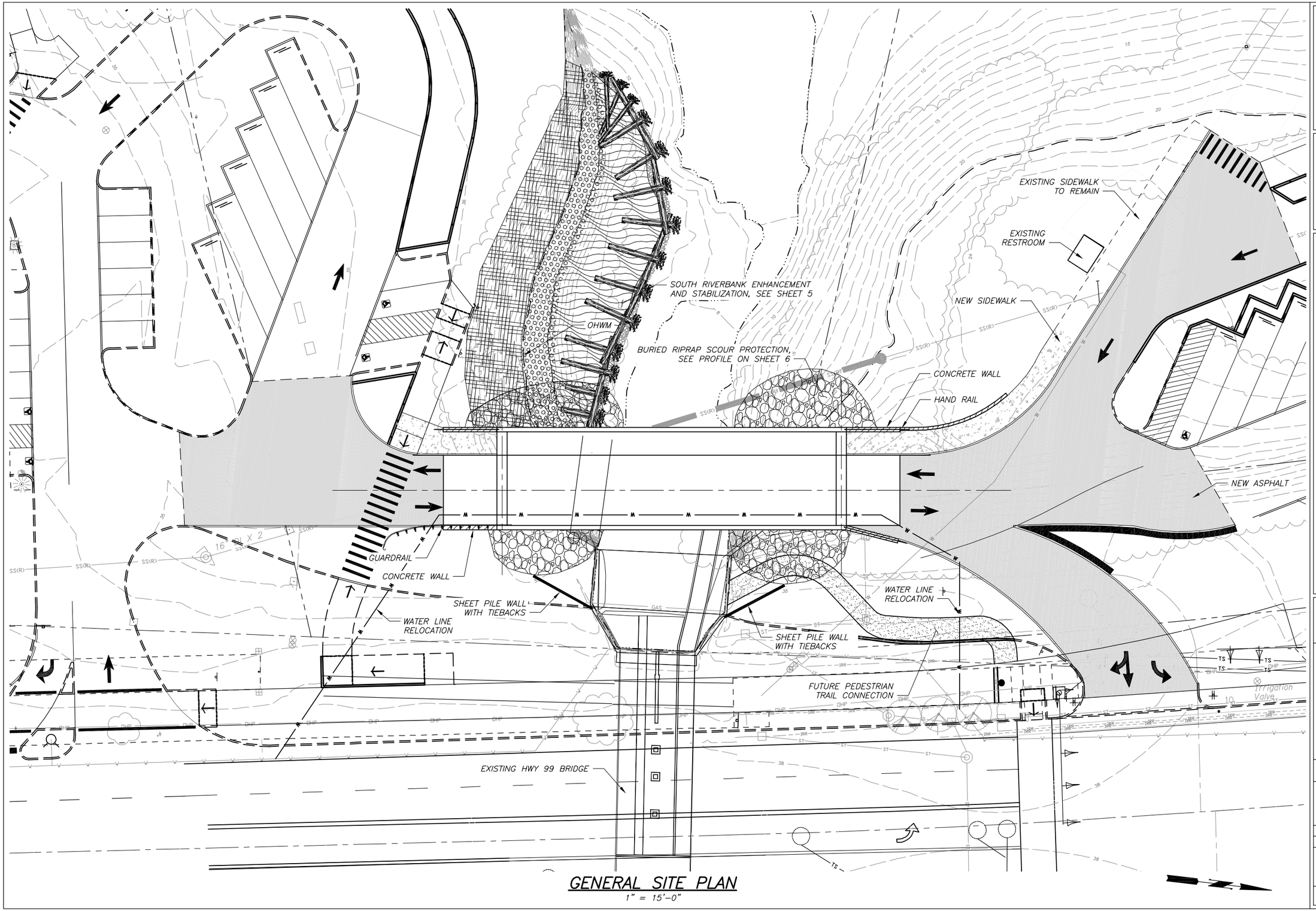
Why HP Civil?

1. Significant experience with Design/Build bridges – smooth process
2. Permitting expertise – hit the ground running
3. Best design solution for the site
   a. Ecologically sensitive
   b. Aesthetics above and below
   c. Future widening of Hwy 99
   d. Multiple path options
   e. Future removal of dam/new channel
   f. Keeps traffic moving
   g. Most cost efficient solution

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FOUNDED 1847

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GENERAL SITE PLAN
1" = 15'-0"

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KELLOGG CREEK BRIDGE (BR #22142)
EMERGENCY REPLACEMENT
CITY OF MILWAUKIE, OREGON
GENERAL SITE PLAN

ENGINEER:	NB
DRAWN:	NB
CHECKED:	DS
DATE:	04-13-17

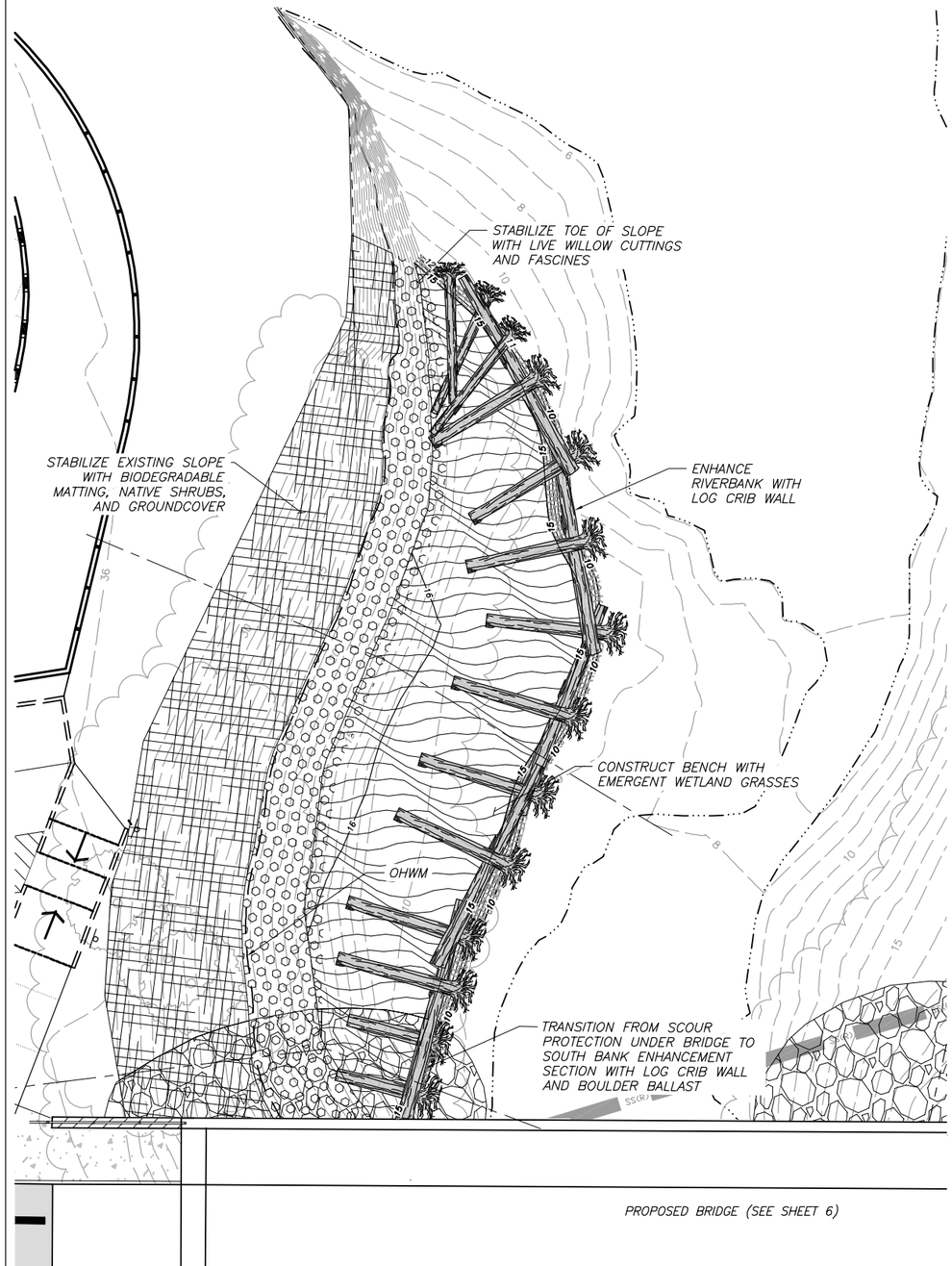
REVISIONS

NO.	DESCRIPTION	DATE

SHEET NO. 2 OF 10
JOB NO. 18328

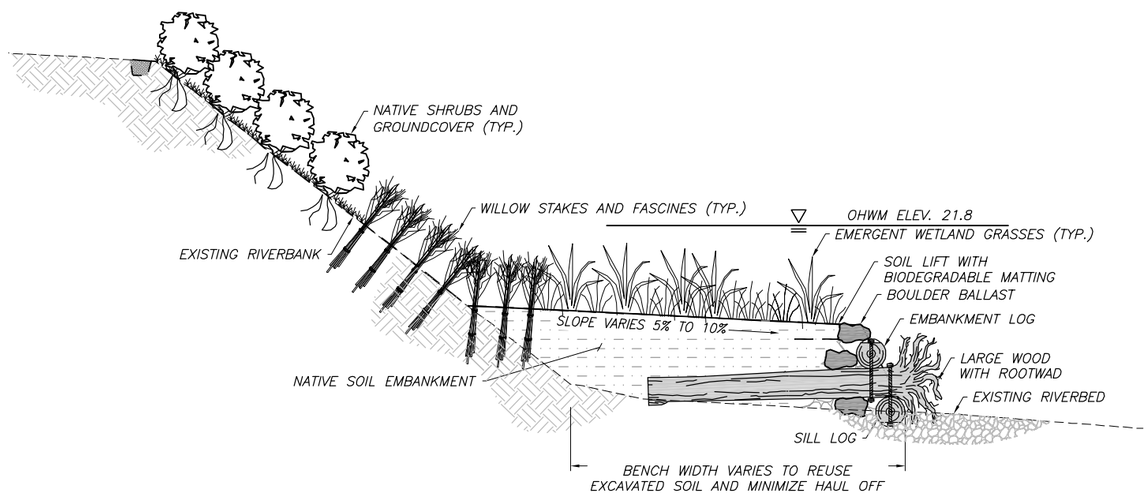
Plotted: Apr 17, 2017 - 4:37pm nlobb V:\PROJECT\18300\18328\CADD\CAD\Dwg\18328-BR01.dwg Layout Name: General Site Plan

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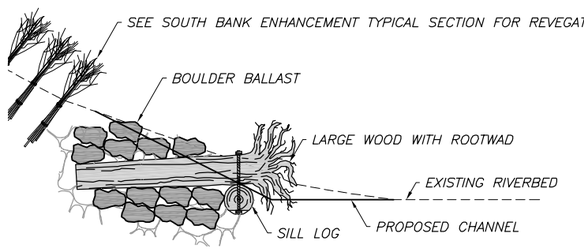
SOUTH BANK GRADING PLAN

SCALE 10' 0' 10' 20' IN FEET



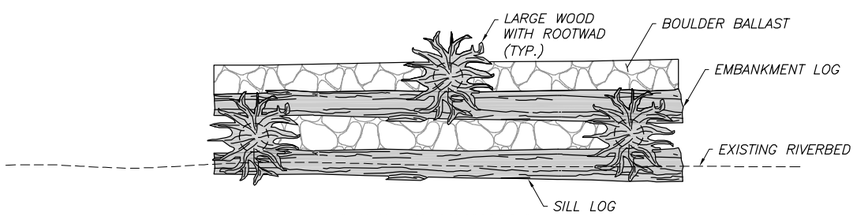
SOUTH BANK ENHANCEMENT TYPICAL SECTION

NOT TO SCALE



SOUTH BANK TRANSITION TYPICAL SECTION

NOT TO SCALE



LOG CRIBWALL

NOT TO SCALE

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KELLOGG CREEK BRIDGE (BR #22142)
EMERGENCY REPLACEMENT
CITY OF MILWAUKIE, OREGON
SOUTH BANK ENHANCEMENT PLAN AND DETAILS

ENGINEER: KJT	DRAWN: MDK	CHECKED: KJT	DATE: 04-15-17

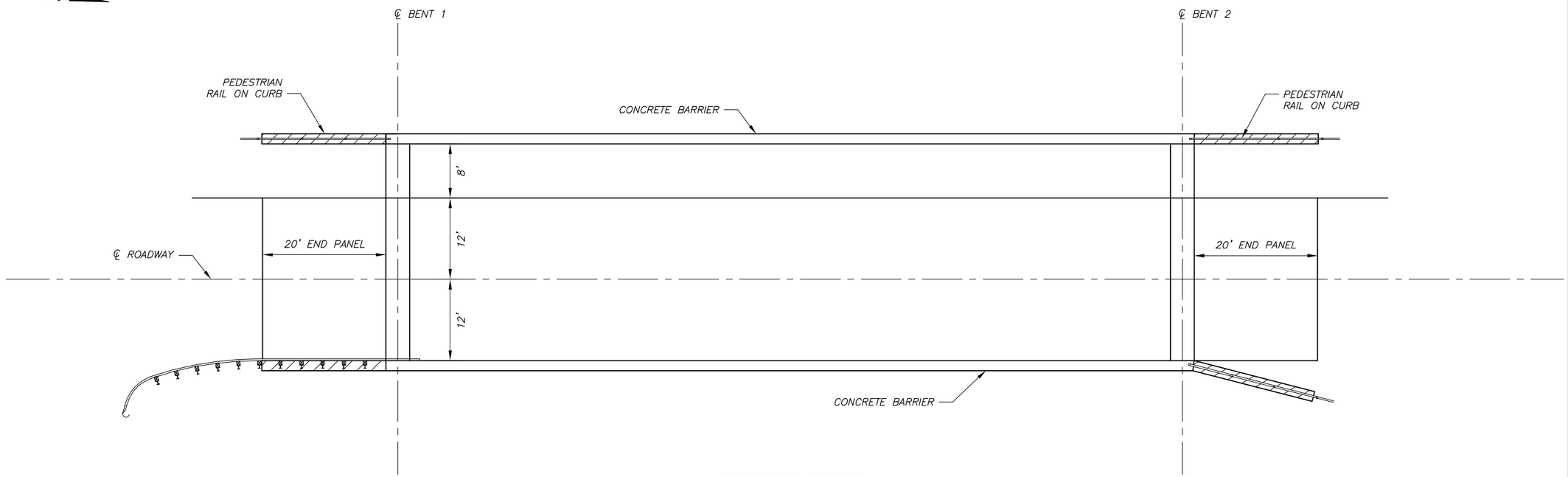
REVISIONS

NO.	DATE	DESCRIPTION

SHEET NO. 5
5 OF 10
JOB NO. 18328

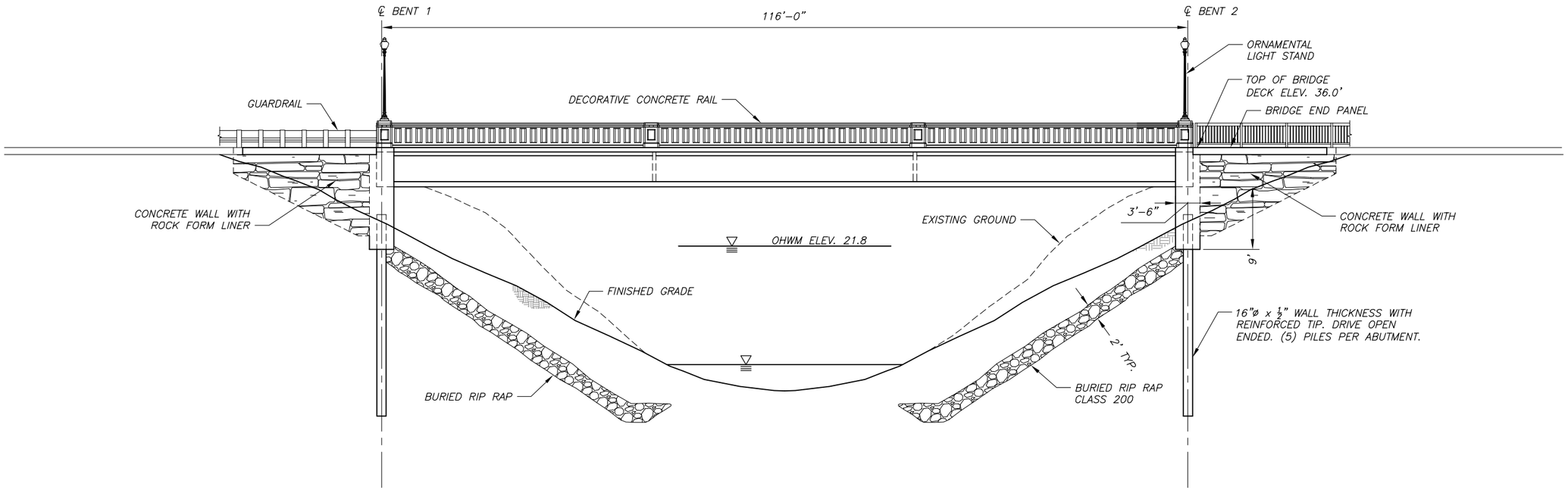
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Plotted: Apr 17, 2017 - 4:39pm nlobb V:\PROJECT\18300\18328\CAD\ACAD\Dwg\18328-RiverbankGrading.dwg Layout Name: 5 SOUTH BANK ENHANCEMENT PLAN AND DETAILS



BRIDGE PLAN

1/8" = 1'-0"



BRIDGE PROFILE

1/8" = 1'-0"

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KELLOGG CREEK BRIDGE (BR #22142)
EMERGENCY REPLACEMENT
CITY OF MILWAUKIE, OREGON
BRIDGE PLAN AND PROFILE

ENGINEER: NB
DRAWN: NB
CHECKED: DS
DATE: 04-13-17

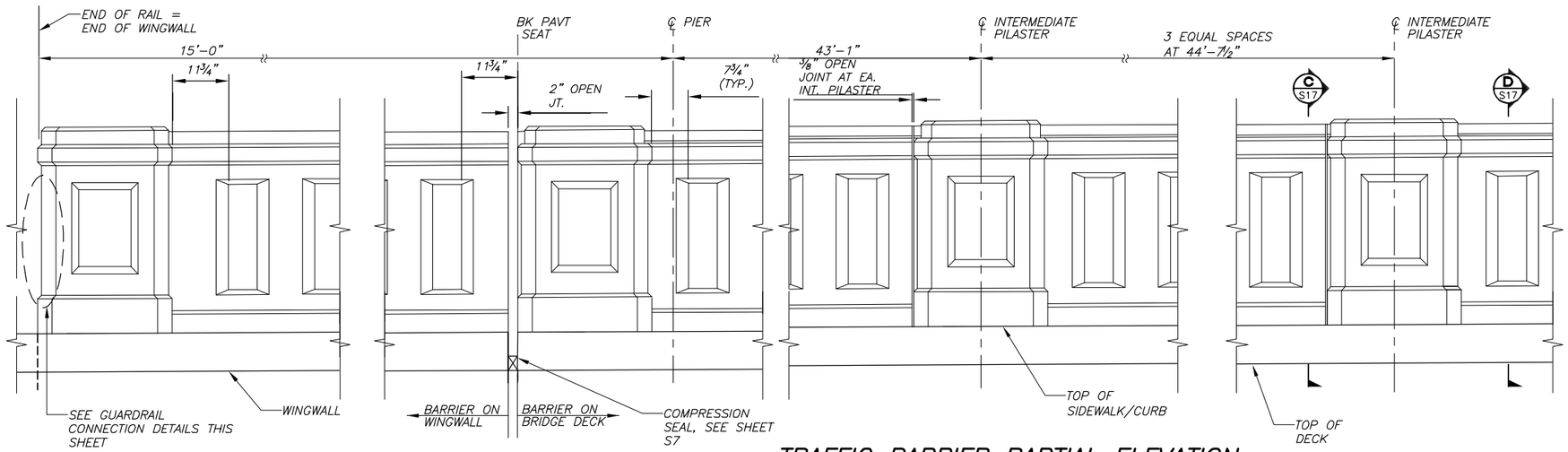
DATE	NO.	DESCRIPTION

REVISIONS

SHEET NO. 6
6 OF 10
JOB NO. 18328

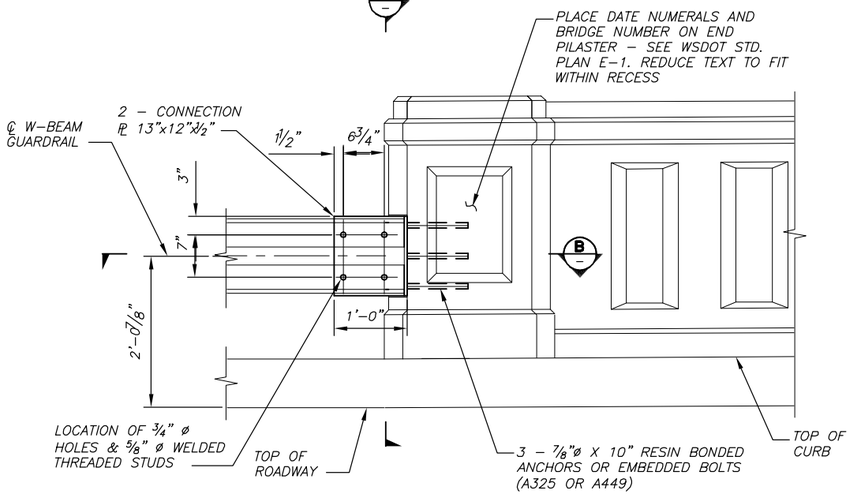
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Plotted: Apr 17, 2017 - 4:39pm nicab V:\PROJECT\18300\18328\CADD\ACAD\Dwg\18328-BR01.dwg Layout Name: Bridge Plan and Profile



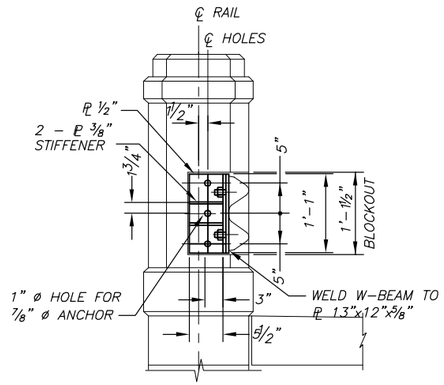
TRAFFIC BARRIER PARTIAL ELEVATION

SCALE: ⅞" = 1'-0"



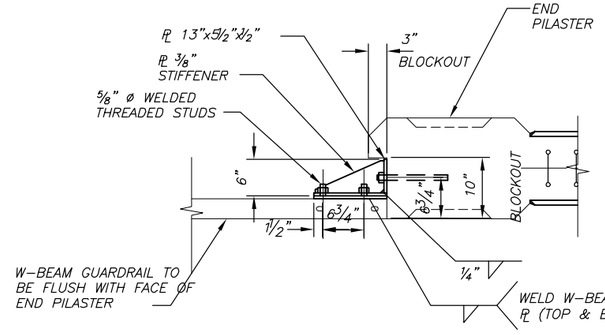
GUARDRAIL TERMINAL CONNECTOR

SCALE: 1" = 1'-0"



SECTION A

SCALE: 1" = 1'-0"



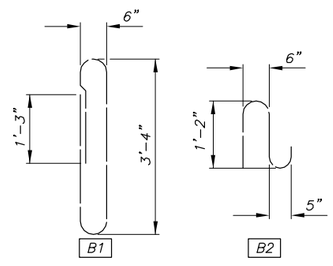
SECTION B

SCALE: 1" = 1'-0"

BARRIER BAR LIST

DESCRIPTION	MARK	SIZE	LENGTH	QUANTITY
	B1	#5	8'-6"	*
	B2	#5	3'-6"	*
	B3	#4	4'-9"	2
TOP, IN BARRIER	B4	#7	*	2 STR.
BOT. IN BARRIER	B5	#5	*	2 STR.
IN CLOSURE	B6	#5	*	*

* DETERMINE FROM PLANS



GENERAL NOTES:

1. THIS RAIL HAS BEEN SUCCESSFULLY EVALUATED BY FULL– SCALE IMPACT TESTS. TEST DOCUMENTATION MAY BE FOUND IN RESEARCH REPORT 1185–3F, "AESTHETICALLY PLEASING CONCRETE COMBINATION PEDESTRIAN – TRAFFIC BRIDGE RAIL – TEXAS TYPE C411", OF RESEARCH STUDY 2–5–89/90–1185, TEXAS TRANSPORTATION INSTITUTE, AUGUST 1990.
2. POSTS AND PILASTERS SHALL BE VERTICAL LONGITUDINALLY AND TRANSVERSELY.
3. CONCRETE SHALL BE CLASS 4000 WITH TYPE 3 CEMENT. CONCRETE IN CLOSURE ZONE SHALL BE CLASS 4000 (TYPE I OR TYPE 3 CEMENT MAY BE USED FOR CLOSURE ZONE).
4. IF RAIL IS PRECAST, PROVIDE SHOP DRAWINGS AND FABRICATE IN ACCORDANCE WITH SECTION 6–02.3(28). IF RAIL IS CAST–IN–PLACE, PROVIDE PROPOSED CONSTRUCTION SEQUENCE, POUR LIMITS, AND DETAILS OF FORMWORK AND REBAR PLACEMENT. DO NOT POUR CONCRETE UNTIL SHOP DRAWINGS OR PROPOSED CONSTRUCTION SEQUENCE HAS BEEN APPROVED BY THE ENGINEER.
5. HOT–DIP GALVANIZE ALL GUARDRAIL CONNECTION STEEL INCLUDING PLATES, FASTENERS AND RESIN BONDED ANCHORS AFTER FABRICATION.
6. PERFORM WELDING IN ACCORDANCE WITH AWS D1.1 AND AWS D1.3.

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KELLOGG CREEK BRIDGE (BR #22142)
EMERGENCY REPLACEMENT
CITY OF MILWAUKIE, OREGON
BRIDGE RAIL DETAILS

ENGINEER: NB	DRAWN: NB	CHECKED: DS	DATE: 04-13-17

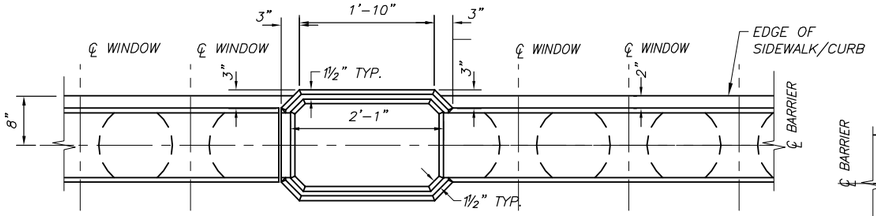
REVISIONS

NO.	DESCRIPTION	DATE

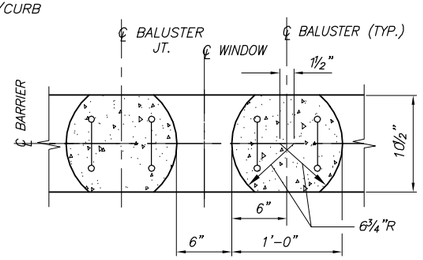
SHEET NO. 9
9 OF 10
JOB NO. 18328

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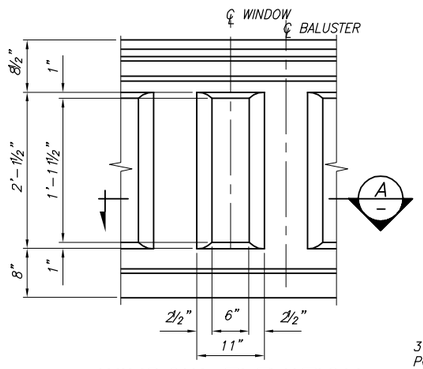
Plotted: Apr 17, 2017 – 4:38pm nickb W:\PROJECTS\18300\18328\CAD\ACAD\Dwg\18328-BR01.dwg Layout Name: Bridge Rail Details



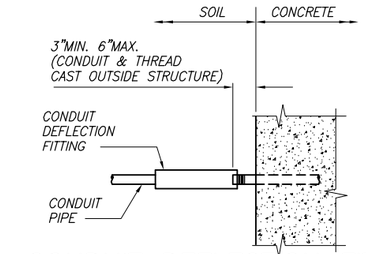
PLAN – TOP OF PILASTER



SECTION A

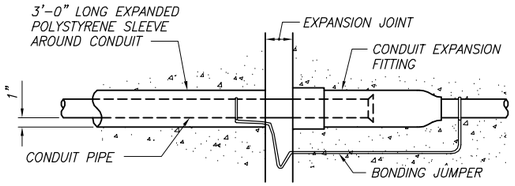


WINDOW ELEVATION



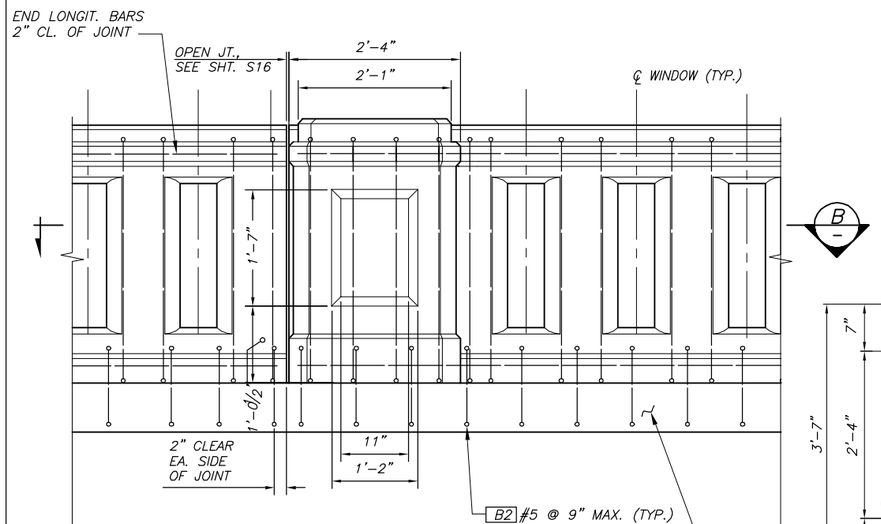
CONDUIT DEFLECTION FITTING

CONDUIT FITTING – TYPE DX
PLACE AT CONDUIT PIPE EXIT FROM STRUCTURE.

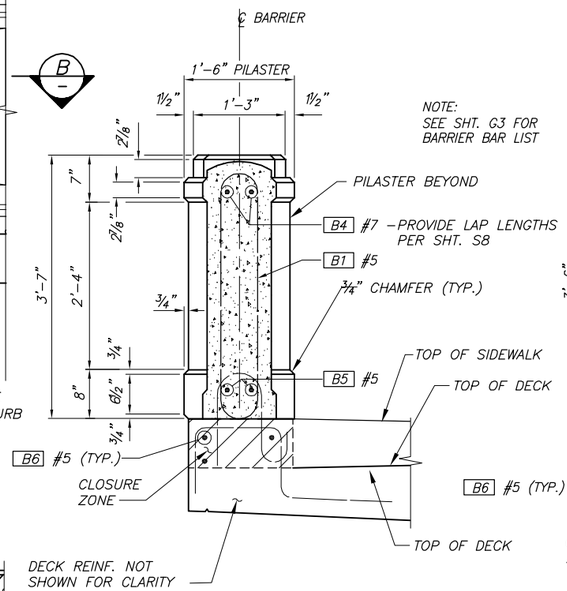


CONDUIT EXPANSION FITTING

CONDUIT FITTING – TYPE AX
FOR BRIDGE EXPANSION JOINTS AT ABUT. 1 & 2



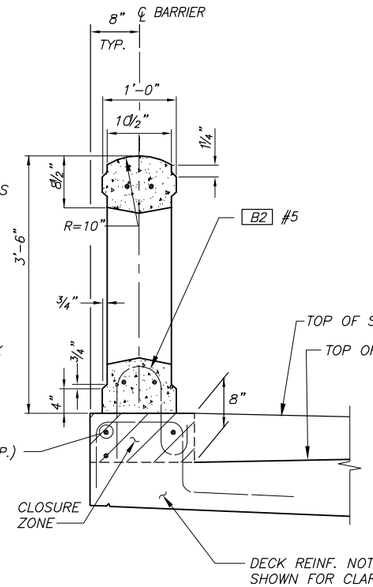
TYPICAL PILASTER ELEVATION



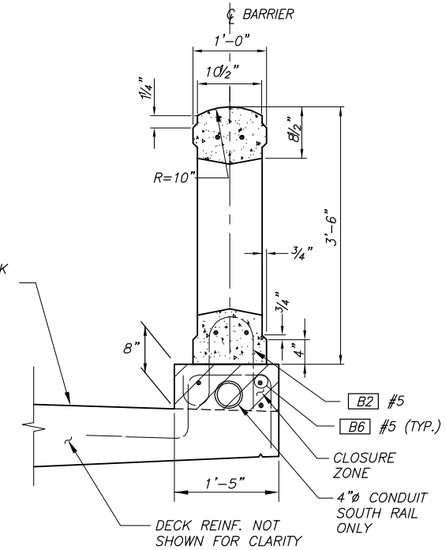
SECTION THROUGH BALUSTER C S16

(NORTH SIDE PILASTER SHOWN)

NOTE:
SEE SHT. G3 FOR BARRIER BAR LIST

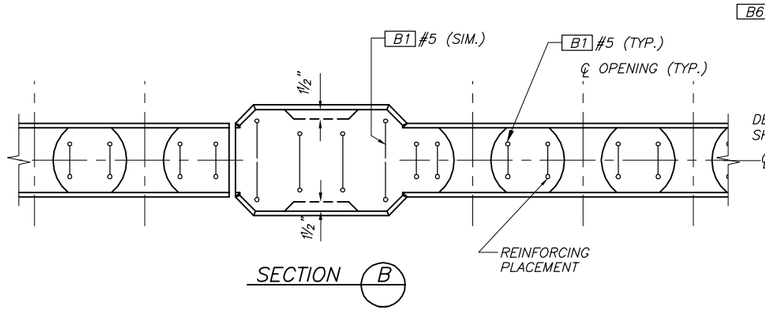


(NORTH BRIDGE RAIL)



(SOUTH BRIDGE RAIL)

SECTIONS THROUGH WINDOWS D S16



SECTION B

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KELLOGG CREEK BRIDGE (BR #22142)
EMERGENCY REPLACEMENT
CITY OF MILWAUKIE, OREGON
BRIDGE RAIL DETAILS

ENGINEER: NB	DRAWN: NB	CHECKED: DS	DATE: 04-13-17

REVISIONS

NO.	DATE	DESCRIPTION

SHEET NO. 10
10 OF 10
JOB NO. 18328

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Plotted: Apr 17, 2017 – 4:39pm nickb \\PROJECT\18300\18328\CADD\ACAD\Dwg\18328-BR01.dwg Layout Name: Bridge Rail Details (2)

Kellogg Creek Bridge (#22142)

Emergency Replacement
Design Discussion

Timeline

- Proposed Concepts (today)
- Planning Commission Application
  - Natural Resource and Willamette Greenway
- FEMA Review
  - Environmental Permitting
- Preliminary design
- Final Design/Construction

Topics of Discussion

- Status Report
- Bridge Location
- Streambank Restoration
- Architectural Elements



Status Report

- Prior Permits
  - Land Use Notice of Decision May 25, 2010
    - Included all landscaping mitigation and restoration on both banks of Kellogg Creek.
    - Only Damaged portion of south bank was completed in phase 2, north bank would be done in phase 4.
    - Mitigation included removal of existing trees on the north bank.

Status Report

- Prior Permits
  - Army Corps Permit
    - Includes all mitigation and restoration within land use decision.
    - Includes pedestrian bridge over Kellogg Creek.
    - In Water work window July 1 to October 31.

Status Report

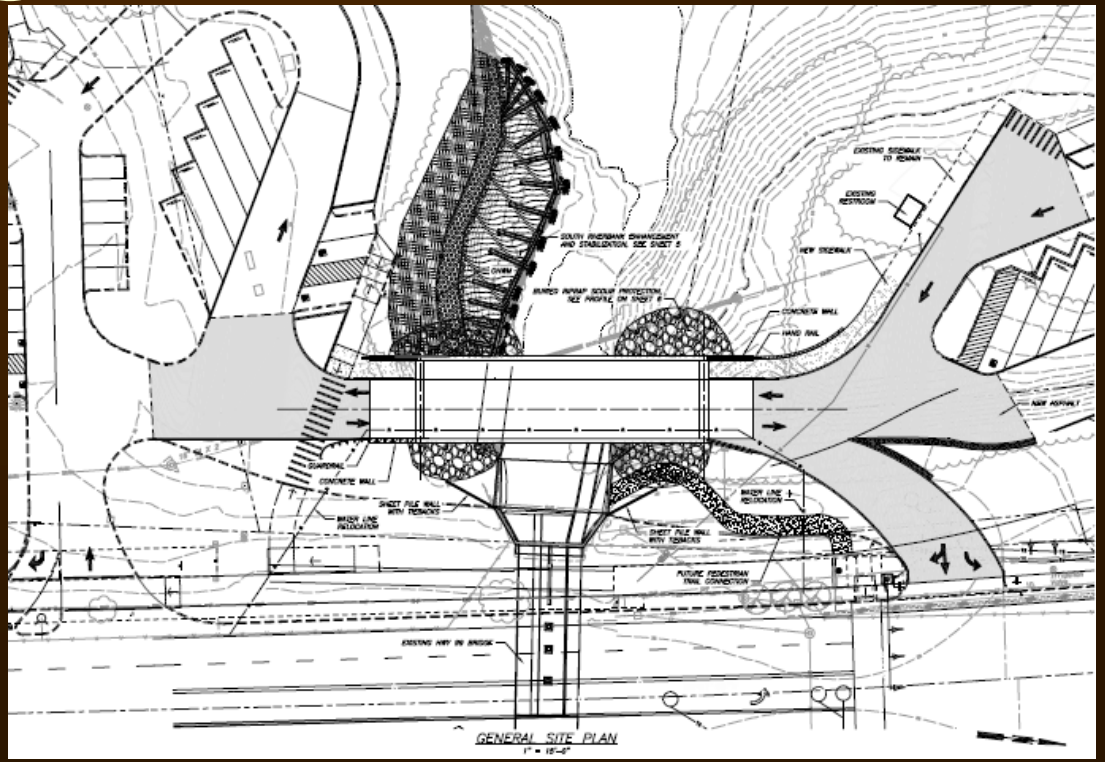
- Current Status
  - Awarded Design-Build Contract May 16, 2017
  - Notified Historic Milwaukie NDA, PARB, etc. of proposed removal of trees along the north bank in the project area per MMC 16.32.
  - Received comment from Island Station NDA concerning proper notification.
    - Extended notification to Island Station NDA

Status Report

- Current Status
  - Received one comment and formal request for on-site meeting from Gary Michael.
    - Concerns over process, design and decision to replace rather than repair.
    - Met on-site on June 21, 2017 to discuss project.

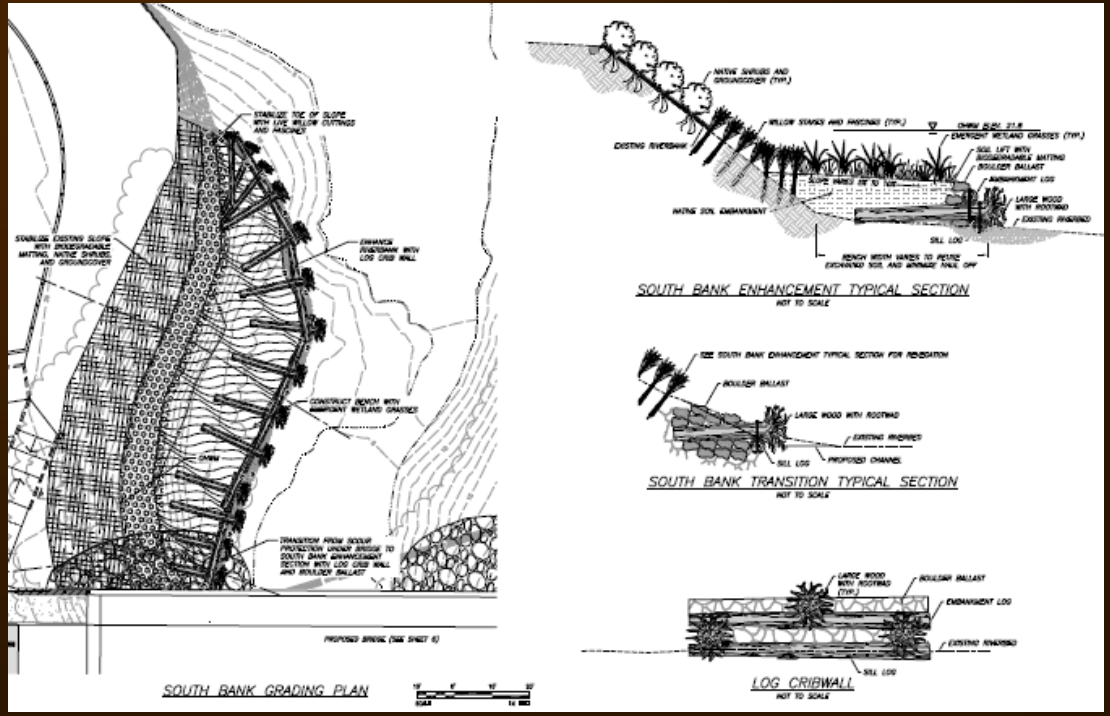
Bridge Location

- Proposal
  (Downstream)
- Alternative
  (Replace in Place)
  - WES Access
  - Park Access
  - Future Bike Path
  - Cost



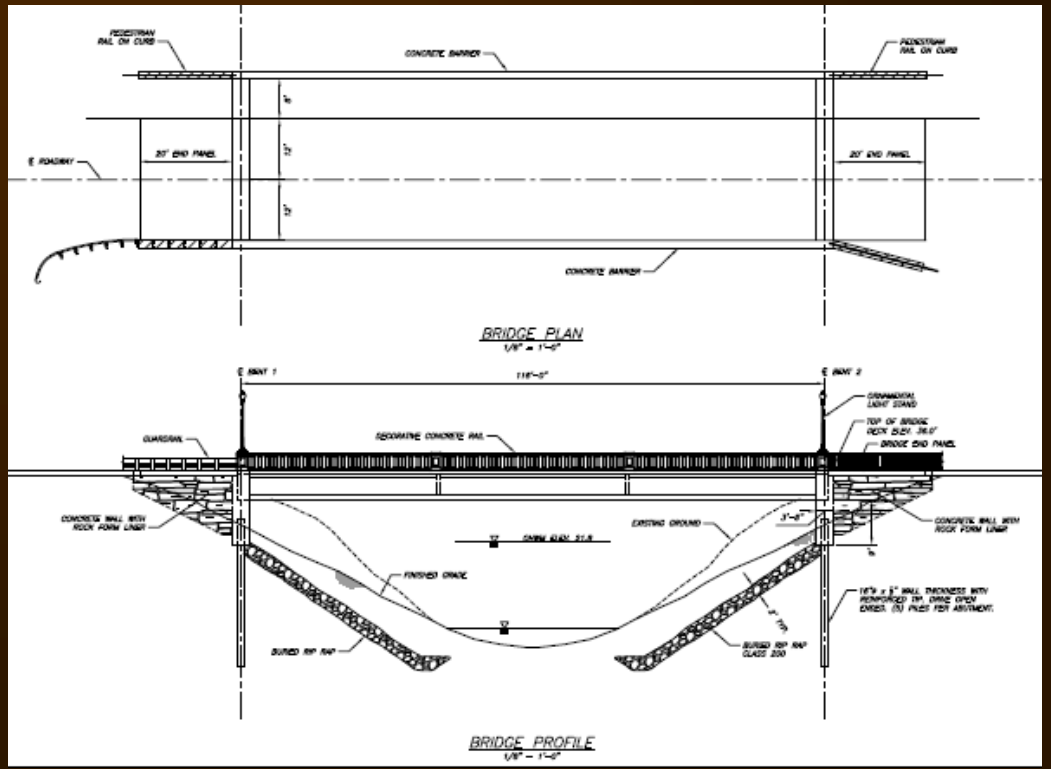
Streambank Restoration

- Proposal
  - Restores South Bank
  - Protects existing improvements
  - Utilizes the same techniques used elsewhere in the Park



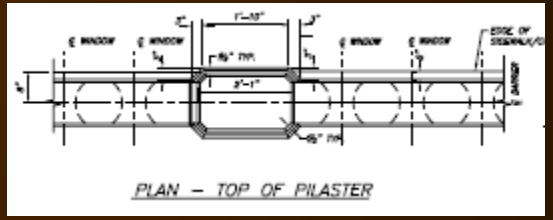
Architectural Elements

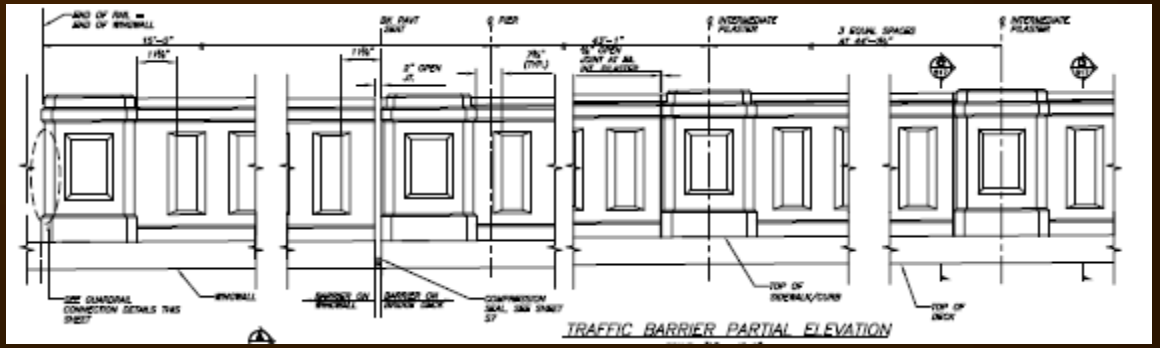
- Walls
  - Concrete Form Liners
    - Wings & Abutments
  - Concrete Stain
    - Wings & Abutments
    - Beams?
- Rail
  - Guardrail?



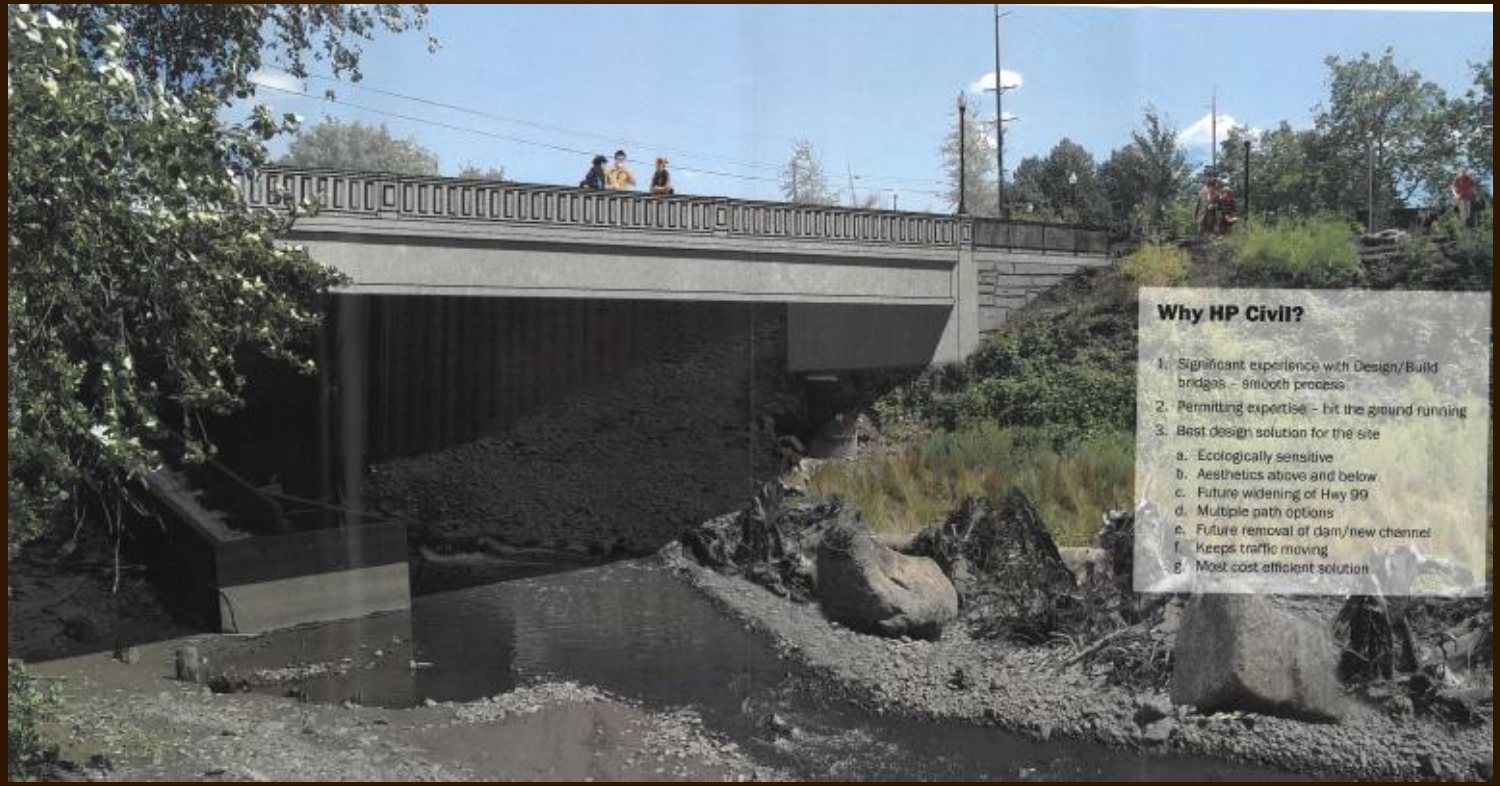
Architectural Elements

- Bridge Rail
  - Decorative Concrete
    - Windows?
    - Stain?
- Pedestrian Rail
  - Powder Coated
    - Color





Other Questions



CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Alma Flores, Community Development Director
From: Mitch Nieman, Assistant to City Manager

Date: Friday, June 30, 2017

Subject: **Tree Board Roles & Responsibilities and MMC 16.32 Policy Discussion**

ACTION REQUESTED
Discuss and prioritize the Tree Board's roles and responsibilities, and provide additional policy understanding on Chapter 16.32 of the Milwaukie Municipal Code (MMC).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
February 21, 2017 – Council adopted Ordinance 2141 amending Chapter 16.32 of the MMC to change the Tree Board's composition, term limits, and noticing of tree removal permits. https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-199

June 22, 2017 – a joint Parks and Recreation Board (PARB) & Tree Board meeting was held to introduce new Tree Board Members to existing PARB Members and to discuss future work plans. The joint meeting represented the first official meeting of the Tree Board and replaced the regularly scheduled June PARB meeting. https://www.milwaukieoregon.gov/bc-prb/parks-recreation-board-3

ANALYSIS
The Milwaukie Tree Board originated from a community-led grass roots initiative to achieve "Tree City USA" designation. The first step in achieving designation involved amending the city's tree cutting ordinance to better preserve and manage its urban forest. One of the amendments involved establishing a volunteer Tree Board made up of seven members of the community. The second step in achieving designation involved developing an urban forestry management plan that could demonstrate a two-dollar per capita investment in the city's urban forest among other best practices to encourage health and wellbeing in the community.

The main purpose of the tree ordinance is to encourage preservation of trees located on city-owned land and in the public right-of-way toward the larger goal of creating and maintaining Milwaukie's urban forest for the livability of its residents.

The main duties of the Tree Board, as summarized in Chapter 16.32 of the ordinance, are to:

- Develop an urban forestry management plan to maintain Tree City USA status
- Provide recommendations and input (when requested) to staff and community members when tree cutting and removal permits are requested.

Chapter 16.32.005 of the tree ordinance preserves the ability for staff to remove or prune trees that they've deemed hazardous, dangerous, or would interfere with construction to avoid damage to public and private property. Also, to allow staff to mitigate removal of trees by replanting new trees wherever practicable.

Although the ordinance outlines core roles and responsibilities for the Tree Board to undertake, additional roles and responsibilities were proposed for the Tree Board at the June 22 meeting. Those roles come with the assumption that staff has capacity to develop the associated work product for the tasks at hand. As such, the following additional work is linked to the department responsible for carrying out the work load. If Council prioritizes these items, then it will be prioritizing staff actions because staff oversight is critical to developing the work product:

- Citywide outreach and education (City Manager)
- Produce annual Arbor Day event (City Manager)
- Make recommendations on amendments to street tree lists (Engineering)
- Make recommendations on tree protection codes for private development (Planning)
- Make recommendations on amendments to the existing tree ordinance (City Manager)
- Develop an updated urban forestry management plan to include: (City Manager)
    - Citywide tree inventory
    - Citywide canopy coverage
- Make recommendations for habitat conservation and water quality areas (Planning)
- Make recommendations on alternative street designs (Engineering)
- Develop a heritage tree program (City Manager)

Staff expects to address routine housekeeping items at the Tree Board's July 2017 meeting. Such items are typical for new boards, committees and commissions, and involve adoption of bylaws, elections of officers, development of a strategic plan, etc.

A sound strategic plan requires a solid foundation, timeline and goals. **Therefore, staff requests direction from Council on whether to include said additional roles and responsibilities in the Tree Board's work plan. If so, then which of those tasks should be prioritized with respect to core duties prescribed in Chapter 16.32, understanding that there are staff and budget implications?**

Additionally, staff seeks input from Council on its interpretation of the review process and noticing requirement in MMC 16.32.026 Section B. Staff interprets the existing policy to only send a notice to the Tree Board, Office of the City Manager, and respective Neighborhood District Association when a permit is issued, with the expectation that if either group has concerns, then they may request a meeting with the engineering director to discuss conditions of the permit. **Is this the process expected by Council or is there an amendment Council would like made to the ordinance?**

BUDGET IMPACTS

Other than staff time, there is no cost to the general fund to operate the Tree Board. However, some of the additional roles and responsibilities proposed will trigger legal costs. Also, there will be costs to develop materials for outreach and education depending on the level of engagement proposed, and to produce the annual Arbor Day event, which is budgeted in the FY 17-18 Biennium. Finally, the city must prove it spends two-dollars per resident on tree care and urban forestry to maintain its Tree City USA status. Based on the city's current population, that means the city must spend approximately $41,000 per year. That amount should be easy to prove at least until June 30, 2018, because of the city's recent Elk Rock Island acquisition and budget appropriation of $40,000 for implementation of the management plan.

WORKLOAD IMPACTS
The Tree Board's core roles will primarily impact the workload of engineering and city manager staff. However, if said additional roles and responsibilities are desired by Council, then workloads of the city manager's office and engineering staff will be significantly increased along with that of planning and public works departments.

Further, depending on the level of engagement between staff and the Board, adoption of a more rigorous permitting process, or the process being applied to more properties, could result in a significant increase in staff time. For example, a significant amount of time is required by the city engineer to schedule and attend a permit meeting (in the field) with a Tree Board Member. As such, given the amount of new development currently happening in the city, staff will need to extend applicants' approval timelines to provide for enough time to allow the permitting process to run its course. Finally, there will be crossover volunteer work from PARB members.

COORDINATION AND CONCURRENCE
Representatives from the community development department have concurred with this report.

STAFF RECOMMENDATION
Staff recommends that Council confirm and prioritize the roles and responsibilities of the Tree Board, so staff can manage volunteer and city resources efficiently and effectively, and keep the review process and noticing requirement as outlined in MMC 16.32.026 Section B unchanged.

ALTERNATIVES
Allow the Tree Board to confirm and prioritize its roles and responsibilities without input from Council, and amend MMC 16.32.026 Section B to require a more comprehensive review process.

ATTACHMENTS
1. Chapter 16.32 MMC

CITY OF MILWAUKIE
"Dogwood City of the West"

Ordinance No. 2141

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 16.32 TREE CUTTING.

WHEREAS, the City Council by Ordinance No. 1836 adopted Milwaukie Municipal Code (MMC) Chapter 16.32 regulating tree cutting in the public right-of-way on June 16, 1998; and

WHEREAS, the consensus of City Council and the Milwaukie Park and Recreation Board (PARB) discussion has been to develop a more comprehensive tree care ordinance to help the City achieve Tree City USA status.

WHEREAS, the consensus of City Council has confirmed the Tree Board shall consist of seven members, five of which shall be city residents, and one of which shall be a certified arborist.

WHEREAS, including the Tree Board and Office of the City Manager to the public notification process further increases the effectiveness of the ordinance.

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

Section 1. The Milwaukie Municipal Code Chapter 16.32 is amended to read:

CHAPTER 16.32 TREE CUTTING

16.32.005 PURPOSE

The purpose of this chapter is to encourage preservation of trees located on city-owned land and in the public right-of-way toward the larger goal of creating and maintaining Milwaukie's urban forest for the livability of its citizens. Trees on city-owned land and in the public right-of-way are a public resource that beautify the streetscape and provide ecosystem services such as reducing the urban heat island effect, reducing stormwater flows, and stabilizing soils. The City may allow the removal or pruning of trees in some situations including, but not limited to, removing hazards, avoiding damage to public and private property, and allowing for construction of right-of-way improvements. Preference should generally be given to authorizing the minimal amount of disturbance to the tree that is necessary to address the situation. The intent of this chapter is also to mitigate the authorized removal of trees within the public right-of-way and on city-owned land by replanting new trees in the public right-of-way and on city-owned land wherever practicable.

16.32.010 DEFINITIONS

The following definitions shall apply for terminology, used in this chapter:

"ANSI" The American National Standards Institute is a private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.

"Arbor Day/Week" means a day/week designated by the City to celebrate and acknowledge the importance of trees in the urban environment, which can include a variety of public activities such as tree planting or tree maintenance.

"Crown" means area of the tree above the ground, including the trunk and branches, measured in mass or volume.

"City" means the City of Milwaukie.

"City Tree Board" means the City of Milwaukie Park and Recreation Board (Board) plus a certified arborist to be selected by the City Council, or a separate City Tree Board (including a certified arborist) appointed by the Mayor and approved by City Council.

"Council of Tree and Landscape Appraisers (CTLA)" – means the publishers of the Guide for Plant Appraisal.

"Cutting" means the felling or removal of a tree, or any procedure that naturally results in the death or substantial destruction of a tree. "Cutting" does not include normal trimming or pruning, but does include topping of trees.

"Dangerous tree" means the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.

"Dead tree" means the tree is lifeless.

"Drip line" means the perimeter measured at the outermost crown.

"Dying tree" means the tree is diseased, infested by insects, deteriorating, or rotting, and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of infestation or disease to other trees.

"Engineering Director" means the Engineering Director of the City of Milwaukie or his or her designee.

"Hazardous tree" means the condition or location of the tree presents a clear public safety hazard or an imminent danger of property damage, and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

"ISA" means the International Society of Arboriculture.

"Large trees" means trees that reach at least 65 feet in height at maturity.

"Major tree pruning" means removal of over 20% of the tree's crown, or removal or injury of over 10% of the root system, during any 12-month period.

"Medium trees" means trees that at maturity are between 30 and 65 feet in height.

"Minor Tree Pruning" means trimming or removing less than 20% of any part of the branching structure of a tree in either the crown, trunk, or less than 10% of the root areas based on ANSI A300 and ANSI Z133 standards, within a 12-month period.

"Owner" means and includes, for the purposes of this chapter, any person with a freehold interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner's consent.

"Park Trees" are defined as trees, shrubs, bushes and other woody vegetation in named public parks or to which the public has free access as a park.

"Person" means any individual, firm, association, corporation, agency, or organization of any kind.

"Relative Value." Relative value may be calculated using the methods described in the "Guide for Plant Appraisal" published by the CTLA. The values reflect the value to the public as a whole, rather than to the individual property owner. For example, a tree growing in full public view may have a high public value but be of low value to the property owner.

"Root zone" means the area of the ground around the base of the tree measured from the trunk to 5 feet beyond the outer base of the branching system.

"Small trees" are those that at maturity are less than 30 feet in height.

"Street tree" is defined as trees, shrubs, bushes and other woody vegetation on land lying within the City right-of-way on either side of all streets, avenues, or ways within the City and on all non-park properties owned or maintained by the City.

"Tree Removal" means the cutting or removing of 50% or more of the crown, trunk, or root system of a plant; the uprooting or severing of the main trunk of the tree; or any act which causes, or may reasonably be expected to cause, the tree to die, including without limitation damage inflicted upon the root system by machinery, storage materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may result in the loss of aesthetic or physiological viability.

"Topping" means the severe cutting back of the main stem and/or limbs to buds, stubs, or laterals large enough to undermine the tree's crown to such a degree as to remove the normal crown and disfigure the tree.

"Tree" means any living woody plant characterized by one main stem or trunk and many branches, or a multistemmed trunk system with a definitely formed crown at least 16 feet in height at maturity. (Ord. 1836 § 1 (part), 1998)

"Urban Forest" means the trees that exist within the City.

"Utility Tree" means a tree that is less than 20 feet in height at maturity and thus suitable for planting under overhead utility lines.

16.32.015 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD

A. Creation

There is hereby created and established a City Tree Board (Tree Board) for the City of Milwaukie, Oregon, which shall consist of seven members, at least five of which shall be residents of the City, and one of which shall be a certified arborist, and all seven of which shall be appointed by the Mayor with approval of the City Council. The Tree Board may consist of the City of Milwaukie Parks and Recreation Board plus a certified arborist.

B. Term of Office

The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Tree Board members shall be limited to three consecutive terms.

C. Compensation

Members of the Tree Board shall serve without compensation.

D. Duties and Responsibilities

It shall be the responsibility of the Tree Board to study, investigate, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official urban forestry management plan for the City of Milwaukie, Oregon. The Tree Board will provide leadership in planning the City's Arbor Day/Week proclamation and celebration.

The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Tree Board shall inform and coordinate with the North Clackamas Park and Recreation District (NCPRD) or the City of Milwaukie to ensure that the provisions of this ordinance are complied with during performance of maintenance activities.

E. Operation

The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

16.32.017 TREE PLANTING

A. Species

Tree species to be planted on city-owned land or in public rights of way are those approved by the Engineering Department of the City for different types of planting in those specified locations.

B. Spacing

The spacing of Street Trees will be in accordance with the permit issued by the Engineering Department and in accordance with Department standards and specifications. Spacing will be determined in the planting plan for each site as determined by the City's Public Works Standards. In addition, the Engineering Director may approve special plantings designed or approved by a landscape architect, or for ecological restoration projects where seedlings or whips are likely to be planted at a much higher density to mimic natural conditions in forest regeneration.

C. Distance from Curb and Sidewalk

The City's Public Works Standards shall provide the distance from which small, medium, and large trees may be planted from curbs or curblines and sidewalks

D. Distance from Street Corners and Fire Hydrants

No Street Tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet from any fire hydrant.

E. Utilities

No Utility Trees other than those species listed in in the City's Public Works Standards may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

F. Size

Street trees must meet the size requirements set forth in the City's Public Works Standards for utility, small, medium, and large trees, based on the tree's size at maturity.

16.32.018 PUBLIC TREE CARE

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the property lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by property owners adjacent to the street or right-of-way, provided that the selection and location of said trees is in accordance with Section 16.32.017 of this ordinance.

16.32.019 TREE TOPPING

No person, firm, or City department shall top any Street Tree, Park Tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this ordinance at the determination of the City Tree Board.

16.32.020 PRUNING, CORNER CLEARANCE

Pursuant to Milwaukie Municipal Code 12.12.010, every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the right of way. Enforcement of this section shall be pursuant to MMC 12.12 and compliant with ISA Best Management Practices (BMPs).

16.32.021 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

Owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which may pose a significant risk to the safety of the public. If owner fails to do so, City shall have the right to cause the removal of such trees. The City Tree Board or its agents will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. After removal is complete, the property owners shall notify the City in writing. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owners pursuant to MMC 8.04. In cases where the owner demonstrates extreme financial hardship, the City Council may grant a cost waiver. Some dead trees which provide wildlife habitat and are not a hazard may be left uncut.

16.32.022 REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground, except for circumstances where the stumps do not pose a hazard to the public and may be left to improve wildlife habitat structure.

16.32.023 INTERFERENCE WITH CITY TREE BOARD

No person shall prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

16.32.024 ARBORISTS LICENSE AND BOND

All certified arborists operating in the City of Milwaukie shall be ISA-certified.

16.32.025 REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make a final decision.

16.32.026 PERMIT FOR MAJOR PRUNING OR REMOVAL OF STREET TREES OR TREES IN PUBLIC RIGHT-OF-WAY AND OTHER PUBLIC LAND

A. Applicability

1. No person shall conduct major pruning or removal of any tree in a public right-of-way or on city-owned land, without first receiving a permit issued by the City, except as provided in chapter 16.32.030. Minor tree pruning shall not require a permit.
2. For trees on City-owned land, this chapter shall be applied in conjunction with any applicable standards in Title 19 Zoning.

B. Review Process

1. A permit application for major pruning or tree removal shall be submitted to the Engineering Department on a Right of Way Permit Application.
2. The Engineering Department shall post notice of the major pruning or removal permit application on the property in a location which is clearly visible to vehicles traveling on a public street and readable by pedestrians walking by the property.
3. The notice shall state that the tree removal permit is pending for trees on the property marked by an orange plastic tagging tape, shall include the date of posting, and shall state that any person may request a meeting with the Engineering Director within 14 days of the date of the posting. The purpose of the meeting is to provide an opportunity to raise questions or concerns about the major pruning or removal prior to issuance of the administrative decision on the permit. The Engineering Director shall consider all concerns raised at such a meeting, but shall have final decision making authority over the issuance of a permit, based on the Approval Standards in Subsection C below.
4. The Engineering Department shall mark each tree proposed to be removed by tying or attaching orange plastic tagging tape to the tree 4 to 6 feet above mean ground level at the base of the trunk.
5. On the date that the tree removal notice is posted on the property, the Engineering Department shall send a letter to the neighborhood district association for the area, the City Tree Board, and the Office of the City Manager, to notify the association of the major pruning or removal request.
6. The applicant shall file an affidavit stating that the property has been posted, the trees have been marked, and notice has been mailed pursuant to Section 16.32.026 or subsection 16.32.026.B.
7. The major pruning or tree removal permit shall not be issued for 14 days from the date of filing of the affidavit to allow for the filing of a request for a meeting. The applicant shall maintain the posting and marking for the full 14 days. When a

meeting with the Engineering Director is requested, the Engineering Director shall not issue the permit decision until the meeting can be held.

C. Approval Standards

The Engineering Director shall issue a permit for major pruning or removal of trees in a right-of-way or on city-owned land only if the following criteria are satisfied. The Engineering Director will consult a certified arborist where necessary to evaluate the criteria.

1. The proposed work will be done according to ISA best management practices, and qualified persons will perform the work.
2. One or more of the following criteria are satisfied:

a. It is determined that the tree is dead or dying and cannot be saved, according to current ISA standards.

b. The tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or adjacent sites, and that extraordinary maintenance is required to prevent damage to such improvements or property.

c. The tree has lost its relative value as a street tree due to damage from natural or accidental causes, or for some other reason it can be established that it should be removed.

d. The tree has been determined to be unsafe to the occupants of the property, or adjacent property, or the general public.

e. Major pruning or removal is necessary to accommodate improvements in the right-of-way or on city-owned land, and it is not practicable to modify the proposed improvements to avoid major pruning or removal.

D. Performance of Permitted Work

All work performed on street trees pursuant to a permit issued by the Engineering Director under this section shall be done within a 60-day period from the issuance of said permit, or within a longer period as specified by the Engineering Director.

E. Replanting

The Engineering Director shall, wherever practicable, require tree replanting as a condition of approval for a major pruning or removal permit on city-owned land or in public rights of way. For major pruning or removal of trees in the public rights of way, replanted trees shall be planted within the right-of-way fronting the property for which the tree permit was issued. For major pruning or removal of trees on city-owned land, replanted trees shall be planted on city-owned land for which the tree permit was issued. The replanted tree shall be a species appropriate for the location where it is planted, as determined by the Engineering Director, in conjunction with the issued permit and in compliance with applicable ANSI standards and ISA best management practices. In addition to the tree maintenance requirements of Milwaukie Municipal Code Chapter 8.04.110, the abutting property owner shall be responsible for maintaining a replanted tree in a healthy condition for 3 years following replanting. (Ord. 2022 § 1, 2011; Ord. 1836 § 1 (part), 1998).

The optimal time of year for planting is the fall (September-November). If planting is necessary in other months, the Engineering Director may include conditions of the permit that require extra measures to ensure survival of newly planted trees.

16.32.030 PERMIT EXEMPTIONS

A. Dangerous Tree

If a tree is determined to be a dangerous tree, the Engineering Director may issue an emergency removal permit. The removal shall be in accordance with ANSI standards and ISA best management practices and be the minimum necessary to eliminate the imminent danger.

B. Maintenance

Regular maintenance or minor pruning which does not require removal of over 20% of the tree's crown, tree topping, or disturbance of over 10% of the root system during any 12-month period.

C. Non-City Owned Land

Tree cutting anywhere except in a public right-of-way or on city-owned land.

16.32.040 PENALTY

Except where otherwise provided, any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars ($1,000.00).

Read the first time on 2/21/17, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 2/21/17.

Signed by the Mayor on 2/21/17.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott Stauffer, City Recorder

City Attorney

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council Date: Friday, June 30, 2017
Through: Ann Ober, City Manager
Reviewed: Ben Johnson, Milwaukie PARB; Kathryn Krieger, NCPRD
From: Mitch Nieman, Assistant to City Manager

Subject: **Council Goal 3: Completion of Milwaukie Bay Park**

ACTION REQUESTED
Discuss existing and known issues to develop future guiding principles for development.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS
2000 – Council adopted Downtown Riverfront Land Use and Framework Plan
2003 – Council renamed the park from Jefferson St. Boat Launch to Riverfront Park
2005 – Council contracted with a public opinion firm to poll residents for desired amenities
2006 – Council selected David Evans and Associates (DEA) as concept designer
2006 – Council approved concept plan
2008 – Council amended contract with DEA for permit assistance and Phase II design
2008 – Staff submitted joint permit applications to Dept. of State Lands and US Army Corps
2009 – Council awarded a contract to D&T Excavation to relocate a water line for Phase I
2010 – Council amended contract with DEA for additional Phase II design work
2010 – Planning Commission approved Master Plan (May 25, 2010)
2011 – Council accepted Metro grant to augment Gary and Mary Klein's donation for Klein Point
2011 – Council amended contract with DEA to design Klein Point
2011 – Council approved a contract with C3 Strategies for a capital campaign
2012 – Council awarded a contract to Subcom Excavation for Phase I construction
2013 – Oregon Department of Transportation approved 99-E site access permit
2013 – Council approved use of Kellogg Good Neighbor Committee funds as state grant match
2013 – Staff applied for Oregon Marine Board and Parks and Recreation Department grants
2013 – Council awarded contract to DEA for additional Phase II design work
2014 – Council accepted Oregon Marine Board and Parks and Recreation grant awards
2014 – US Army Corps approved cut and fill permit
2014 – DEA completed Phase II construction plans and staff went out for bid
2014 – Council approved a contract with Coif Construction for Phase II construction
2014 – Council approved an agreement with NCPRD for construction management services
2015 – Council accepted Phase II construction as complete
2015 – Staff and Parks Board started Canada Goose mitigation
2015 – Bridge and beach were compromised due to heavy rain storms
2015 – Council updated Downtown Riverfront Land Use and Framework Plan
2016 – Council authorized city manager to execute a contract for bridge repair
2016 – Council approved Parks Board interim planting plan for goose mitigation
2016 – Council approved beach repair contract with ESA
2017 – Council adopted goal to develop Phase III of park by 2022
2017 – Staff initiated park renaming process and dissolution of Riverfront Task Force
2017 – Bridge repair design and engineering is underway

ANALYSIS

Goal 3: "Completion of Milwaukie Bay Park" reads as follows:

Whereas, Milwaukie Bay Park is our most prominent park and remains incomplete; and
Whereas, the citizens of Milwaukie called for its completion in the Draft Vision Action Plan.

Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the City Manager is hereby directed to work with North Clackamas Parks and Recreation Department (NCPRD) and our Parks and Recreation Board (PARB) to explore potential changes to the current master plan and to prioritize the accumulation of funding necessary to complete Milwaukie Bay Park by 2022.

Staff has convened a project team to facilitate completion of the goal. It's comprised of representatives from the Milwaukie Parks and Recreation Board and North Clackamas Parks and Recreation District. The team plans to hold monthly meetings to stay on track with deliverables.

EXISTING CONDITIONS

From the mid 1990's to early 2000's, then previous staff and councilmembers worked diligently to acquire real estate and remove land encumbrances to prepare the site for development of a regional park. The result led to removing unsafe and blighted buildings, securing over $3 million in grants to construct two phases of interim improvements, and developing a master plan to aid in completion of the park. Since 2006, the cost for design has exceeded $1 million, which does not factor in the cost of design for recent beach and bridge repair work. Any changes to the existing master plan will incur additional design costs.

Phase I construction involved relocation of utilities and existing infrastructure to prepare the site for Phase II. Phase II involved construction of a concrete path, boat launch, concrete seatwalls, new parking lots (upper and lower), bio swales, permeable path, and drainage improvements. Also, Phase II installed lighted bollards, a removable dock, a restroom facility, and several landscape improvements. Finally, it closed access from Jefferson Street and created one-way vehicular access from the treatment plant to an exit only egress lane at the intersection of Washington and McLoughlin.

The Riverfront Park capital campaign fund was established in 2012. Approximately, $22,600 of charitable funds are being stewarded by the Oregon Community Foundation for use in the development of Riverfront Park. No funds have been withdrawn since the account opened.

NCPRD has been operating and maintaining the park without an amendment to their 2008 intergovernmental agreement (IGA), or an increase in funding. Phase II brought many new improvements (and expenses) online, which NCPRD continues to maintain with current funding levels. To date, the park is primarily used as a boat launch. People also appear to enjoy walking along the riverfront pathway to meander down to the water's edge. Following Phase II completion, staff has engaged different kayak and paddle board companies to operate in the park during summer months, and has hosted three Winter Solstice events.

Staff realizes that there is too much information in this report for Council to digest in one meeting. Therefore, a series of periodic updates will be scheduled with Council in upcoming months to conduct focused conversations around many of the questions asked below.

DOWNTOWN RIVERFRONT LAND USE AND FRAMEWORK PLAN COMPATIBILITY

On September 1, 2015, Council adopted the final downtown "Moving Forward Milwaukie" code package, which updated the 2000 Downtown Riverfront Land Use and Framework Plan. There are specific goals in the Plan that create an intimate connection to the riverfront:

- Provide significant open spaces and connections to the riverfront.
- The future South Downtown Plaza at Main Street and Adams Street provides significant views of the Willamette River.
- Provide a comfortable pedestrian environment while welcoming riverfront visitors to the downtown.
- Provide "gateway" treatments at Harrison, Monroe and Washington Streets to draw visitors into downtown Milwaukie from Riverfront Park and Mcloughlin Blvd.
- Riverfront Park will be the City's "living room."
- Riverfront Park will be the location for special events such as "Festival Daze," holiday celebrations community assemblies.
- Safe pedestrian and bicycle crossing between downtown, Riverfront Park and multi- use trails are important.

ISSUES FOR DISCUSSION TO HELP DEVELOP GUIDING PRINCIPLES

In addition to improvements identified in the master plan, there are several guiding principles that the project team needs clarification on to move the project forward. These include, but are not limited to the following:

- **Local and regional attraction**: connection to the river and identity
- **Park features**: cost, size, and location
- **Pedestrian access from downtown and upper parking lot**: safety and connectivity
- **Activities and programming**: recreation, community gathering, and tourism
- **Viewshed**: economic development
- **Open space**: flexible use
- **Permitting**: grandfathered Corps permit
- **Parking**: downtown prosperity
- **Funding**: feasible to complete by 2022

BALANCING GUIDING PRINCIPLES WITH EXISTING ISSUES

Park features: The current master plan proposes removal of an existing coastal redwood tree to make room for an additional restroom facility. Members of the community have expressed their opinions they would like the tree to remain protected in place. Our engineering department believes that the restroom facility could be relocated to a different area to save the tree as long as the relocation didn't trigger any changes to the approved Army Corps permit. **Is this something Council would like the project team to correct moving forward?**

The current master plan proposes a cantilevered overlook at Kellogg Creek and a complementary elevated pedestrian bridge that crosses the Creek and connects the upper parking lot to the lower lot. The pedestrian bridge was not approved by the Planning Commission as part of the final notice of decision. So, staff designed the replacement Kellogg Bridge to include a dedicated pedestrian path as a substitute for the elevated bridge. Given that there will no longer be an elevated pedestrian bridge, staff recommends to not construct the cantilevered overlook, which is estimated to cost $1.5 million. However, a break in the

pedestrian path from the top of the wall of the upper lot to connect the park to the treatment plant trail still exists. **Is the cantilevered overlook a feature that Council would like the team to remove from the project? Is a connection to the treatment trail a critical linkage the Council would like staff to address?**

The current master plan proposes temporary moorage docks to be installed to the south of the upper parking lot. Said docks are not approved in the Army Corps permit and would add significant costs to construct. Also, they would bring the need for additional parking because they were designed for motor boats. With the current beach repair project providing safe access for nonmotorized watercraft to launch and an existing dock for motorized watercraft use, **are temporary moorage docks a feature that Council would like the team to remove from the project?**

The current master plan proposes a "great lawn" (approx. ½ acre) for flexible use such as picnicking and games. Given the park's ongoing goose issues, **would Council prefer to have the great lawn area (and all other grassy areas) be broken up with native planting areas like what the Parks Board proposed for the interim planting plan, or have the existing grassy areas remain in place per the master plan?**

The current master plan proposes a 180-seat amphitheater. As shown in the concept plans, the amphitheater appears to be built in the embankment very close to HWY 99-E. Based on that general proximity, the project team believes 99-E traffic noise could impair acoustics of the amphitheater. Staff plans to work with NCPRD to host a "Movie in the Park" near the proposed amphitheater location in August to initially gauge how sound 99-E traffic noise would affect a movie. **Is the Council interested in keeping the amphitheater? If so, is the location and size of the amphitheater something Council would like the team to address moving forward?**

The current master plan proposes an elaborate water fountain that cascades down the plaza into shallow pools. NCPRD recommends that if a fountain is constructed, then it should resemble something more of an interactive water feature like a splash pad that would drain versus pool. This is because park visitors tend to use traditional water fountains as swimming pools on hot days, which can create (costly) health and liability risks for the city. **Would Council prefer to have an interactive splash pad water feature instead of a traditional water fountain, or no water feature? Should the location be such that it is a dominant feature seen from 99E?**

The current master plan proposes a children's "nature" play area. Due to proximity of the nature play area at nearby Westmoreland Park, which is a popular destination, the project team believes that the play area may be viewed by users as duplicative of the park at Westmoreland. **Would the Council like to retain a nature-based theme for the playground or explore alternative themes using traditional or modern playground equipment?**

<u>Pedestrian access from downtown and upper parking lot</u>: As stated, the current master plan calls for an elevated pedestrian bridge to connect the upper parking lot to the lower lot and a connection from Washington Street to the lower lot. The replacement bridge over Kellogg Creek will incorporate a pedestrian path to move pedestrians safely from the upper lot to the lower lot. However, pedestrians walking from downtown only have one true safe path of travel (Harrison and 99-E intersection) to get to lower areas of the park. This was primarily caused by the addition of the vehicular connection at Washington Street and removal of the planned

pedestrian connection at that location. **Is pedestrian access from downtown something Council would like the team to focus on moving forward?**

Activities and programming: The current master plan calls for an elaborate water feature and amphitheater. The project team is unclear of the intent of the plan's original guiding principles. For example, did previous planners identify a specific number of music or art events (annually) that would constitute construction of a 180-seat amphitheater? The project team understands that launching nonmotorized watercraft is an important priority for the community. Unfortunately, temporary kayak and paddle board storage is not included in the master plan. **Does Council have a desired list of activities and programs that will help guide design principles moving forward? Does Council believe that the amphitheater is the best use for the location or are there alternative programs Council would like considered?**

Viewshed: The current master plan depicts installation of trees that, when mature, may block views of the river from adjacent 99-E and downtown. Also, there were trees planted along the shore in Phase II that will eventually affect the same viewshed. **Is tree location something Council would like the team to address moving forward? Is viewshed more important than areas of high concentration of shade? Should trees be the only method of providing shade?**

Open space: As stated, the current master plan shows swaths of land that will remain as grass. The project team realizes that Canadian goose intrusion may be a permanent epidemic. Also, they realize that grassy areas provide useful space for active play areas like Frisbee or disc golf. **Does Council want the team to focus on eliminating as much grass as possible to mitigate goose intrusion, or would Council like the team to keep ratios of grassy areas to provide for active play areas moving forward?**

Permitting: The "cut and fill" permit tied to the current master plan has been approved by the US Army Corps of Engineers. This was an important accomplishment because the Army Corps of Engineers is the government entity that regulates how lands are developed adjacent to navigable waterways like the Willamette River. If substantial changes are proposed to the plan that will affect volumes of soil identified in the cut and fill permit, then the city would need to secure a new permit. If securing a new permit is factored into the project, then certain environmental laws that have been introduced after 2010 might inherently prohibit the footprint of the park and development of specific features. Most importantly, the existing permit is only valid until 2020—requiring the city to complete all improvements by that date, or apply for an extension from the Army Corps. **Is preserving the existing permit with minor amendments something Council would like the team to uphold moving forward?**

Parking: the current master plan doesn't call for any increased parking following Phase III development. After Phase II construction was completed, staff has seen a huge uptick in boater parking in downtown—mainly on weekends. The situation has upset business owners and is getting worse. **Is exploring alternative park features to mitigate parking issues something that Council would like the team to explore moving forward?** This could mean adding park features that encourage visitors to access the site via transit or alternative transportation modes, and deleting features that promote the use of vehicles to access the site.

Funding: If the elevated pedestrian bridge, cantilevered overlook, and temporary moorage are removed from the project, the cost to construct all other improvements are estimated to be between $3 million. However, no official budget for the project has been approved. The project

team has identified a few funding strategies described in the Budget Impacts section of this report. **Is there a particular strategy for funding that Council would like the team to explore moving forward?**

BUDGET IMPACTS
As stated, there are no budgeted funds to build the park per the approved master plan. However, staff has identified potential system development charge (SDC) funds from current projects that could be used to contribute to funding. Also, NCPRD has identified unappropriated Zone 1 SDCs in its FY 17-18 budget, which might be able to be applied to the project. Finally, staff has committed to help the District prepare an initiative for a future ballot to secure an increase from Milwaukie taxpayers to be earmarked for use of development of the park.

WORKLOAD IMPACTS
In addition to time spent by volunteer Parks Board Members and NCPRD representatives, staff from various city departments will be expected to contribute to the project's planning and implementation. This includes, but is not limited to members of the city's finance, community development, engineering, planning, and administration departments.

The Office of the City Manager will lead development of the project and take responsibility for carrying out the goal. Staff will need to engage many organizations and external stakeholders. Those already engaged include several city boards, committees, and commissions, NCPRD, Metro, Oregon Marine Board, and various environmental non-profits.

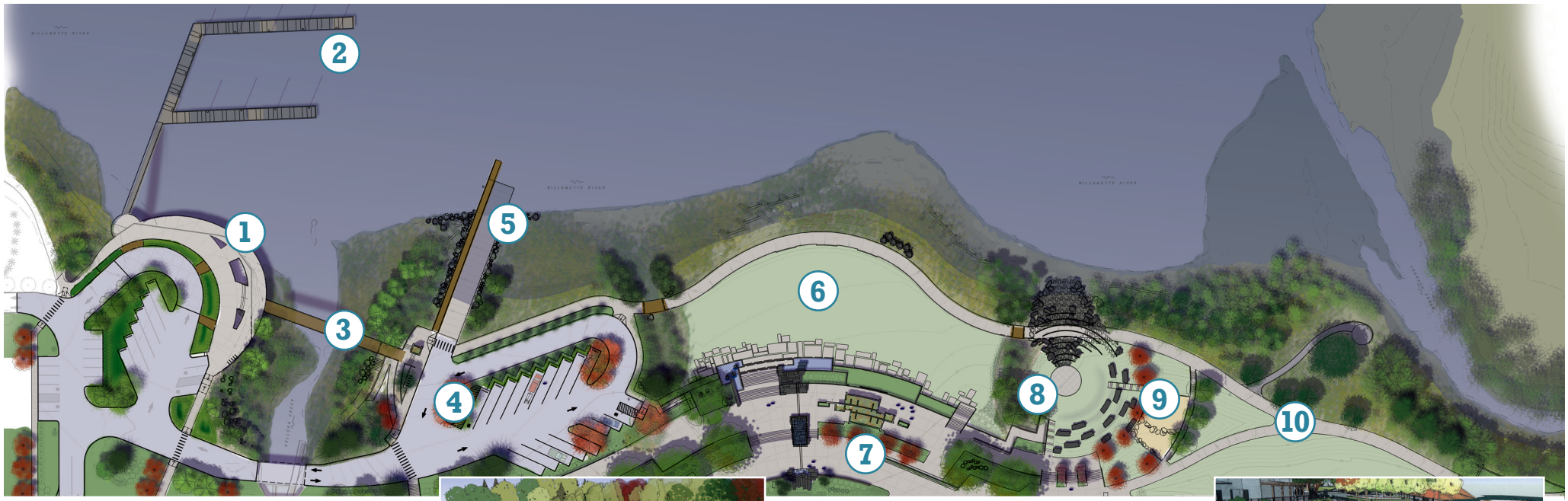
COORDINATION AND CONCURRENCE
The city engineer, NCPRD staff, and a liaison from the Parks and Recreation Board have concurred with this report and have agreed to be on the project team.

STAFF RECOMMENDATION
Staff recommends that Council provide answers to above questions, so guiding principles may be established to facilitate the goal.

ALTERNATIVES
Direct staff to develop the park making no changes to the approved master plan

ATTACHMENTS
1. 2010 Riverfront Park Brochure
2. 2012 Concept Drawings
3. 2012 Project Prospectus
4. 2017 Goal Resolution

Together, we can make it happen.



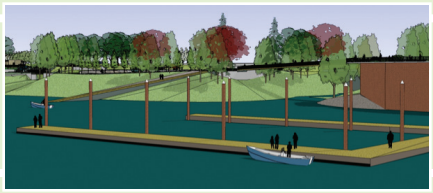
1 Kellogg Overlook

Enjoy the view of historic Milwaukie Bay, Kellogg Creek and Elk Rock Island.



2 Temporary Moorage Dock

Transient Dock for temporary tie-up of boats.



3 Pedestrian Bridge

A unique 120-foot span connects north and south park amenities and trails.



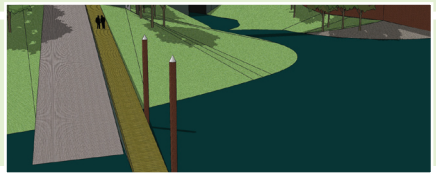
4 Parking

Parking for 20 trucks with boat trailers and 10 spaces for cars. Bike racks located north and south of Kellogg Creek.



5 Boat Launch

Single lane boat launch with adjacent non-motorized boat launch.



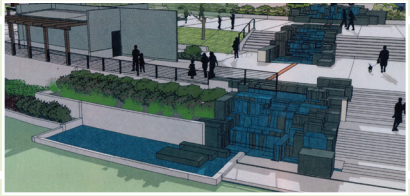
6 Great Lawn

Half an acre of open area for picnicking, games and river viewing.



7 Plaza and Fountain

Restrooms on upper level with fountain cascading into interactive pools below.



8 Amphitheater

Enjoy music and theater from 180 seats built of contoured lawn and local basalt.



9 Children's Play Area

Crafted from natural materials, playground reflects the surrounding environment.



10 Riverside Trail

Punctuated with wall seating, the walkway offers a prime river view.



Background Story

Historically, "Milwaukie Bay" — the riverfront area between Johnson and Kellogg Creeks — has been home to many marine-related uses, including a pulp and paper mill, a shingle mill, sand and gravel mining operations, a marina, a flour mill and a log boom. It was the site of the 1850 launching of the Lot Whitcomb, the first steam-powered craft built on the Willamette River.

Where We Are Today

In 2006, the City took ownership of the last two parcels between Johnson and Kellogg Creeks. It now owns all parcels north of the Kellogg Treatment Plant and south of Johnson Creek between the Willamette River and McLoughlin Blvd.

The current waterfront design came from the Downtown and Riverfront Framework,adopted into the City's Comprehensive plan in 2000. Over the past 10 years, the Riverfront Board has refined the plan, coordinated public review of the park concept and guided the plan through permitting and land use approval.

Taking Steps toward Park's Completion

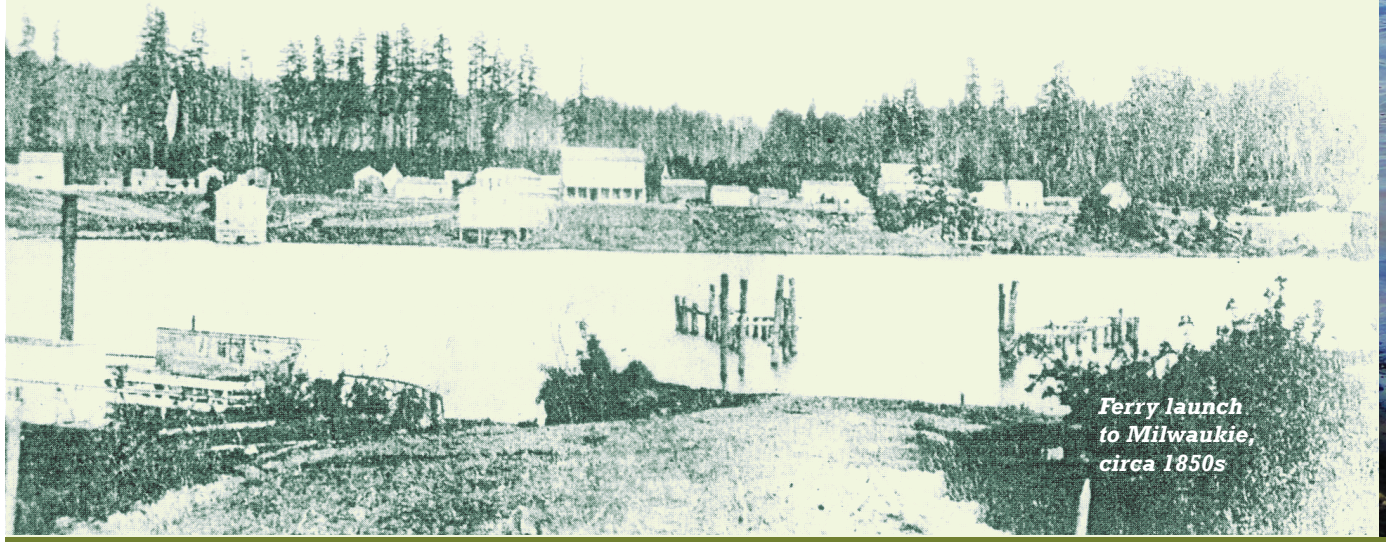
- A water line crossing the site was relocated in 2009.
- Power poles that bisect the upper portion of the park will be relocated in 2010.
- Federal, state and local approvals should be obtained by early 2011.
- Grants from state agencies will be pursued for a portion of the park but additional funds are required.



What We Still Need From You

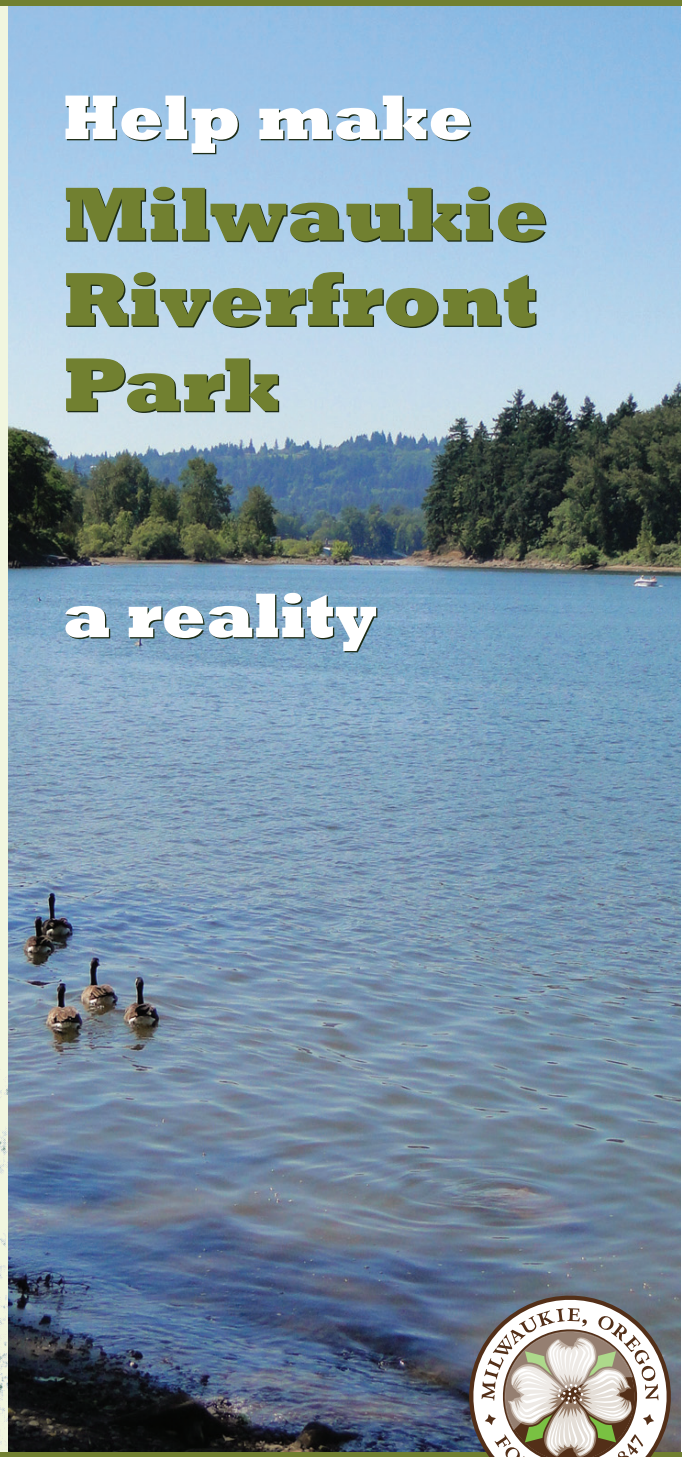
The City is seeking sponsorships for the larger cost elements of the park. Sponsors would be acknowledged with signage at the park as well as in all promotional materials generated for the park in the future.

For more information about funding opportunities, contact JoAnn Herrigel at 503-786-7508 or herrigelj@ci.milwaukie.or.us, or visit the City's Web site at www.cityofmilwaukie.org and click on the Riverfront Project link.



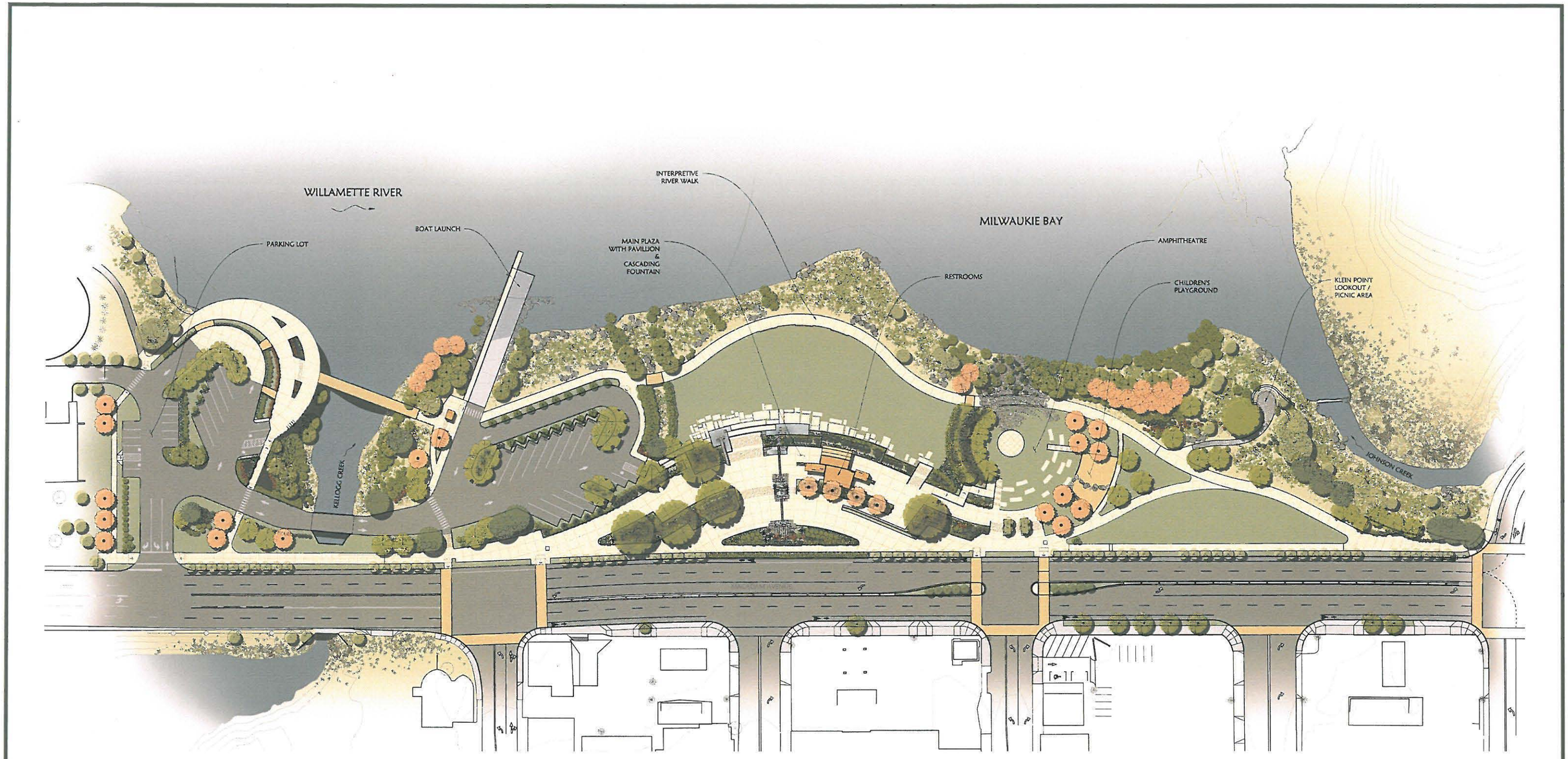
Ferry launch to Milwaukie, circa 1850s

Help make Milwaukie Riverfront Park a reality



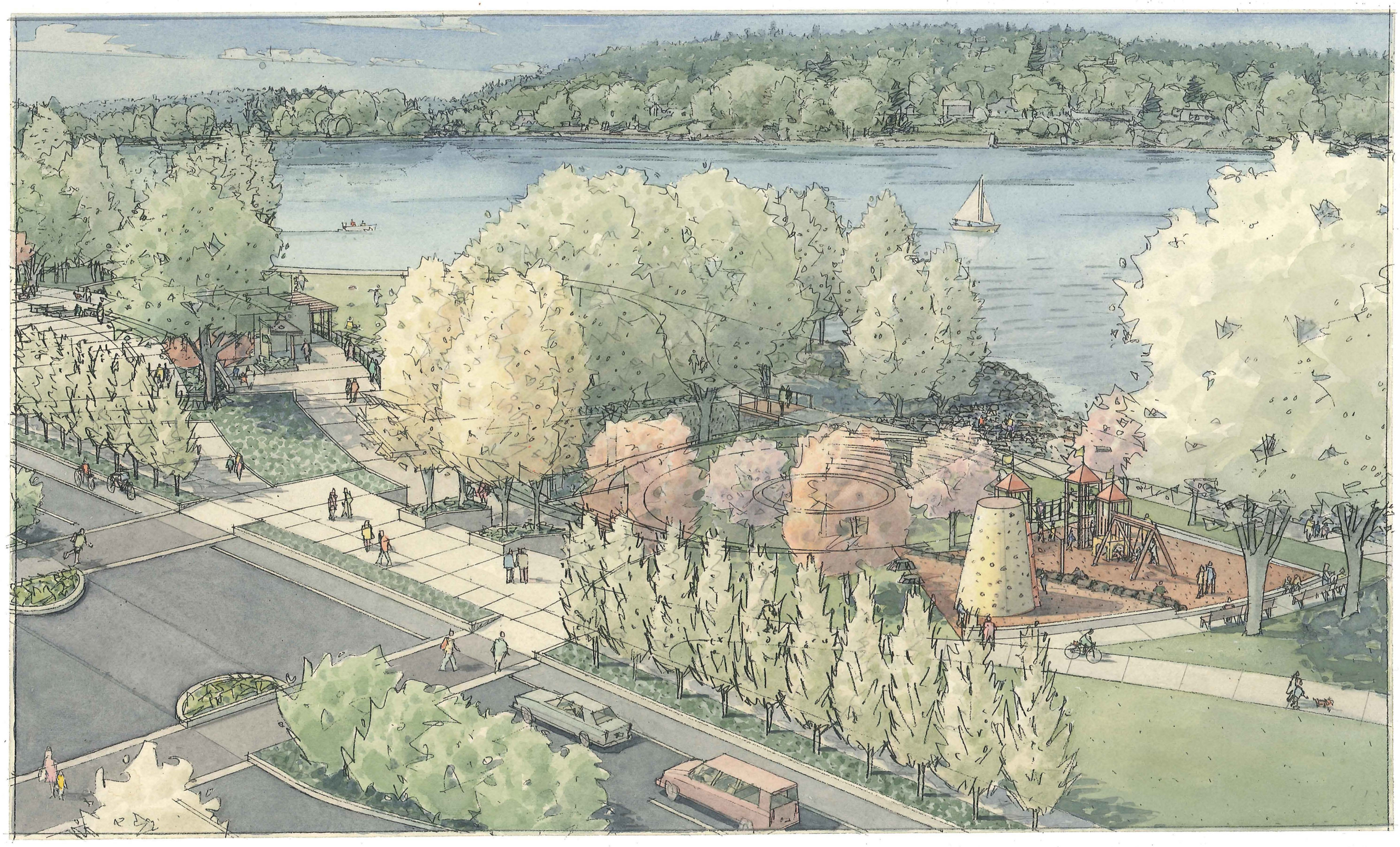
Milwaukie Waterfront Park

RS174



RIVERFRONT PARK ON MILWAUKIE BAY

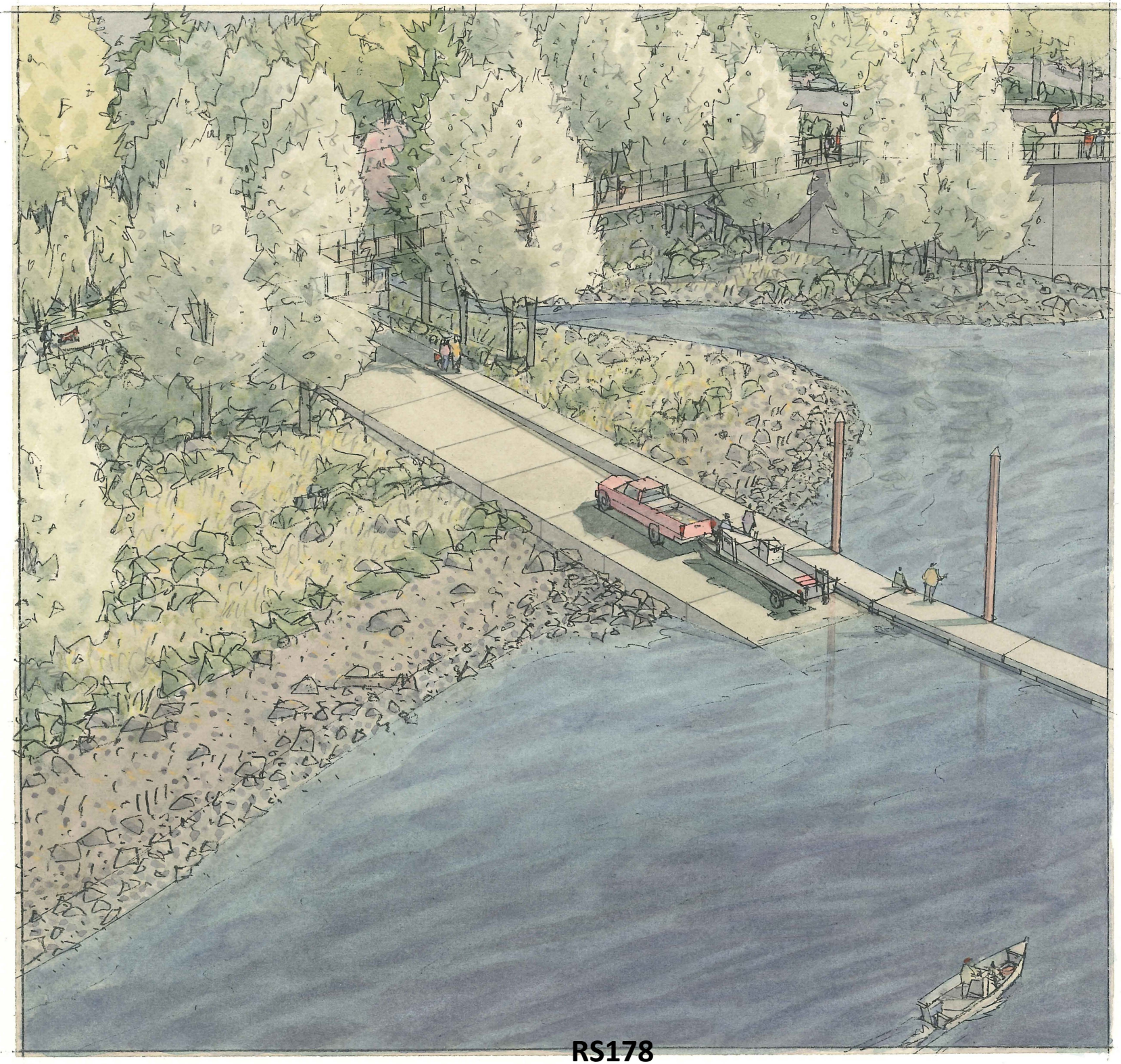
RS175



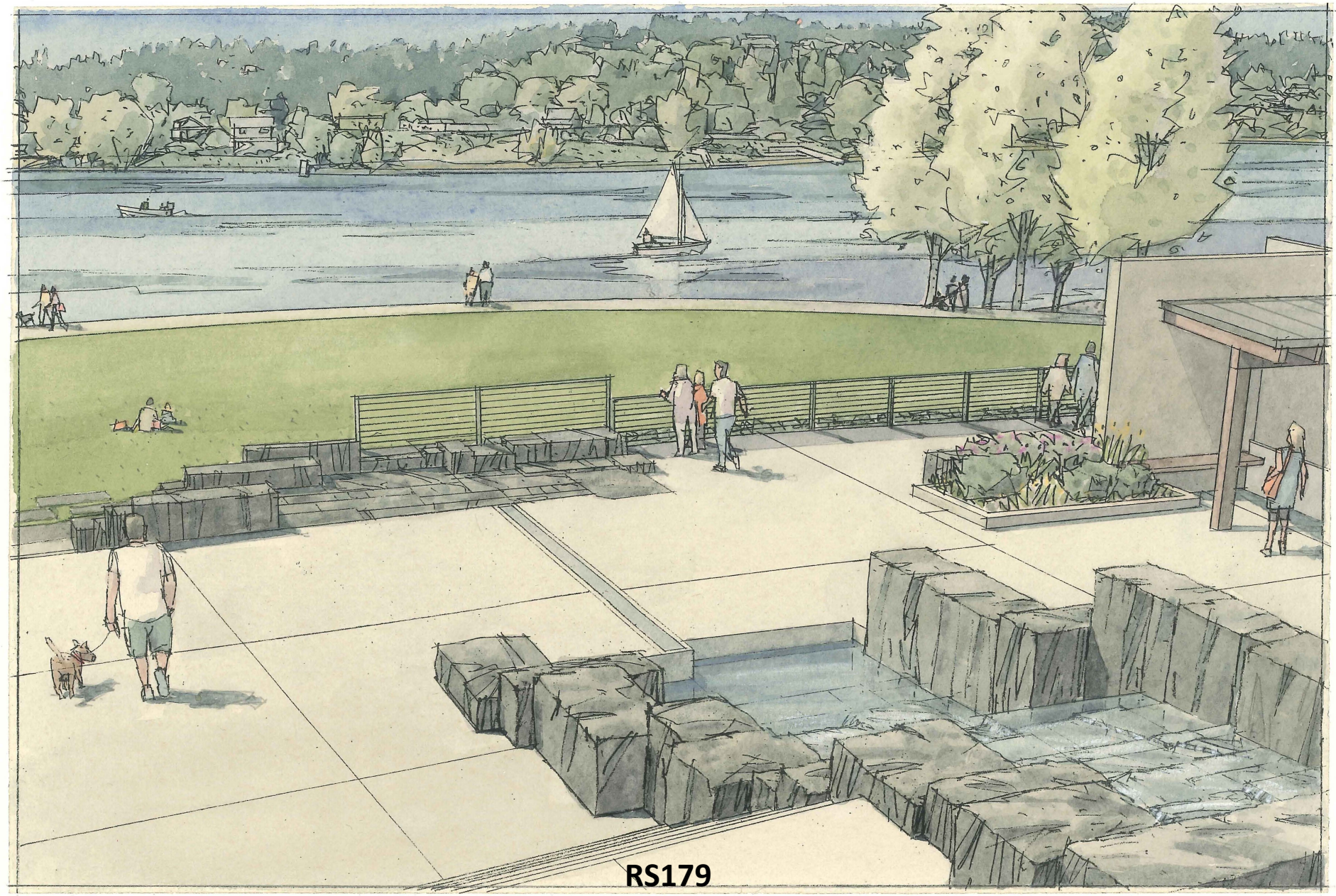
RS176



RS177



RS178



RS179

Project Developer Contact

JoAnn Herrigel, City of Milwaukie
503-786-7508 ~ herrigelj@ci.milwaukie.or.us

Campaign Steering Committee Contact

Betsy Wright, C3 Consulting
503-267-6999 ~ betsyc3pub@comcast.net

Steering Committee Members

Jonathan Nicholas, ODS Health
Mike Richardson, Dark Horse Comics
Tom Kemper, Kemper Company
Craig Van Valkenberg, Willamette View
Gary Klein, Wells Fargo (Riverfront Board Member)
David Green, CH2M Hill (Riverfront Board Member)

Consulting Team

Betsy Wright and Mark Sherman, C3 Strategies

Special Advisors to the Capital Campaign

State Rep Carolyn Tomei
Fomer State Senator Verne Duncan
Metro Councilor Carlotta Collette
Clackamas County Commissioner Jim Bernard

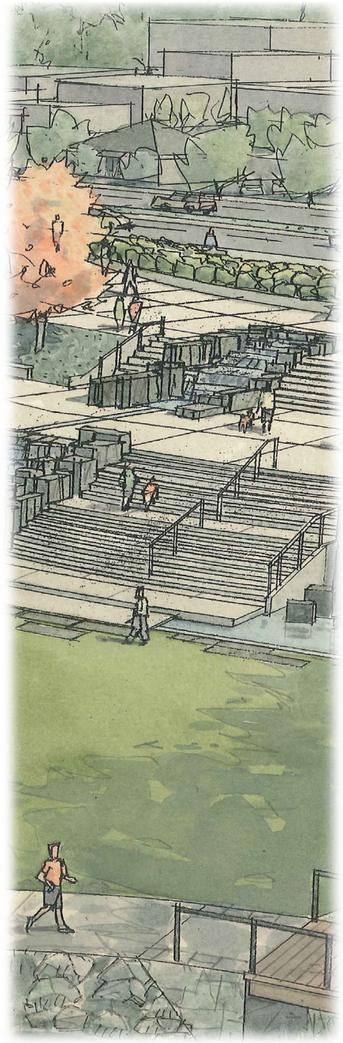
ADDENDA

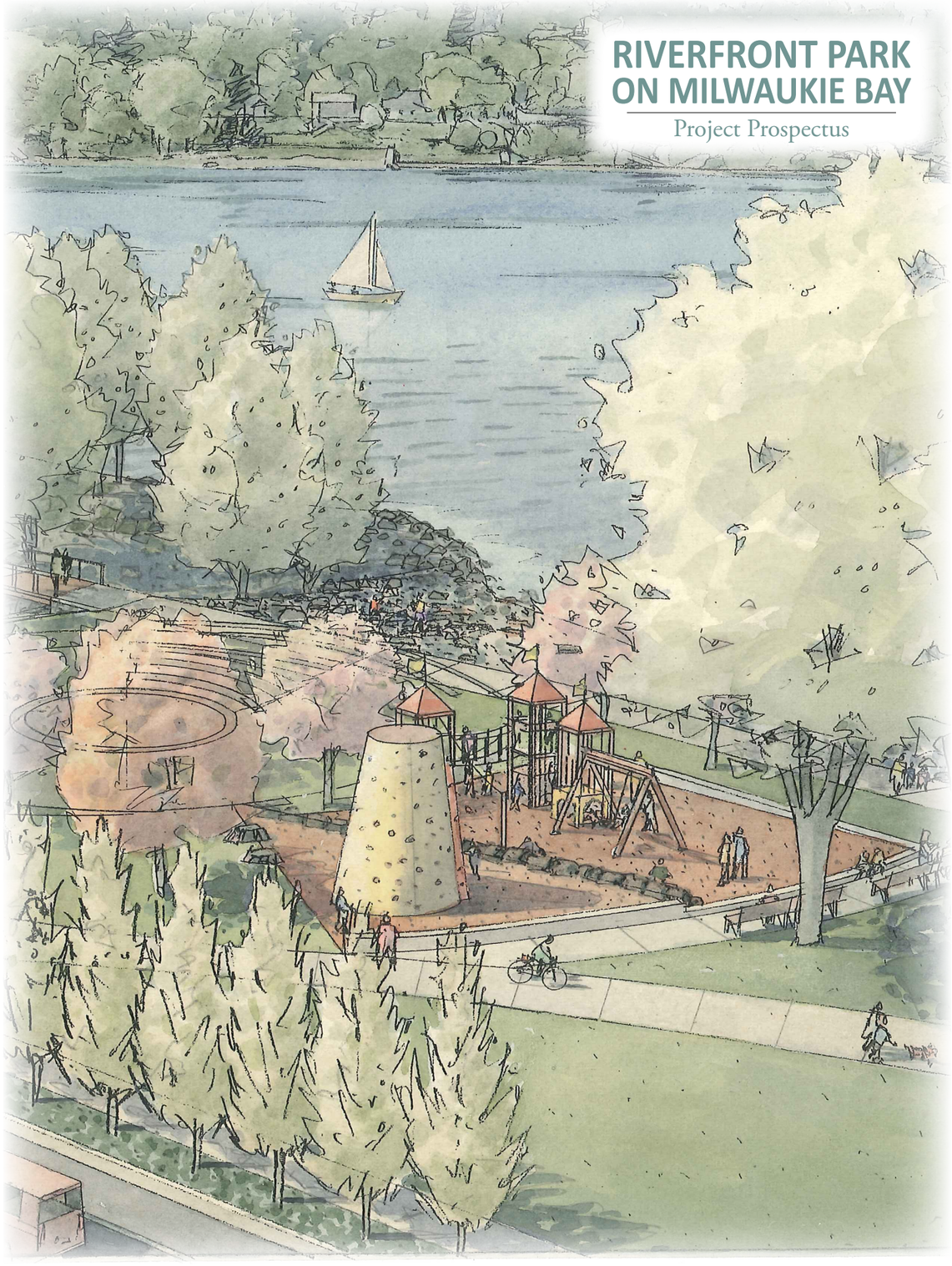
A) Site Plan
B) Artist's Renderings
- Northeast View
- Southeast View
- Plaza
- Boat Ramp

RIVERFRONT PARK
ON MILWAUKIE BAY

PROJECT PROSPECTUS

Creating a community treasure on the east bank of the Willamette

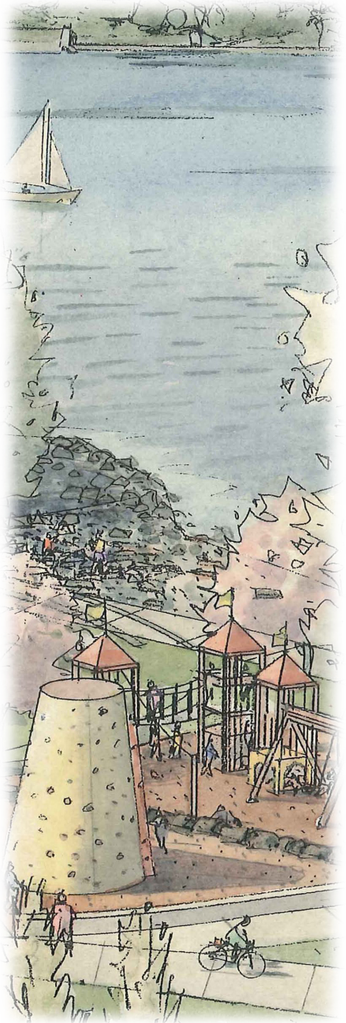




RIVERFRONT PARK
ON MILWAUKIE BAY

PROJECT PROSPECTUS

Creating a community treasure on the east bank of the Willamette



Location: Milwaukie Bay, 8.5 acres riverfront property between McLoughlin Boulevard and the Willamette River between the mouths of Johnson Creek and Kellogg Creek

Lead Project Developer: City of Milwaukie

Architect: David Evans & Associates

General Contractor: To be determined

Community Partners: Riverfront Park Capital Campaign Steering Committee (in coordination with Oregon Community Foundation); City of Milwaukie Riverfront Board

Total Project Cost: $8,750,000

Committed Funds to Date: Approximately $1,300,000

Status of Permits: City land use approvals have been issued by the Planning Commission. A Joint Permit was submitted to the Corps of Engineers in 2010 and is expected to be approved in August 2012.

Target Date for Capital Campaign Completion: June 2014

Target Date for Park Opening: Spring 2015

Project Description: While the Willamette River is among our region's greatest natural resources, the public has few opportunities to interact with and enjoy the river. We now have the rare opportunity to transform eight-and-a-half verdant acres of Willamette riverfront land into a community treasure—a Riverfront Park on Milwaukie Bay.

Transforming this prime land into public greenspace will offer fresh opportunities to enjoy recreation amid the scenic beauty of Milwaukie Bay. The site is just "upstream" from Waverley Country Club, north from Elk Rock Island and directly across the river from Portland's Dunthorpe neighborhood and wooded hillsides. Milwaukie's rapidly revitalizing city center is a short walk away.

Tens of thousands of people live or work within a 15-minute travel radius from Milwaukie Bay. The park on Milwaukie Bay is expected to attract not only local citizens but visitors who are seeking riverfront fun, recreation and activities of all kinds. With an easily accessible location, ample parking and special riverfront amenities, the new park will become a favored destination for people throughout the region and a center of civic life.

Park Amenities

The park's planned amenities represent the core values of our community - promoting health, quality of life and creating new opportunities for fitness, recreation, social and civic engagement. Visitors of all ages and abilities will find something to enjoy, including:

- A new access point to the Willamette River. The new park's ***Boat Launch*** will support motorized and non-motorized recreational traffic and sport fishing that draws anglers to a prime salmon fishing location.
- An open air ***Amphitheater***, a new performance venue for cultural arts events with seating for 250.
- An attractive, multi-use ***Main Plaza*** for festivals and public gatherings for up to 1,500. This open space will be accented by a pavilion and cascading fountain.
- A state-of-the-art ***Children's Playground*** designed for toddlers to twelve year-olds.
- A scenic ***Interpretive River Walk***, engaging visitors with insightful connections between our region's historic populations and the Willamette.

Sources of Capital Campaign Funds

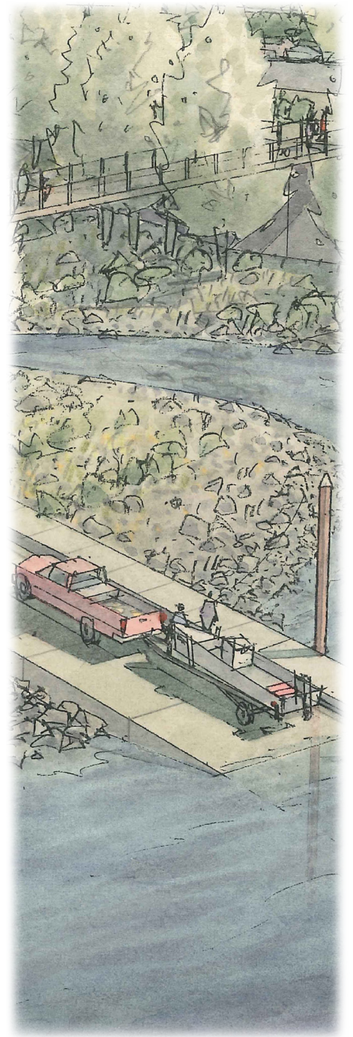
Tax-deductible gifts may be made to the Riverfront Park Fund of Oregon Community Foundation

Gift Chart	Estimated Totals
Naming opportunities (5 or 6 gifts)	**$2,550,000**
Plaza & Pavillion (1 or 2 gifts)	1,000,000
Boat Ramp	500,000
Theatre	350,000
Children's Playground	250,000
Klein Point - committed	250,000
Interpretive River Walk	200,000
Public Funding	**$4,100,000**
City of Milwaukie - $1 million committed	
Oregon Marine Board, Oregon	
Parks & Recreation - TBD	
Other Grant Opportunities - TBD	
Major Gifts	**$1,100,000**
4 @ $100,000	400,000
8 @ $50,000	400,000
30 @ $15,000	300,000
Private Foundation Grants	**$600,000**
Public campaign gifts $200 up to $15,000	**$400,000**
TOTAL	**$8,750,000**

RIVERFRONT PARK
ON MILWAUKIE BAY

PROJECT PROSPECTUS

Creating a community treasure on the east bank of the Willamette



CITY OF MILWAUKIE
COUNCIL **RESOLUTION No.** 52–2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING COUNCIL GOALS FOR THE 2017-2018 BIENNIUM.

WHEREAS, the Council periodically establishes goals to guide its actions in carrying out the business of the City; and

WHEREAS, the Council considered and identified its goals at several sessions throughout the winter and spring of 2017; and

WHEREAS, the Council worked with staff to prioritize and identify three goals to be worked toward during the 2017-2018 Biennium period, which ends on June 30, 2018.

GOAL 1: HOUSING:

WHEREAS, Milwaukie is in a housing state of emergency; and

WHEREAS, the Draft Milwaukie 2040 Vision calls for all residents to have affordable housing; and

WHEREAS, Milwaukie and the Metro Region are currently experiencing record low rental vacancies and extreme housing affordability issues generally, which are causing displacement, disruption of lives and in some cases homelessness.

Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the City Manager is hereby directed to take every opportunity to address this housing crisis, including finding and working with partners to add new affordable housing units, and to encourage the private market to develop housing options that are affordable for Milwaukians at every income level and stage of life.

GOAL 2: CLIMATE CHANGE ACTION:

WHEREAS, Climate Change is the single largest threat to the future citizens of Milwaukie; and

WHEREAS, the Draft Milwaukie Vision calls for Milwaukie to become a Net Zero City by the year 2040 as our contribution towards forestalling the worst effects of climate change.

Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the City Manager is hereby directed to begin the process of addressing climate change in the city of Milwaukie and to create the Milwaukie Climate Action Plan and to establish the city's current carbon foot print as first steps toward dramatically reducing the City's carbon impact.

GOAL 3: COMPLETION OF MILWAUKIE BAY PARK:

WHEREAS, Milwaukie Bay Park is our most prominent park and remains incomplete; and

WHEREAS, the citizens of Milwaukie called for its completion in the Draft Vision Action Plan.

Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the City Manager is hereby directed to work with North Clackamas Parks and

Recreation Department (NCPRD) and our Parks and Recreation Board (PARB) to explore potential changes to the current master plan and to prioritize the accumulation of funding necessary to complete Milwaukie Bay Park by 2022.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the following City Council goals are adopted for the 2017-2018 Biennium:

- Housing;
- Climate Change Action;
- Completion of Milwaukie Bay Park.

Introduced and adopted by the City Council on **May 2, 2017**.

This resolution is effective immediately.

Mark Gamba, Mayor

ATTEST:

Scott S. Stauffer, City Recorder

APPROVED AS TO FORM:
Jordan Ramis PC

City Attorney

MILWAUKIE CITY COUNCIL
Office of the City Recorder

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

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: GARY E. KLEIN

Organization:

Address: 10795 SE RIVERWAY LANE, 97222
Phone: 503/654-1256 & C 503/780-2294
Email:

Meeting Date: 7-5-2017 **Topic:** MILWAUKIE BAY PARK

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☐ #5 Public Hearing, Topic:
- ☒ #6 Other Business, Topic: "E" MILWAUKIE BAY PARK

You are Speaking...

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

Comments:



Milwaukie Bay Park

“Refining the Master Plan”



Project Team

- **Ann Ober** – City of Milwaukie
- **Mitch Nieman** – City of Milwaukie
- **Chuck Eaton** – City of Milwaukie
- **Ben Johnson** – Milwaukie PARB
- **Kathryn Krygier** – NCPRD
- **Scott Archer** – NCPRD



Existing Conditions/Project Milestones

- 1997 - 2004 – land acquisition, site prep
- 2000 – Downtown Plan approved
- 2006 – Concept Plan approved
- 2010 – Master Plan approved
- 2011 – Klein Point dedicated
- 2012 – Phase I construction completed
- 2014 – Army Corps Permit approved
- 2015 – Phase II construction completed
- 2016 – Bridge and beach repair
- 2017 – Council adopts Phase III goal



Compatibility with Downtown Plans

- Milwaukie "gateway to the city"
- City's "living room"
- Event opportunities "the place for events"
- Safe bike and pedestrian access
- South Downtown Plaza
- Leverage downtown visitors



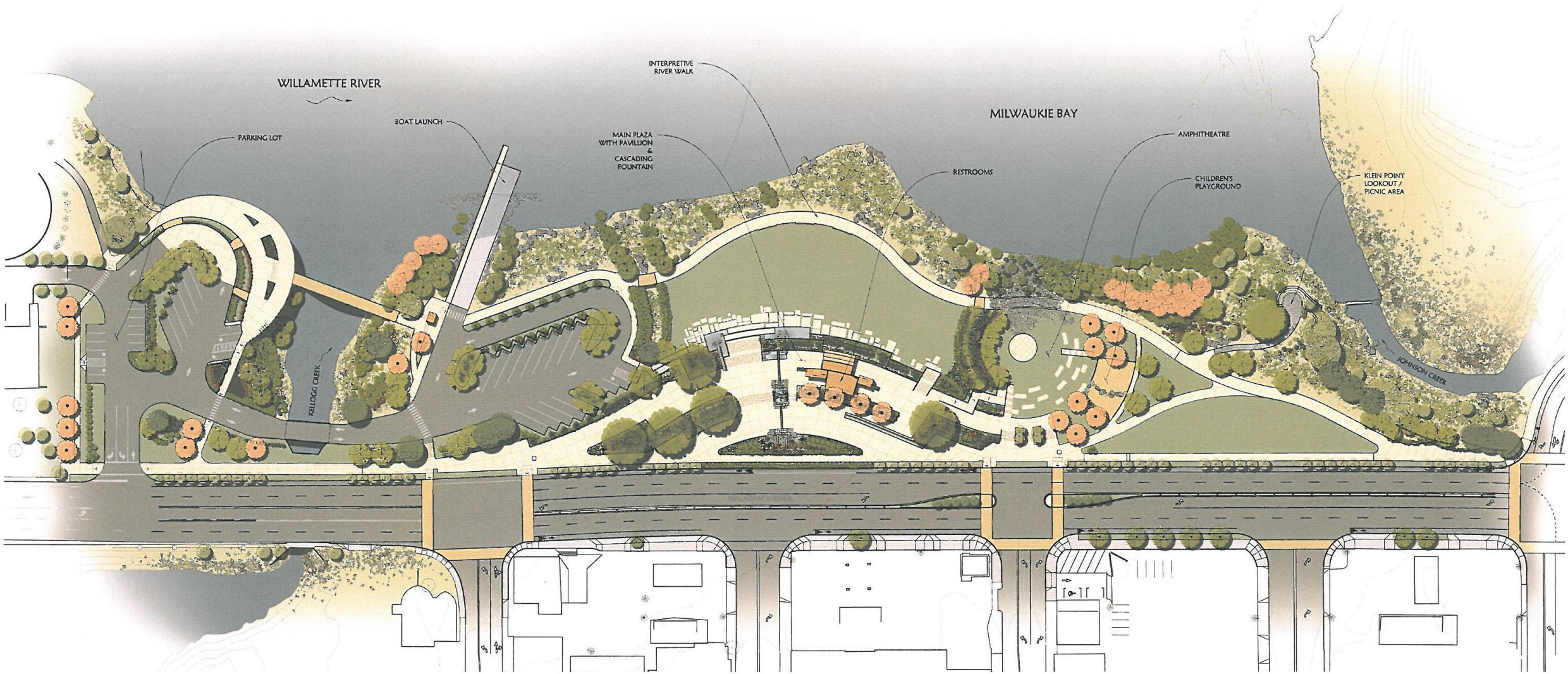
Issues for Discussion/Guiding Principles

- Local and regional attraction
- Park features
- Pedestrian access from all areas
- Activities and programming
- Viewshed
- Open space
- Permitting
- Parking
- Funding



Clarification on known issues

- Coastal Redwood: **save or not save?**
- Cantilevered Overlook: **build or not build?**
- Temporary Moorage Docks: **install or not install?**
- Elevated Pedestrian Bridge: **included in repair**

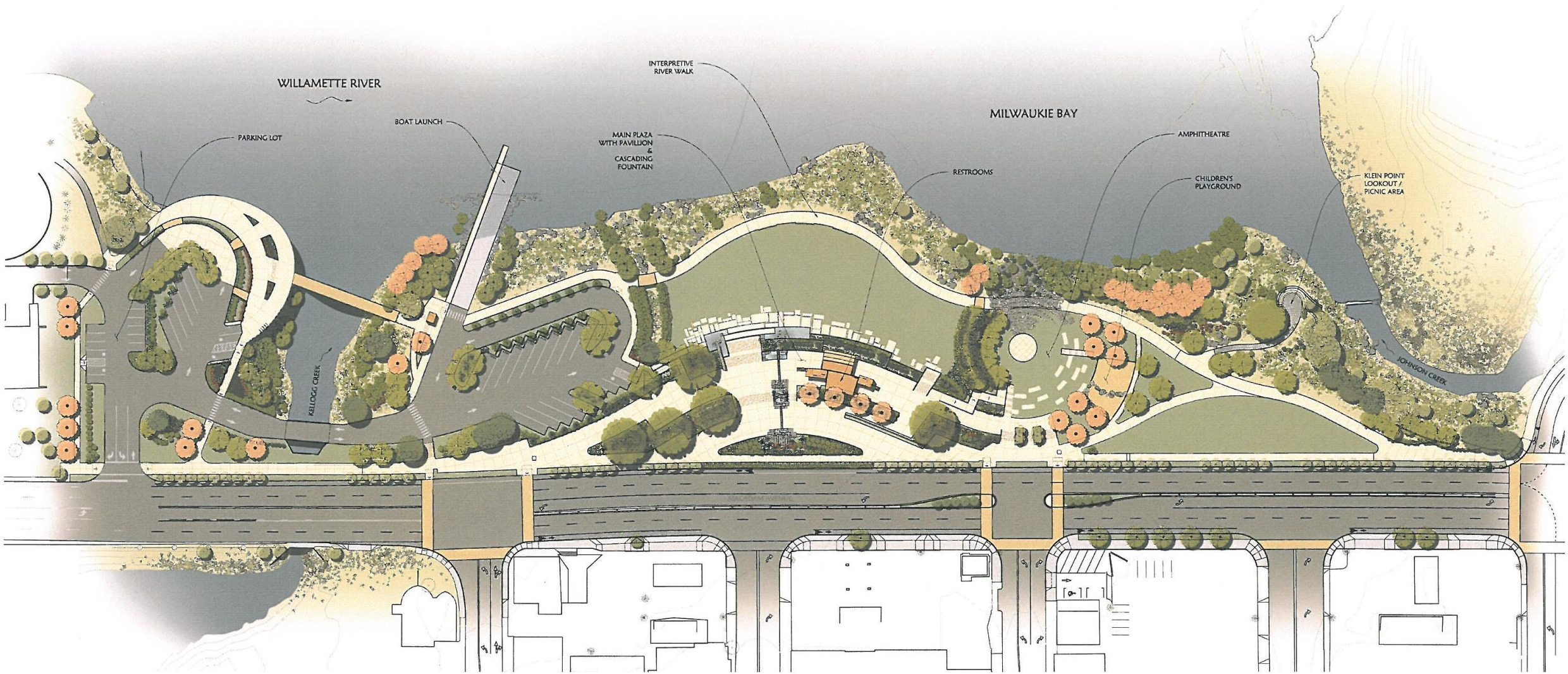

WILLAMETTE RIVER
INTERPRETIVE RIVER WALK
MILWAUKIE BAY
BOAT LAUNCH
PARKING LOT
MAIN PLAZA WITH PAVILLION & CASCADING FOUNTAIN
RESTROOMS
AMPHITHEATRE
CHILDREN'S PLAYGROUND
KLEIN POINT LOOKOUT / PICNIC AREA
KELLOGG CREEK
JOHNSON CREEK
MACADAM AVENUE





Input required for known issues

- Park Features – connection to **WES trail**
  - Critical linkage? yes or no
- Park Features – **amphitheater**
  - Are location and size important? yes or no
  - What is the purpose? movies or music, or both
  - Dominant feature from 99-E? yes or no

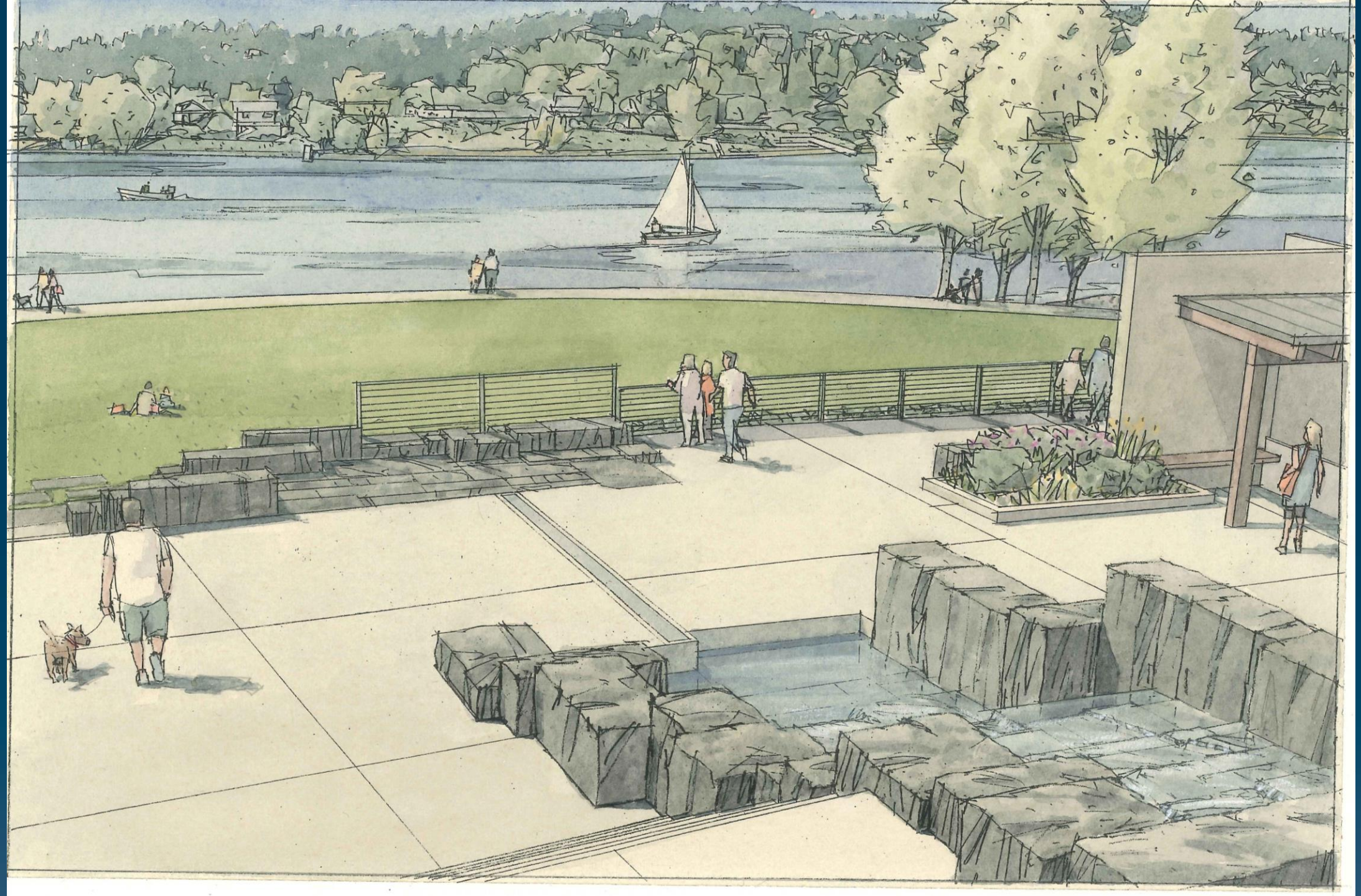

WILLAMETTE RIVER
INTERPRETIVE RIVER WALK
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BOAT LAUNCH
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MAIN PLAZA WITH PAVILLION & CASCADING FOUNTAIN
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JOHNSON CREEK
MACADAM AVENUE

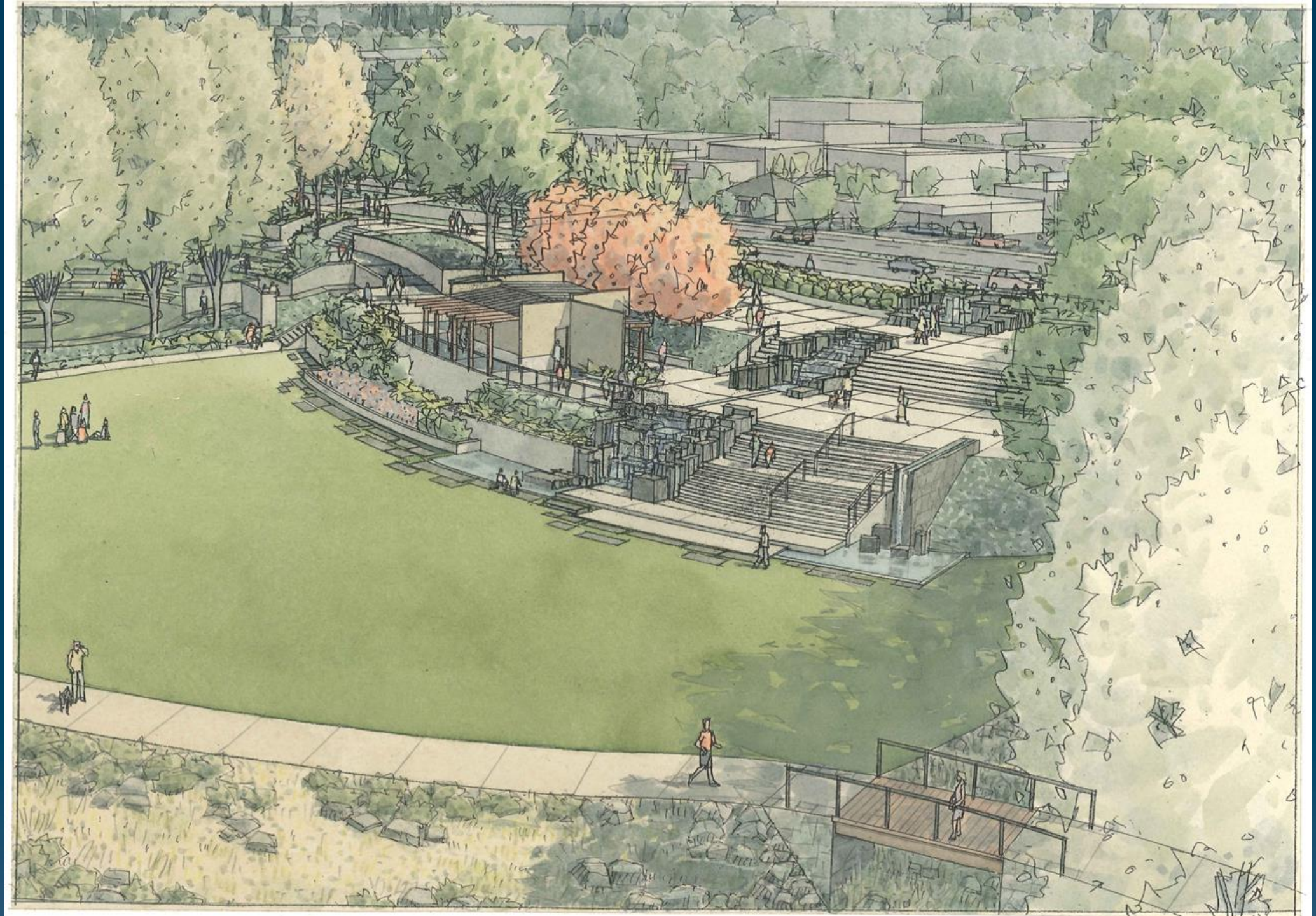




Input required for known issues

- Park Features – **water fountain** or **splash pad**?
  - Are location and size important? yes or no
  - Dominant feature from 99-E? yes or no
- Park Features – **playground area**
  - Nature play? yes or no
  - Traditional or modern? yes or no
  - Dominant feature from 99-E? yes or no






LIBRARY







Input required for known issues

- Activities and programming
  - Is there a desired list of **activities** and **programs** that will help guide design principles moving forward?
    - Recreation
    - Community gathering
    - Tourism (destination-based)



Input needed to “refine” Master Plan

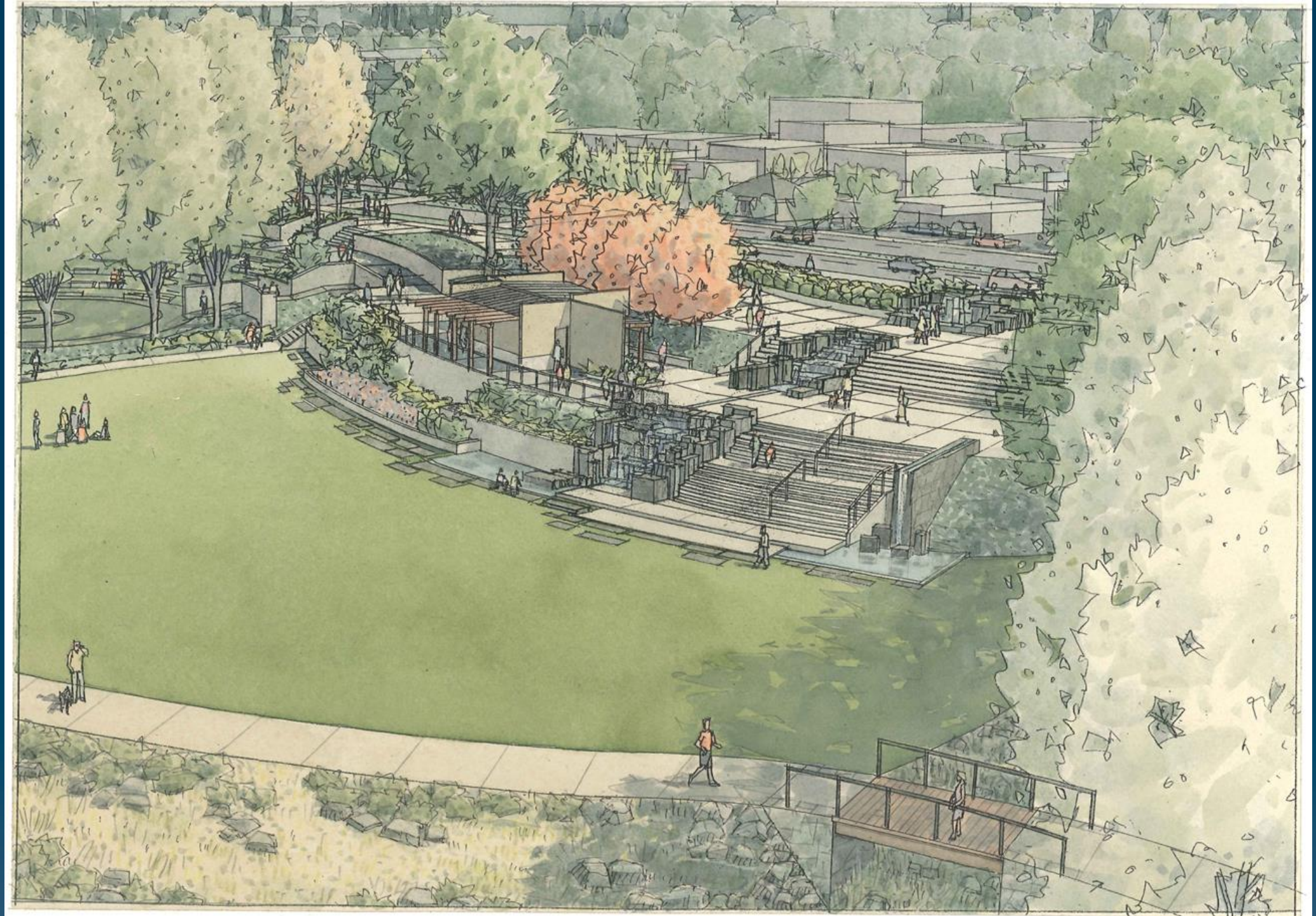
- <u>Viewshed</u>
  - Is **tree location** something to address moving forward?
  - Is viewshed **more important** than areas of high concentration of shade?
  - Should trees be the **only method** of providing shade?





Input needed to "refine" Master Plan

- <u>Open Space</u>
  - Eliminate as much grass as possible or "break up" areas with native plantings to **mitigate goose intrusion**?
  - Keep existing ratios of grassy areas to provide for **active play areas**?
  - **Combination** of above (flexible space)?





Input needed to “refine” Master Plan

- <u>Permitting</u>
  - Army Corps permit good until 2020
    - Focus on **preserving the existing permit** with minor amendments?



Input needed to “refine” Master Plan

- <u>Parking</u>
  - Explore **alternative park features** to mitigate parking issues moving forward?



Input needed to “refine” Master Plan

- <u>Funding</u>
  - Explore a particular **funding strategy** moving forward?
    - SDCs
    - Bond Measure
    - NCPRD Increase



Next Steps

- Continue to define guiding principles
  - Return to Council with refined plan
- Research funds for design assistance
  - NCPRD 17-18 Budget
  - Grants
  - City Supplemental Budget

MILWAUKIE BAY
WILLAMETTE RIVER
KELLOGG CREEK
KLEIN POINT
ARCHAEOLOGICAL
SITE
AMPHITHEATRE
CHILDREN'S
PLAYGROUND
RESTROOMS
INTERPRETIVE
RIVER WALK
MAIN PLAZA
WITH PAVILION &
CASCADING
FOUNDTAIN
BOAT LAUNCH
PARKING LOT

Questions?

CITY OF MILWAUKIE