



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2310th Meeting**AGENDA**

MARCH 3, 2020

Note: times are estimates and are provided to help those attending meetings know when an agenda item will be discussed. Times are subject to change based on Council discussion. **Page #**

1. CALL TO ORDER (6:00 p.m.)**A. Pledge of Allegiance****7. INFORMATION – Announcements (6:01 p.m.)**

Council will announce upcoming events and activities. **NOTE:** this item has been moved up the agenda.

2. PROCLAMATIONS AND SPECIAL REPORTS**A. League of Women Voters 100th Anniversary – Proclamation (6:05 p.m.) 2**

Presenters: League of Women Voters of Clackamas County

B. Women's History Month – Proclamation (6:15 p.m.) 3

Presenters: Milwaukie Historical Society

3. CONSENT AGENDA (6:25 p.m.)

Consent items are routine matters that are not discussed during the meeting; they may be approved in one blanket motion and any Councilor may remove an item from the Consent Agenda for separate consideration.

A. Approval of Council Meeting Minutes of: 5

1. February 4, 2020, Work Session, and
2. February 4, 2020, Regular Session.

B. Reappointments to City Boards and Committees – Resolution 12**C. Approval of Library Fines Amnesty Week – Resolution 16****D. Renewal of a Property Tax Exemption for Northwest Housing Alternatives – Resolution 20****E. Authorization of a Contract for the South Phase of the Meek Street Stormwater Project – Resolution 38****4. AUDIENCE PARTICIPATION (6:30 p.m.)**

To address Council, complete a comment card and submit it to staff. The Mayor will call for comments regarding City business. Per the Milwaukie Municipal Code (MMC) only issues that are “not on the agenda” may be raised; issues that await a Council decision and for which the record is closed may not be discussed; “all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition.” The presiding officer may limit the time permitted for comments and may request that a spokesperson be selected for a group of persons wishing to speak. **The public is also invited to make comments in writing and may submit comments before the meeting, by mail, e-mail, or in person to City staff.**

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

A. 2019 Volunteer of the Year Award Selection – Discussion (6:35 p.m.) 44

Staff: Jason Wachs, Community Engagement Coordinator

B. City Hall Blue Ribbon Committee Appointments – Resolution (7:05 p.m.) 46

Staff: Alison Wicks, Development Project Manager, and
Scott Stauffer, City Recorder

C. Comprehensive Plan Implementation Committee (CPIC) Appointments – Resolution (7:20 p.m.) 49

Staff: Vera Kolias, Associate Planner

D. Municipal Court Amnesty Program – Discussion (7:35 p.m.) 54

Staff: Bonnie Dennis, Finance Director, and
Carla Bantz, Court Operations Supervisor

E. Council Input on Legislative and Regional Issues – Resolution (8:05 p.m.) 56

Staff: Kelly Brooks, Assistant City Manager

7. INFORMATION – Council Reports (8:25 p.m.)

The Council and City Manager will provide reports on City projects and programs.

8. ADJOURNMENT (8:30 p.m.)

Americans with Disabilities Act (ADA) Notice

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Executive Sessions

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

Meeting Information

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



COUNCIL REGULAR SESSION

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

2310th Meeting

MINUTES

MARCH 3, 2020

Mayor Mark Gamba called the Council meeting to order at 6:04 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks
Associate Planner Vera Kolias
City Attorney Justin Gericke
City Manager Ann Ober
City Recorder Scott Stauffer

Community Development Director Leila Aman
Court Operations Supervisor Carla Bantz
Development Project Manager Alison Wicks
Finance Director Bonnie Dennis
Library Director Katie Newell

1. CALL TO ORDER

Pledge of Allegiance.

7. Information – Announcements

Mayor Gamba explained that Council would try out a revised agenda order with announcements at the beginning. He announced upcoming events, including a black history month lecture, Johnson Creek and Minthorn Springs clean-up events, and an open house for the 22nd Avenue and River Road Safe Access for Everyone (SAFE) project. **Councilor Batey** noted a garden discovery day at the Milwaukie Center. **Mayor Gamba** added that United States Senator Jeff Merkley would hold a town hall event at Camp Withycombe in Clackamas County.

2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

A. League of Women Voters (LWV) 100th Anniversary – Proclamation

Marge Easley, LWV Clackamas County, discussed the LWV's 100th anniversary and presented a video. (View the video online at <https://vimeo.com/390036985>). **Mayor Gamba** and **Ms. Easley** discussed the LWV's support for a ranked choice voting system. **Mayor Gamba** proclaimed March to be League of Women Voters' Month.

B. Women's History Month – Proclamation

Michelle Hemer, **Haley McCoy**, and **Linda Carr**, Milwaukie Historical Society representatives, discussed women's history and presented biographical sketches of several Milwaukie women. They noted the historical society's upcoming black history month lecture. **Mayor Gamba** proclaimed March to be Women's History Month.

3. CONSENT AGENDA

It was moved by Council President Falconer and seconded by Councilor Hyzy to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. February 4, 2020, Work Session; and
2. February 4, 2020, Regular Session.

- B. Resolution 13-2020: A Resolution of the City Council of the City of Milwaukie, Oregon, making appointments to city boards and committees.
- C. Resolution 14-2020: A Resolution of the City Council of the City of Milwaukie, Oregon, establishing a library fine amnesty week from April 19 through April 25, 2020, in recognition of National Library Week.
- D. Resolution 15-2020: A Resolution of the City Council of the City of Milwaukie, Oregon, granting an exemption from property taxes under Oregon Revised Statute (ORS) 307.540 to ORS 307.548 for a 28-unit low-income housing development, WALSH Commons, owned and operated by Northwest Housing Alternatives (NHA), Inc.
- E. Resolution 16-2020: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract for the construction of the Meek Street pipeline installation south phase (CIP-2016-Y11) to Tapani Inc.

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

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the public comment procedures. **Ms. Ober** reported that in follow-up to the February 18 audience participation, staff had not received any information about young adults being ticketed for riding skateboards in Milwaukie. In addition, staff met with Laura Chapman, Milwaukie resident, who expressed concern about sections of the Milwaukie Police Employee Association (MPEA) contract.

5. PUBLIC HEARING

A. None Scheduled.

6. OTHER BUSINESS

E. Council Input on Legislative and Regional Issues – Resolution (moved up agenda)

Kari Schlosshauer, Safe Routes to School (SRS) Regional Policy Manager, discussed an opportunity for the city to partner with SRS to support safety projects that may be included in Metro’s regional transportation bond measure. She explained the concept of a regional youth pass program that would provide free transit passes to all youth 18 years of age and under. She agreed to send Council information on Portland’s youth pass program.

The group noted online surveys being conducted to gauge support for the bond measure and the youth pass program.

Mayor Gamba remarked on the benefits of the youth pass program and expressed support for asking Metro to add it to the bond measure. **Ms. Schlosshauer** reported that SRS was looking for partners to endorse the request to Metro.

Councilor Hyzy and **Council President Falconer** commented on the need to connect youth across the region to better transit options. They expressed support for asking Metro to include youth passes in the bond measure. **Mayor Gamba** read the resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF A REGIONAL UNIVERSAL YOUTHPASS FOR ALL YOUTH AGES 18 AND UNDER IN METRO’S REGIONAL TRANSPORTATION INVESTMENT MEASURE.

WHEREAS, YouthPass is a program that provides Portland Public School students free access to TriMet transit service in lieu of a traditional school bus system; and

WHEREAS, each day, more than 200,000 youth in the region need to get to school, visit family and friends, attend events and meetings, receive medical care, get to jobs, visit libraries, participate in extracurricular activities and sports, and more; and

WHEREAS, over 60% of all students have indicated that access to a free YouthPass would increase their ability to attend school, activities, leadership opportunities, medical appointments, and employment opportunities; and

WHEREAS, 85% of Portland metro area high schools have one or more transit lines running directly outside the school campus or have transit lines within a half-mile or 10-minute walk of campus, including those in Milwaukie; and

WHEREAS, YouthPass is a critical program that builds the next generation of transit riders while reducing congestion and carbon pollution across the region; and

WHEREAS, as a region, we are not meeting our regional goals on transit ridership and climate emissions reductions; and

WHEREAS, getting more people on transit is one of the easiest ways to reduce our carbon emissions from transportation; and

WHEREAS, the Regional Universal YouthPass program will help address the trend of declining transit ridership and build future transit riders; and

WHEREAS, the Regional Universal YouthPass program provides the most benefit when it is made available year-round to all youth age 18 and under in the metro region, regardless of a student's financial, social, or school status; and

WHEREAS, the Regional Universal YouthPass program builds on Portland's existing YouthPass program and funding model, and incorporates existing TriMet commitments related to student rider pass funding programs; and

WHEREAS, the cost of the Regional Universal YouthPass program is based on ridership levels that reflect lost fare revenue as determined by actual card use verified by TriMet's HOP card usage in a manner like the annual pass program for employers; and

WHEREAS, the cost of the Regional Universal YouthPass program is estimated at approximately \$3 million per year, which represents double the existing program usage and usage by private school students, youths out-of-school, and unhoused youth; and

WHEREAS, Metro's Transportation Measure Task Force and the Metro Council have approved approximately \$5 million for "youth fare affordability" in the region.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the Metro Regional Government is asked to include a Regional Universal YouthPass program for all youth age 18 and under in the Metro Regional Transportation Investment Measure.

It was moved by Councilor Parks and seconded by Council President Falconer to approve the resolution in support of a Regional Universal YouthPass for all youth ages 18 and under in Metro's regional transportation investment measure. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

Resolution 17-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF A REGIONAL UNIVERSAL YOUTHPASS FOR ALL YOUTH AGES 18 AND UNDER IN METRO'S REGIONAL TRANSPORTATION INVESTMENT MEASURE.

A. 2019 Volunteer of the Year Award Selection – Discussion

Mr. Wachs provided an overview of the volunteer of the year award, noting past winners, the nomination process, selection criteria, and how the winner would be recognized. Council participated in two rounds of voting and **Mr. Stauffer** announced that Lisa and Stephan Lashbrook were the 2019 volunteers of the year.

Council thanked all of Milwaukie's volunteers. They noted that nominated individuals could be nominated for the award again in future years.

B. City Hall Blue Ribbon Committee (CHBRC) Appointments – Resolution

Ms. Wicks reviewed the role of the CHBRC and provided an overview of the member recruitment and interview process. She noted that Council needed to identify a member to sit on the committee. **Councilor Parks** expressed interest in serving and it was Council consensus that she would be the Council liaison to the CHBRC.

It was moved by Councilor Batey and seconded by Council President Falconer to approve the resolution making appointments to the City Hall Blue Ribbon Committee. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 18-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING APPOINTMENTS TO THE CITY HALL BLUE RIBBON COMMITTEE.

The group remarked on the high quality of applicants who had applied to the CHBRC and Comprehensive Plan Implementation Committee. They encouraged applicants not appointed to a committee to look for other volunteer openings.

C. Comprehensive Plan Implementation Committee (CPIC) Appointments – Resolution

Ms. Kalias reviewed the role of the CPIC in the Comprehensive Plan review process. She provided an overview of the recruitment and interview process and reported that some CPIC nominees had also served on the Comprehensive Plan Advisory Committee.

The group discussed who should be Council liaison to the CPIC. **Councilor Batey** expressed interest and it was Council consensus that she would be the Council liaison to CPIC, with Mayor Gamba and Council President Falconer as alternates.

It was moved by Councilor Batey and seconded by Council President Falconer to approve the resolution appointing members to the Comprehensive Plan Implementation Committee. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 19-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING MEMBERS TO THE COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE (CPIC).

D. Municipal Court Amnesty Program – Discussion

Ms. Dennis explained that a court fines amnesty program would offer a way for individuals with parking or traffic violations to pay off their debt. She, **Councilor Batey**,

and **Ms. Bantz** noted the process and timeline of a fine being sent to a collections agency after failing to appear in court.

Ms. Dennis reported that the city had 4,000 individuals referred to the collection agency for the repayment of fines totaling \$5 million and dating as far back as 2006. She noted that \$3.2 million of the fines were for parking and traffic violations. **Mayor Gamba** and **Ms. Bantz** noted that the fines due to the city did not include the interest charged by the collection agency.

Ms. Dennis explained that the amnesty program would allow individuals a chance to pay half of their debt and regain their driver's license. She noted that if an individual paid half of their debt then the city would waive the other half. She reviewed the benefits of the program for the city and individual. She asked for Council feedback on the proposal that the program apply to fines that were at least three years old.

Councilor Batey asked if the collection agency wanted to keep fines on their books longer to collect more interest. **Ms. Dennis** reported that the collection agency did not report much of an increase in interest between years two and three. She suggested that three years and older was a common parameter of other fine amnesty programs.

Ms. Dennis explained the program would only include fines that were in "non-judgement" with the collection agency, meaning the agency had not taken them to court for other reasons. She noted that fines with a payment plan would not be eligible.

Councilor Parks asked about the average fine amount. **Ms. Bantz** reported that amounts ranged from \$165 to \$400 before the collection agency fee was added. The group discussed how the collection agency fee was calculated based on a nine percent interest rate with the city receiving half of the interest.

Councilor Batey and **Ms. Bantz** noted that other cities' amnesty programs had been successful in getting people out of debt and driving legally.

The group discussed what the court fine letters say. They noted the need to make the letters available in multiple languages and to advertise the amnesty program in places that would reach many different groups. It was noted that staff would work with the collection agency to track down individuals with fines to inform them about the program.

Council President Falconer asked if driver's licenses were suspended for parking violations. **Ms. Bantz** reported that licenses were only suspended for moving vehicle violations.

Mayor Gamba asked if the city had a process for low income earners to set up a payment plan before a fine was sent to the collection agency. **Ms. Bantz** explained that the city's goal was to make sure a fined person has access to interpretive services if needed and could set up a payment plan for any amount that works for the payer.

Councilor Parks asked for confirmation that individuals who fail to appear in court are sent to the collection agency. **Ms. Bantz** confirmed that was correct and noted that the municipal court judge worked hard to offer multiple court dates and payment options.

Councilor Parks remarked that many fined individuals were not Milwaukie residents. She was interested to see how the program would go for the individuals and the city.

It was noted that Council supported the establishment of a court fines amnesty program.

Mayor Gamba asked that the program be for fines that are at least two years old. It was Council consensus that the program would apply to fines that were two years or older.

Ms. Dennis reported that the staff recommendation was to run a pilot of the program from May through June 2020. She explained that staff wanted to offer the program next year during tax season. **Ms. Ober** remarked that staff wanted to make it a limited duration annual program to encourage people to participate when it's available.

Councilor Hyzy and **Mayor Gamba** commented on whether the program should be offered for fines that were at least two or three years old. The group discussed the program's goal of allowing people to get their driver's licenses back and whether it matters if the fine was two or three years old.

Mayor Gamba suggested it may take an individual several months to save up enough money to pay off their debt. **Ms. Ober** agreed and noted that staff meant to run the program during tax season so individuals could use their tax refund to pay off debt. She encouraged Council to see the program as an incentive for people to pay off their debt.

The group remarked on the value of a valid driver's license and noted that many people drive illegally without a license.

Ms. Dennis remarked that the program could run in July and August. She and **Mayor Gamba** noted that timeframe would allow time to announce the program. It was Council consensus to run the pilot program from July 1 through August 31, 2020.

Ms. Dennis asked if Council had any concern about the program only applying to traffic and parking violations. The group noted other violations that could be included in the program and it was Council consensus to include marijuana violations in the program.

Ms. Ober summarized that staff would bring a resolution to Council at the March 17 meeting to approve the fine amnesty program.

E. Council Input on Legislative and Regional Issues

The group noted the state legislature's short session had been brought to a standstill due to a walkout by Republic legislators. It was noted that the bill authorizing the City of Happy Valley to leave the North Clackamas Parks and Recreation District (NCPRD) had been approved. They briefly remarked on the possibility of the legislature referring an amendment to the state constitution to voters in the hope of avoiding future deadlocked sessions due to quorum issues.

7. INFORMATION – Council Reports

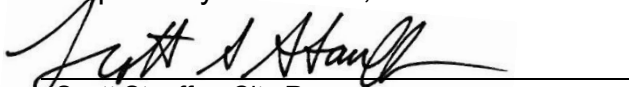
None.

8. ADJOURNMENT

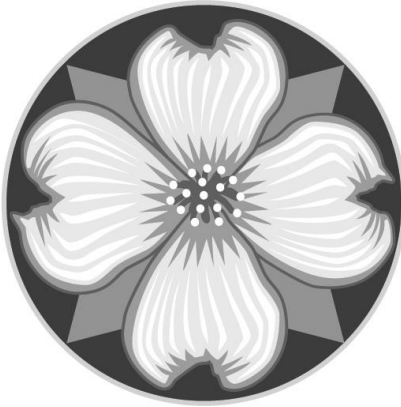
It was moved by Councilor Parks and seconded by Council President Falconer to adjourn the Regular Session. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

Mayor Gamba adjourned the regular session at 7:43 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



RS Agenda Item

2

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

PROCLAMATION

WHEREAS, the League of Women Voters of Clackamas County has, since its founding in Milwaukie and Lake Oswego in 1955, made significant contributions to good local government through its non-partisan community services activities and voter information programs; and

WHEREAS, the year 2020 marks the 100th Anniversary of the League in our nation and in the State of Oregon; and

WHEREAS, the City Council of the City of Milwaukie appreciates and commends the League membership for outstanding public service in our community and urges broad public support of the League of Women Voters and its program objectives.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **March 2020** to be **League of Women Voters Month** in Milwaukie in recognition of the League's 100 years of service.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of March 2020.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder

PROCLAMATION

WHEREAS, Milwaukie women of every race, class, and ethnic background have made historic contributions to the growth and strength of our city in countless ways; and

WHEREAS, Milwaukie women have played and continue to play critical economic, cultural, and social roles in every sphere of the city by constituting a significant portion of the labor force working inside and outside the home; and

WHEREAS, Milwaukie women have played a unique role throughout the history of the city by providing most of the volunteer labor force of the city; and

WHEREAS, Milwaukie women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our city; and

WHEREAS, Milwaukie women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, Milwaukie women have courageously served our country in the national and state armed forces; and

WHEREAS, Milwaukie women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the industrial labor movement, the civil rights movements, and especially the peace movement; and

WHEREAS, despite these contributions, the role of women in Milwaukie, Oregon, and our national histories, has been overlooked and undervalued.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, and with the full support and sponsorship of the Milwaukie Historical Society, do hereby proclaim **MARCH 2020** to be **Women's History Month** in Milwaukie and do recommend its observance with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of **MARCH 2020**.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder

MILWAUKIE
WOMEN'S
HISTORY MONTH

RS 2. B. 3/3/2020
Presentation

MILWAUKIE

WOMEN'S

HISTORY MONTH

Presented By



PRESERVING MILWAUKIE'S HISTORY FOR FUTURE GENERATIONS

3737 SE Adams St.

www.milwaukiehistoricalsociety.com



milwaukiemuseum@gmail.com

OPEN SATURDAYS

1:00 - 5:00 PM



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Milwaukie Resident since 1965



Enid Briggs

PRESERVING MILWAUKIE'S
HISTORY FOR
FUTURE GENERATIONS



Milwaukie Resident since 1925

June Routson



LEAGUE OF WOMEN VOTERS
VOTERS' GUIDE



CLICK
HERE!

 **Clackamas**
Community College
FOUNDATION



Milwaukie Resident since 1949



Carolyn Tomei



Milwaukie Resident since 1966



PRESENTS

A CELEBRATION OF

BLACK HISTORY MONTH PROGRAM

Guest Speakers



Libra Forde

Award Leading Speaker / Social Justice Leader

Including special address by City of Milwaukie Council President Angel Falconer



Kim Moreland

Oregon Black Pioneers



Dorothy and Hurtis Hadley

1st African American Business

The knowledgeable, charismatic, and entertaining guest speakers will elaborate on Milwaukie's Black History and their experiences.

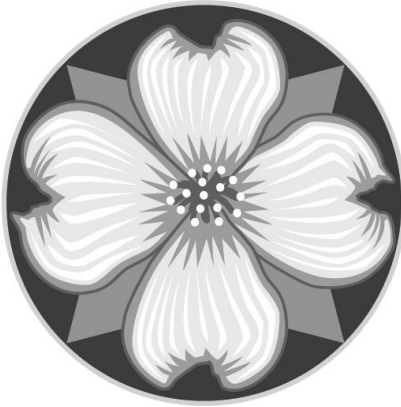
March 4th

6PM - 7:30 PM

Ledding Library

10660 SE 21st Ave Milwaukie, OR

This is the first of a continuing series Milwaukie Historical Society and Ledding Library are presenting as Historical Lecture Series.



RS Agenda Item

3

Consent Agenda



COUNCIL WORK SESSION

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

MINUTES

FEBRUARY 4, 2020

Mayor Mark Gamba called the Council meeting to order at 4:01 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey (by phone), Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks
Associate Planner Brett Kelter
Building Official Samantha Vandagriff
City Attorney Justin Gericke
City Engineer Steve Adams

City Manager Ann Ober
City Recorder Scott Stauffer
Community Development Director Leila Aman
Planning Director Denny Egner

1. Building Code Updates – Discussion

Ms. Vandagriff reviewed proposed Milwaukie Municipal Code (MMC) changes. She explained where the items were regulated in the MMC, noted city departments involved, and action needed.

Councilor Parks asked what happened when something was not in the city's building code but Council or staff wanted to adopt it. **Ms. Vandagriff** noted examples of when it would have been helpful to have certain regulations in the code.

The group discussed the proposed building code updates. They commented on demolition concerns; asbestos abatements; retaining walls; fence regulations; rain barrels; docks and piers; equipment shelters; and flag poles.

Ms. Vandagriff explained Council had two options: adopt chapter one of the 2014 Oregon Structural Specialty Code (OSSC), which would add all the proposed items into the MMC, or add language to the MMC that would list what the city adopts locally. She observed that staff was consulting with the city attorney to determine the best course of action.

Mayor Gamba asked if the proposed changes addressed the use of shipping containers for commercial purposes. **Ms. Vandagriff** explained the current city permit requirements for commercial uses and noted that residential uses were separate.

2. Floodplain Code Options – Discussion

Mr. Egner distributed floodplain maps to Council. He explained that staff was working on the Comprehensive Plan update which included policies related to floodplains. He reported that staff was also working with the Oregon Department of Land Conservation and Development (DLCD) to audit MMC Title 18, floodplain requirements. Because of this audit, staff had developed a draft set of code amendments to bring to the Planning Commission and Council. But staff had realized there was a potential conflict of the policy language in the Comprehensive Plan and wanted to discuss the issue with Council.

Mr. Egner shared Comprehensive Plan draft policy 5.4.1. and highlighted the sentence "Restrict development to uses that have a demonstrated community benefit and for

which the natural hazard risks and environmental impacts can be adequately mitigated.” He remarked on staff’s discussions with the Planning Commission and what the policy means.

Mr. Egner provided four options that would allow the city to further explore the possible adoption of Title 18 changes and/or modify the policy. He explained key issues with the different options, including potential takings, Measure 56 noticing, complexity and timing, and providing a clear and objective path for residential development.

Mr. Egner reviewed floodplain maps and the group discussed different property types located in the floodplain.

Councilor Batey asked if the North Milwaukie Innovation Area (NMIA) plan had a 50-foot buffer. **Mr. Egner** noted that the NMIA buffer did not cover the entire floodplain and was largely done for natural resource protection.

Councilor Hyzy and **Mr. Egner** discussed how floodplain restoration could be done or incentivized in areas that were paved and no longer in the designated habitat conservation area (HCA). **Councilor Hyzy** noted it was an unlikely scenario but observed that there were hundreds of acres in industrial areas. She believed the city would make a different choice about HCA designations today now knowing the impact that developments have on the watershed. **Mayor Gamba** and **Councilor Hyzy** discussed the negative impacts of paved surfaces on the watershed, water quality, and water runoff.

Mr. Egner noted the city had made a commitment to DLCD to try to amend Title 18 by June. He observed that the policy issue related to code requirements that ensure the city complied with the Federal Emergency Management Agency (FEMA) regulations that the city felt do not go far enough. He asked how Council wanted to proceed.

The group discussed the natural hazard risks and financial implications of the city designating floodplain areas. They noted the need to have further Council discussions on the city's policy regarding the taking of property related to public safety issues. **Mr. Gericke** noted that each parcel would need to be considered separately.

Councilor Batey asked if a rule adjusting the city’s minimum density calculation would be a better tool for residential areas. **Mr. Egner** explained the benefits of having a minimum density. He discussed it in relation to the city’s Housing Needs Analysis (HNA). The group discussed minimum density. **Mr. Egner** noted the conversation related to the city’s other work related to the HNA and Oregon House Bill 2001.

Mayor Gamba asked if there was a way to create code that dealt with life and safety that would trump takings. **Ms. Ober** and **Mr. Gericke** said staff would think on the issue.

Council President Falconer wondered if there were other ways that the city could provide for the life and safety of residents that did not involve the city taking property. **Mr. Gericke** noted the goal was to have a strong and enforceable policy that the city can put into place. **Council President Falconer** said it did not make sense to write policies that are not enforceable.

Mayor Gamba noted the importance of not building in places that will likely flood. He observed limited FEMA funding that would be available to assist those affected by floods. He pointed out that some cities were considering not allowing people to rebuild in areas that are constantly affected by storms. He encouraged the city to have those

conversations; he observed that Milwaukie was surrounded by two creeks and a large tidal-based river.

The group discussed building in the flood plain and potential actions the city could take to discourage it or mitigate the issue.

Mr. Egner said he wanted the city to fix Title 18. He suggested staff revise the current policy by inserting aspirational language to explore ways to look at ways to restrict development and then adopt Title 18 and move into the next phase of the policy work.

Council President Falconer noted there was grant money associated with the work to rewrite Title 18 and asked if the city would lose money if it the work was not completed.

Mr. Egner explained that there would be no money loss, only that the city could look bad in DLCD's eyes.

Councilor Batey believed there would be a lot of difficult decisions in the next few years and she thought this was a discrete issue with limited reach.

Mr. Gericke and the group discussed whether someone could challenge the city applying regulations on properties or taking properties.

Ms. Ober asked if staff had what they needed for the Comprehensive Plan document.

Mr. Egner asked if Council was okay with staff shifting the policy to aspirational language and then moving the Title 18 items forward, which would get more serious with the housing and tree work the city was developing. It was observed that Council agreed with that approach.

3. Adjourn

Mayor Gamba adjourned the Work Session at 5:28 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

COUNCIL REGULAR SESSION

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

MINUTES**FEBRUARY 4, 2020****Mayor Mark Gamba called the Council meeting to order at 6:01 p.m.**

Present: Council President Angel Falconer; Councilors Lisa Batey (by phone), Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks	City Recorder Scott Stauffer
Assistant Finance Director Keith McClung	Court Operations Supervisor Carla Bantz
Associate Planner Vera Kolias	Finance Director Bonnie Dennis
City Attorney Justin Gericke	Municipal Court Judge Kimberly Graves
City Manager Ann Ober	

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**A. Swearing-In of Municipal Court Judge – Oath of Office**

Mayor Gamba administered the oath to Judge Graves.

B. Black History Month – Proclamation

Greg and Michelle Hemer, Milwaukie Historical Society representatives, introduced the proclamation. They announced the museum's first heritage lecture would focus on Black History Month. **Mayor Gamba** proclaimed February to be Black History Month.

Council President Falconer remarked on a documentary about the black experience in Oregon. She and **Mr. Hemer** commented on the work of the Oregon Black Pioneers.

C. Fiscal Year (FY) 2019 Audit – Report

Mayor Gamba thanked outgoing Audit Committee Chair Troy Reichlein for his service and **Councilor Hyzy** noted there would be a vacancy on the committee.

Mr. Reichlein introduced Tonya Moffitt, a partner at the city's audit firm Merina and Company. He provided an overview of the audit process and reported that there were no issues in the audit report. **Ms. Moffitt** explained that this had been Merina and Company's first year as the city's auditor. She discussed the role of the audit firm, noted trends in financial reporting, and reported that the city had received an unmodified opinion for fiscal year (FY) 2019, the highest report a city could receive. She complimented city staff's work on the Comprehensive Annual Financial Report (CAFR) and the Popular Annual Financial Report (PAFR).

Councilor Hyzy noted she was the Council liaison to the Audit Committee and that FY2019 had been Assistant Finance Director Keith McClung's first audit with the city too. She commended staff for their work on the PAFR.

Mayor Gamba noted that Councilor Batey was participating in the meeting by phone.

D. Community Survey Results – Report

Ms. Brooks and **Maggie Simich** with Patinkin Research provided an overview of the methodology used to develop the 2020 community survey.

The group reviewed the survey results. They discussed perceptions of the city and the city's goals, and feelings about utilities and service costs. Council asked for additional survey data on housing perceptions.

Mayor Gamba and **Councilor Hyzy** asked if Milwaukie's survey results were different from surveys in other cities. **Ms. Simich** and **Councilor Hyzy** remarked on regional trends and the public's feelings about government. They noted a national decline in trust in government while Milwaukie residents were overall supportive of the city.

The group continued to review survey results and discussed perceptions of the affordable housing. It was noted that survey respondents demographically reflected the population of Milwaukie and the survey did not reflect any socio-economic shifts that would be seen in data from the upcoming 2020 national census.

Councilor Parks remarked on why residents may feel less satisfied with rising utility bills. **Ms. Brooks** and **Ms. Ober** noted staff was still reviewing the survey results and would be looking at where the city could do better. They appreciated that residents generally supported the work the city was doing.

Mayor Gamba noted survey respondents were very supportive of Council's housing and climate goals. He asked how goal-related questions had been asked. **Ms. Simich** explained how the survey questions had been administered in an open-ended and unframed manner. She and **Mayor Gamba** discussed how questions about rent had been posed. The group noted that the questions had not captured some nuances about housing that Council would like to try to capture in future surveys.

Mayor Gamba recessed the regular session at 7:02 p.m. and reconvened the regular session at 7:08 p.m.

It was noted that Councilor Parks had left the meeting.

4. AUDIENCE PARTICIPATION (moved up agenda)

Mayor Gamba reviewed the public comment procedures and **Ms. Brooks** reported that there was no follow-up report from the January 21 audience participation.

3. CONSENT AGENDA (moved down agenda)

It was moved by Council President Falconer and seconded by Councilor Hyzy to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. January 7, 2020, Work Session;
2. January 7, 2020, Regular Session; and
3. January 11, 2020, Council Retreat.

B. Resolution 9-2020: A resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Public Safety Advisory Committee.

C. Resolution 10-2020: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the payment of \$40,000 for the third year of the Cityworks software license and maintenance agreement.

D. Approval of an Oregon Liquor Control Commission (OLCC) application for Ma-Kin Thai & Sushi, 4630 SE International Way – On-Premises, Caterer.
Motion passed with the following vote: Councilors Hyzy, Falconer, and Batey, and Mayor Gamba voting “aye.” [4:0]

5. PUBLIC HEARING

A. Annexation of 5809 SE Hazel PI (A-2020-001) – Ordinance

Ms. Kolias provided a description of the property to be annexed, noted the reason for annexation, and reported that there had been no objections to the annexation.

It was moved by Council President Falconer and seconded by Councilor Hyzy to approve the ordinance annexing a tract of land identified as Tax Lot 1S2E30DA 04800 and located at 5809 SE Hazel Place into the city limits of the City of Milwaukie (File #A-2020-001). Motion passed with the following vote: Councilors Hyzy, Falconer, and Batey, and Mayor Gamba voting “aye.” [4:0]

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

Mr. Stauffer polled the Council with Councilors Hyzy, Falconer, and Batey, and Mayor Gamba voting “aye.” [4:0]

Ordinance 2188:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30DA 04800 AND LOCATED AT 5809 SE HAZEL PLACE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2020-001).

B. Appeal of Elk Rock Estates Development (File #AP-2019-003) – Order, continued from December 17, 2019

Call to Order: Mayor Gamba called the public hearing on the appeal of the Planning Commission’s decision to deny a natural resources cluster development application, files NR-2018-005 and AP-2019-003, to order at 7:13 p.m.

Opening: Mayor Gamba noted previous Council hearings on the appeal matter.

Recusal: Councilor Hyzy announced that due to potential conflicts of interest that she had previously disclosed she would recuse herself from participating in the hearing.

It was noted that Councilor Hyzy left the meeting at 7:14 p.m.

Staff Update: Ms. Kolias reported that the applicant accepted the city’s offer to amend the project application and agreed to a revised hearing schedule. She said Council was asked to continue the hearing to March 17.

Council Decision: It was moved by Council President Falconer and seconded by Councilor Batey to continue the hearing to a date certain of March 17, 2020. Motion passed with the following vote: Councilors Falconer and Batey, and Mayor Gamba voting “aye.” [3:0]

It was noted Councilor Hyzy returned to the meeting at 7:16 p.m.

6. OTHER BUSINESS

A. 2020 Clackamas Cities Association (CCA) Dinner – Discussion

Mr. Stauffer reviewed previous Council input on the 2020 CCA dinner the city would host in June. He asked for feedback on the event. It was Council consensus to proceed with the event as previously directed: a follow-up tour of downtown projects. The group remarked on tour routes through Kronberg and Milwaukie Bay parks and it was noted that staff would look at routes and return to Council before the event for further input.

B. 2020 Council Committee Assignments - Discussion

Ms. Brooks noted Council had previously updated its 2020 committee assignments.

Mayor Gamba suggested that even though the city did not have official membership on Metro's Joint Policy Advisory Committee on Transportation (JPACT) or the Metro Policy Advisory Committee (MPAC) the city should assign a Council member to attend those meetings. The group noted Councilor Hyzy had been attending those meetings.

Ms. Brooks noted that the City Hall Blue Ribbon Committee (CHBRC) needed a Council liaison assigned. The group discussed which Council member should attend CHBRC meetings and agreed to check with Councilor Parks before deciding.

The group reviewed several changes to the Council committee assignments matrix.

C. Council Input on Legislative and Regional Issues – Discussion

The group discussed a letter the city would co-sign with the North Clackamas Watershed Council asking Metro to include the Kellogg Creek dam removal project in the transportation 2020 (T2020) bond measure. They noted the status of legislation the city was tracking during the state legislature's short session which addressed such topics as the City of Happy Valley leaving the North Clackamas Parks and Recreation District (NCPRD), a carbon emissions cap-and-trade program, a gun control measure, the housing emergency, zoning, and electric vehicle charging stations.

7. INFORMATION

Mayor Gamba announced upcoming community events, including the 2019 Volunteer of the Year Award, the State of the City Address, city board and committee vacancies, a Homeless Solutions Coalition of Clackamas County event, and city facility closures for Presidents Day.

8. ADJOURNMENT

It was moved by Councilor Hyzy and seconded by Council President Falconer to adjourn the Regular Session. Motion passed with the following vote: Councilors Hyzy, Falconer, and Batey, and Mayor Gamba voting "aye." [4:0]

Mayor Gamba adjourned the regular session at 7:45 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 21, 2020

Reviewed: Jason Wachs, Community Engagement Coordinator, and
Amy Aschenbrenner, Administrative Specialist

From: Scott Stauffer, City Recorder

Subject: Reappointments to City Boards and Committees (B&Cs)

ACTION REQUESTED

As outlined in the Milwaukie Municipal Code (MMC), Council is asked to consider approving a resolution making reappointments to various city B&Cs.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The individuals recommended for reappointment were previously appointed by Council to the B&C positions they currently hold.

In recent years, it has been Council's policy to accept the reappointment of B&C members if they be eligible and interested.

ANALYSIS

Authority to fill city B&C vacancies is granted to the Mayor and Council by Section 26 of the City Charter. To fill vacant positions, members of Council along with appropriate staff liaisons and B&C chairs conduct interviews from applications received by the city. The interview panel makes appointment recommendations to Council, which considers and approves recommendations typically through the Regular Session consent agenda. Appointed individuals serve for a term length determined by the MMC. Upon the completion of a term, if the individual is eligible, they may be reappointed by Council to serve another term.

B&C appointments are made when a term has expired or when a position has been vacated. Generally, position terms expire in March or June, but appointments are also made as needed to fill vacancies. Some B&Cs have positions nominated by neighborhood district associations (NDAs) instead of by an interview panel. NDA-nominated appointments are noted if applicable.

All B&C positions are term-limited, meaning there is a limit to the number of times that members can be re-appointed. Of the 11 recommended appointments below, four have been re-appointed to their current position once before (noted with a single *), and two have been re-appointed twice before (noted with two **).

BUDGET AND WORKLOAD IMPACTS

There are no fiscal or workload impacts associated with the recommended actions.

COORDINATION, CONCURRENCE, OR DISSENT

Staff received confirmation from the individuals listed below that they would like to continue serving in their current positions.

STAFF RECOMMENDATION

Staff recommends making the following appointments:

Arts Committee: 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
5	Laura Steenson	4/1/2020	3/31/2022

Citizens Utility Advisory Board (CUAB): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
3	Jacob Stetson*	4/1/2020	3/31/2022
5	Joel Bergman**	4/1/2020	3/31/2022

Design and Landmarks Committee (DLC): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Jacqueline Evan Smiley	4/1/2020	3/31/2022
4	Mary Neustadter*	4/1/2020	3/31/2022
5	Cynthia Schuster*	4/1/2020	3/31/2022

Park and Recreation Board (PARB): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Linda Blue**	4/1/2020	3/31/2022
3	Marth Germany*	4/1/2020	3/31/2022

Planning Commission: 4-year terms, limit of 2 consecutive terms.

Position	Name	Term Start Date	Term End Date
6	John Burns	4/1/2020	3/31/2024

Tree Board: 3-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
5	Jon Brown	4/1/2020	3/31/2023
7	Gina Dake, Arborist Position	4/1/2020	3/31/2023

ALTERNATIVES

Council could decline to make the recommended appointments which would result in vacancies on the noted committees.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
MAKING APPOINTMENTS TO CITY BOARDS AND COMMITTEES.**

WHEREAS, Milwaukie Charter Section 26 authorizes the Mayor, with the consent of the Council, to make appointments to boards and committees (B&Cs); and

WHEREAS, B&C vacancies will exist as of April 1, 2020, due to the expiration of B&C position terms on March 31, 2020; and

WHEREAS, the individuals named below currently serve on city B&Cs and have expressed interest in continuing to serve; and

WHEREAS, staff recommends the following qualified individuals be reappointed.

Arts Committee:

Position	Name	Term Start Date	Term End Date
5	Laura Steenson	4/1/2020	3/31/2022

Citizens Utility Advisory Board (CUAB):

Position	Name	Term Start Date	Term End Date
3	Jacob Stetson*	4/1/2020	3/31/2022
5	Joel Bergman**	4/1/2020	3/31/2022

Design and Landmarks Committee (DLC):

Position	Name	Term Start Date	Term End Date
1	Jacqueline Evan Smiley	4/1/2020	3/31/2022
4	Mary Neustadter*	4/1/2020	3/31/2022
5	Cynthia Schuster*	4/1/2020	3/31/2022

Park and Recreation Board (PARB):

Position	Name	Term Start Date	Term End Date
1	Linda Blue**	4/1/2020	3/31/2022
3	Marth Germany*	4/1/2020	3/31/2022

Planning Commission:

Position	Name	Term Start Date	Term End Date
6	John Burns	4/1/2020	3/31/2024

Tree Board:

Position	Name	Term Start Date	Term End Date
5	Jon Brown	4/1/2020	3/31/2023
7	Gina Dake, Arborist Position	4/1/2020	3/31/2023

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 committees of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **March 3, 2020**.

This resolution is effective immediately.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 18, 2020

Reviewed: Jana Hoffman, Supervising Librarian, and
Kim Olson, Circulation Supervisor

From: Katie Newell, Library Director

Subject: **Approval of Library Fine Amnesty Week**

ACTION REQUESTED

Council is asked to adopt the proposed resolution to approve a library fine amnesty during National Library Week.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Council has annually adopted a resolution establishing a fee schedule for various fees and charges for the city. Included in this schedule are fines for overdue materials at the Ledding Library. Resolution 45-2019 set the overdue fine for adult material at \$0.25 per day with a maximum of \$3.00 per item and for children's material at \$0.10 per day with a maximum of \$1.00 per item. In recognition of National Library Week, the library proposes to waive \$1.00 of a patron's fine for each can of food they donate. The food collected is sent to the Oregon Food Bank for local distribution.

All libraries in the Library District of Clackamas County (LDCC) will be participating in the Food for Fines program during National Library Week. Last year, the Ledding Library collected a total of 2,205 pounds of food, waiving a total of \$1,932.66 in fines.

ANALYSIS

It is not possible to accurately predict the financial impact of the proposed fine amnesty, though patrons do look forward to this each year to clear their accounts while also giving back to the community. The goodwill of the community is invaluable.

BUDGET IMPACTS

For the fiscal year (FY) ending June 30, 2019, the total fines collected amounted to \$31,365, or approximately \$603.17 per week. The amount estimated for library fine revenue during FY 2019-2020 is \$50,000.

WORKLOAD IMPACTS

The library circulation staff will be affected by updating patron records and collecting food items.

COORDINATION, CONCURRENCE, OR DISSENT

None.

STAFF RECOMMENDATION

The library director recommends this action. It is a visible way to recognize the Ledding Library and the contributions of the library and its patrons to the community.

ALTERNATIVES

Council could deny this request and not approve the resolution.

ATTACHMENTS

1. Resolution
2. Food for Fines Flyer

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING A LIBRARY FINE AMNESTY WEEK FROM APRIL 19 THROUGH APRIL 25, 2020, IN RECOGNITION OF NATIONAL LIBRARY WEEK.

WHEREAS, the City Council adopted Resolution 45-2019 establishing a schedule of fees and charges for all city services, including an overdue library fine for adult material at \$0.25 per day with a maximum of \$3.00, and for children's material at \$0.10 per day with a maximum of \$1.00; and

WHEREAS, in recognition of National Library Week, April 19-25, 2020, the library director has proposed a waiver of accumulated library fines in the amount of \$1.00 for each can or package of food donated with all food collected given to the Oregon Food Bank for distribution locally to those in need; and

WHEREAS, the fine waiver is for a limited time and is a visible way to demonstrate and recognize the Ledding Library's contributions to the community during National Library Week; and

WHEREAS, a resolution is required to establish a fee waiver program for FY 2020.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that a waiver of accumulated library fines in the amount of \$1.00 for each can or package of consumable food donated by the patron during the week of April 19 through April 25, 2020, in recognition of National Library Week, is authorized.

Introduced and adopted by the city council on **March 3, 2020**.

This resolution is effective April 19 through 25, 2020.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



Celebrate with
Food for Fines



**\$1 off per
nonperishable
food item***

*applies only to overdue fines,
not lost or damaged charges

Please no damaged or expired items, and no ramen.
Valid at all Libraries in Clackamas County.



COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 13, 2020

From: Leila Aman, Community Development Director

Subject: **Renewal of Nonprofit Low-Income Housing Property Tax Exemption for Northwest Housing Alternatives**

ACTION REQUESTED

Council is asked to adopt a resolution approving the renewal of the nonprofit low-income housing property tax exemption for Tax Year (TY) 2020-2021 for Northwest Housing Alternatives' (NHA) 28-unit permanent affordable housing development at WALSH Commons, which serves families with incomes under 60% of the area median family (MFI) income.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[December 12, 2017](#): City staff and NHA gave a presentation on the state's nonprofit low-income housing property tax exemption program, and NHA's request to be approved for the program for its 28-unit low income housing development. Council unanimously supported a property tax exemption to NHA and directed staff to work with the North Clackamas School District (NCSD) to pursue the "local option." The local option would exempt NHA from all property taxes since the combined rate of taxation of the city and the boards of other agencies that agree, make up at least 51% of the total combined rate of taxation on the property that is granted the exemption. For NHA's property, the combined tax levy rate for the city and NCSD was approximately 60% of the total property tax rate.

[January 11, 2018](#), [January 25, 2018](#) and [February 8 2018](#): The NCSD board held study sessions to discuss NHA's property tax exemption request. Council submitted a letter of support to the NCSD board prior to the January 25 meeting (Attachment 1). The NCSD board had several questions for NHA about their request, which NHA staff responded to on January 17 (Attachment 2) and February 5 (Attachment 3). The NCSD board also brought up concerns raised by Clackamas Fire District #1, who had submitted a letter (Attachment 4) noting that while they were not opposed to NHA's request, there were concerns about the impact on their tax base if additional requests were approved for other properties in the future. Following the February 8 discussion, the NCSD board adopted Resolution R17/18-66 (Attachment 5) approving NHA's property tax exemption at the same meeting.

[February 20, 2018](#): Council passed [Resolution 12-2018](#), which granted NHA an exemption from property taxes under [ORS 307.540-548](#) for WALSH Commons.

[February 5, 2019](#): Council passed [Resolution 12-2019](#), which granted NHA an exemption from property taxes under [ORS 307.540-548](#) for WALSH Commons. Council discussed plans for reconsidering the process for allowing full and permanent exemptions to any eligible nonprofit low-income housing property within the city.

ANALYSIS

[ORS 307.540-548](#) permits local jurisdictions to grant property tax exemptions to nonprofit low-income developments that serve residents with incomes at or below 60% MFI. On February 5, 2019, Council adopted Resolution 12-2019 approving a nonprofit low-income housing property tax exemption request from NHA for its 28-unit development, WALSH Commons, completed in August 2019.

NHA's exemption request was approved under the "local option" detailed in [ORS 307.543\(2\)](#), which provides an exemption from all local property taxes (including those imposed by school and special service districts). Approval of the local option required that the NCSD board adopt a resolution approving the exemption, which occurred on February 8, 2018.

Pursuant to [ORS 307.545](#), NHA is required to file an annual application renewal request to the Council, on or before March 1 of the assessment year for which the exemption is sought. NHA has filled out the required application form (Attachment 6), which staff has reviewed and determined meets all requirements of [ORS 307.545](#). NHA is not required to seek annual approval from NCSD to extend the property tax exemption. City staff has prepared a resolution that approves NHA's property tax exemption request (Attachment 7), which the Council is being asked to adopt.

At the February 5, 2019 meeting, Council discussed the city moving forward on the process to establish a full and permanent exemption option for nonprofit low-income housing properties. This process would allow for other non-profit partners to apply without having to first seek approval from 51% of the total combined rate of taxation before receiving an exemption, on a case-by-case basis. Staff have held two informational meetings with the taxing districts on the proposed exemption and are working toward a proposal to advance this exemption.

BUDGET IMPACTS

The estimated assessed value of NHA's development is \$1.4 million. Approval of a nonprofit low-income property tax exemption would see the city forego property tax revenue of approximately \$6,600 in Fiscal Year (FY) 2021.

WORKLOAD IMPACTS

The community development department has adequate staffing to support this nonprofit low-income housing tax exemption renewal application.

COORDINATION, CONCURRENCE, OR DISSENT

City staff and Council worked with the NCSD board and NHA in 2018 to adopt a resolution approving NHA's request. City staff is committed to engaging with other overlapping taxing districts, including the Clackamas Fire District #1, to address their concerns regarding future requests and impacts on their districts' percentage of property tax revenue.

STAFF RECOMMENDATION

Staff recommends that Council adopt a resolution approving the nonprofit low-income housing property tax exemption renewal request for NHA.

ALTERNATIVES

Council can elect to deny the exemption request from NHA, which would result in approximately \$28,000 in total property tax liability for NHA in FY 2021.

ATTACHMENTS

1. Council Letter of Support to NCSD Board
2. January 17, 2018 NHA Letter to NCSD Board
3. February 5, 2018 NHA Letter to NCSD Board
4. Clackamas Fire District #1 Letter regarding Property Tax Exemption Request
5. NCSD Board Resolution Approving Exemption
6. NHA's 2020 Renewal Application for Nonprofit Low-Income Housing Property Tax Exemption
7. Resolution approving NHA's Nonprofit Low-Income Housing Property Tax Exemption



January 18, 2018

North Clackamas School District Board of Directors
12400 SE Freeman Way
Milwaukie, OR 97222

Re: City Council Support of Property Tax Exemption for Northwest Housing Alternatives

The Milwaukie City Council is writing to express its unanimous support of the low-income housing property tax exemption that Northwest Housing Alternatives (NHA) is requesting from the NCSD Board of Directors. The Board's adoption of a resolution approving the exemption, when combined with the City Council's adoption of a similar resolution, will exempt NHA's affordable housing development from approximately \$28,000 in local property taxes per year by utilizing the "local option" outlined in ORS 307.543(2). A property tax exemption for the affordable housing component of their campus property- which is already exempt from property taxes for its administrative offices and the Annie Ross House- will allow NHA to fill its financing gaps and reduce rents by an average of \$116 per month for the 28 families that would otherwise be spending more on housing than they can afford.

In April 2016, the City Council adopted Resolution 46-2016, which declared a housing emergency in the City of Milwaukie. The City's 2016 Housing Needs Analysis (HNA) found that nearly 45% of Milwaukie renters spend more than 30% of their income on housing (the generally accepted "housing affordability quotient"), with this number significantly higher for households making less than \$20,000 (82%) or between \$20,000 and \$35,000 (69%). The HNA also found that the City currently has a deficit of nearly 1,500 housing units that would be considered affordable to households making less than \$35,000 per year, which make up a large percentage of the population that NHA serves. In response, the Council made the development of an Affordable Housing Strategic Plan its #1 goal for 2017-2018.

Housing stability has proven to be a key indicator of student performance. The 28 units of one, two, and three-bedroom housing are geared towards families, many of which are likely to have students in NCSD schools. According to December 2017 district data, 36% of NCSD students currently qualify for free or reduced-price lunch, with higher percentages at nearby schools serving the development: Milwaukie Elementary School (48%), Rowe Middle School (60%), and Milwaukie High School (50%). In addition, 2017 McKinney-Vento data showed that 394 NCSD students were classified as homeless.

The City of Milwaukie is committed to working collaboratively with NCSD and our other agency partners to address the housing emergency that is affecting local residents. Moving forward, City Council supports meeting with the School District, Fire District, County and other taxing agencies to arrange a broader discussion about how we increase the number of affordable and obtainable units in Milwaukie. Please reach out to Ann Ober, City Manager, at 503-753-6608 to arrange a meeting if you are interested. We will also be reaching out separately to the Fire District to further discuss this application specifically. Thank you for considering the input of the City of Milwaukie, and we look forward to answering any questions you may have.

Sincerely,

Mark Gamba, Mayor

MILWAUKIE CITY HALL
10722 SE Main Street
Milwaukie, Oregon 97222
www.milwaukieoregon.gov
RS23



2316 SE Willard Street
Milwaukie, Oregon 97222-7740
phone: 503-654-1007

web: www.nwhousing.org
email: info@nwhousing.org
fax: 503-654-1319

January 17, 2018

MEMORANDUM

To: Chair Vaga & Members of the School Board
Matt Utterback, Ron Stewart, Mary Knigge

From: Martha McLennan, Executive Director
Stephen McMurtrey, Director of Housing Development

RE: Northwest Housing Alternatives Campus Housing
Property Tax Exemption Q & A

Thank you for the opportunity to speak at your Board meeting on January 11, 2018. We appreciate your willingness to consider joining with the City of Milwaukie in approving a property tax exemption for the NHA Campus Affordable Housing. As a follow up, we wanted to summarize some of the questions that were discussed that evening and provide answers to a few additional questions.

If there is any other information that would be helpful as you consider this request, please feel free to reach out to us. We will also be available to answer questions at your follow up meeting scheduled for January 25, 2018.

NHA is excited to provide affordable family housing that can serve students of the North Clackamas School District. With more than 35 years of experience in providing affordable housing, we know that children need a place to call home to succeed in school and life. Thank you for your support of this important project.

Question 1: What is the proposed re-development of the NHA Campus?

The current campus consists of the Annie Ross House shelter, two office buildings, a storage building, two cottages, three duplexes and two single family homes.

The new campus will consist of a new Annie Ross House shelter, an office building and 28 units of affordable rental housing.

All the current buildings will be replaced.

The housing will be occupied by families with incomes below 60% of the area median income. For a family of one that is \$31,380 per year; for a family of four that is \$44,820. The project will have rents of \$796 for one bedroom units and \$946 for two bedroom units.

Question 2: What property taxes are currently paid?

None. The campus currently qualifies for property tax exemption under ORS 307.130. This is the general tax exemption for charitable organizations. Tax exemptions under this statute are available by right to properties that qualify.

Question 3: What parts of the new campus will be exempt from property taxes?

The redeveloped shelter and office uses will continue to qualify for property tax exemptions under ORS 307.130.

The housing on the new campus does not qualify for this exemption. The new housing, while owned by a non-profit and offered at below market rents, will be offered under a traditional lease. The housing on the old campus was exempt under 307.130 because it was not offered under a traditional lease; instead it was programmed with specific services as transitional or permanent supportive housing.

Question 4: What is the statute that could provide property tax exemption for the rental housing at the new campus?

ORS 307.540 et seq provides a local option property tax exemption for affordable rental housing that is owned by non-profit organizations. This program can be adopted by local governments. In order for a property to receive full exemption, taxing bodies representing at least 51% of the millage rate must approve of the exemption.

Question 5: How do the mechanics of an exemption work?

The City of Milwaukie is proposing that exemptions be granted on a case by case basis. That means that the City will take separate action for any proposed property. It will also ask other jurisdictions to take action to approve exemptions on each individual property.

The City will review/renew its action on an annual basis. Other jurisdictions will not need to take an action each year, but may revoke their approval at any time.

NHA will be required to submit information to the City each year demonstrating that the property continues to meet the qualification required by statute.

The proposed NHA campus housing is the only property currently in Milwaukie that could qualify for this exemption.

A variety of jurisdictions provide exemptions under 307.540 including Beaverton, North Plains, Tigard, Bend, and Portland. In Clackamas County, Wilsonville provides these exemptions with approval coming from the City and the West Linn-Wilsonville School District. NHA has three multi-family properties in Wilsonville that receive these exemptions through the local option.

Question 6: What does this exemption mean to the NHA Campus Housing?

If NHA had to pay full property taxes for the NHA Campus Housing it would cost approximately \$28,000 in the first year. The Clackamas County Assessor does not provide assessment value estimates for properties that have yet to be built. To arrive at our estimate we have looked at other NHA properties in the County that pay property taxes and applied the millage rate for Milwaukie (Tax Code No- 012-002, page 34).

If the property is granted a full property tax exemption, the savings will increase the capacity of the property to secure additional private debt of approximately \$360,000. This helps to fill a funding gap in the project that is a result of construction costs increases.

If the property does not receive property tax exemption, the funding gap can only be filled by raising the rents to pay for more private debt. NHA estimates that the average rent would be increased by \$116 per month. This calculation is not as simple as dividing the annual payment by the number of unit and months. Because the funds are borrowed, the increased loan fees, the lender required debt service coverage ratio, and escalating taxes over time create additional expenses that must be accounted for.

Question 7: What does this exemption mean to jurisdictions?

As a reminder, the property has not been paying property taxes for many years (see Question 2 above), so no jurisdiction will lose current funding by granting the exemption.

Instead, jurisdictions are being asked to forego future revenues.

The percentage of property taxes for each jurisdiction is estimated below:

Jurisdiction	Percent of Tax Per Jurisdiction	Estimated Property Tax for NHA Campus Housing – 2018
N Clack School District	36.3%	\$10,164.00
City of Milwaukie	23.6%	\$6,608.00
Clackamas County	14.2%	\$3,976.00
Fire District	12.5%	\$3,500.00
Community College	3.8%	\$1,064.00
N Clack Parks	2.7%	\$756.00
Metro	2.0%	\$560.00
Library	2.0%	\$560.00
ESD	1.9%	\$532.00
Port of Portland	.3%	\$84.00
Soils Conservation	.2%	\$56.00
County Extension & 4 H	.2%	\$56.00
Vector Control	.1%	\$28.00
Total Property Taxes	100% (off by .2 from rounding)	\$28,000



2316 SE Willard Street
Milwaukie, Oregon 97222-7740
phone: 503-654-1007

web: www.nwhousing.org
email: info@nwhousing.org
fax: 503-654-1319

Monday, February 5, 2018

MEMORANDUM

To: Chair Vaga & Members of the School Board
Matt Utterback, Ron Stewart, Mary Knigge

From: Martha McLennan, Executive Director
Stephen McMurtrey, Director of Housing Development

RE: Northwest Housing Alternatives Campus Housing
Responses to follow-up questions sent on 2/2/18

I'd like to start by thanking you for the continued dialogue regarding our request for a property tax exemption at our headquarters in Milwaukie. As we've discussed with the board previously, our campus has been in operation for over thirty-five years serving Clackamas County residents and their families and we are thrilled at the opportunity to provide additional affordable housing stock that will serve our community for generations to come.

Affordable housing financing is complex. In the case of this project, it includes seven different public and private funding sources. With multiple attorneys, accountants and business partners, the documentation regarding all of these sources is likely to exceed 750 pages, and will have taken 3 years from the first financing application to the start of construction. Each of these partners will require that NHA comply with the many regulations regarding rents and the incomes of the residents, and will routinely monitor our compliance for decades to come.

Each affordable housing project is unique in the blend of financing that is available and the market conditions at the time the project is developed. Factors such as competition for subsidies, mortgage interest rates, pricing of tax credits, labor and material costs, etc. will determine whether the budget for a project is adequately funded or falls short.

In the case of our Campus Housing project, the high costs of construction and recent changes in the financial markets have created a deficit in our budget. Joining with the City of Milwaukie and granting NHA a property tax exemption will help us close this budgetary hole and ensure we can keep rents low for the families we serve; families that attend schools in your district.

Below are our responses to the follow-up questions we received from Superintendent Utterback. We look forward to continuing this dialogue and appreciate your attention to our request.

Question 1: We heard there would be a savings of \$158.00 +/- per month, but we do not know if that is for all 28 units or just the seven section 8 units and the two Veteran units. Please explain.

If the property tax exemption is granted the anticipated savings would be \$116.00 per unit per month. This savings would be applied to all housing units in our development.

Question 2: Will 100% of the savings generated by the tax exemption be passed on to the tenants only?

Yes. Because the costs associated with real estate taxes would be removed from our expense budget, we can carry additional permanent debt. The beneficial financing we receive in the form of permanent debt is very low-interest in return for our commitment to lowered rents.

Question 3: Will any of the savings be realized by any other business or organization?

No.

Question 4: If savings are listed in \$xx.xx format, then how does NHA pass along the full savings to the tenant?

The savings are passed through to the tenant by committing to a rent that is at or below the level required by our financing sources; for our campus redevelopment, rents must be at or below 60% area median income. Our funding partners at the County, State and Federal level all require rents below this level.

Question 5: How do we know these savings are going to be passed on to the tenants long-term?

The affordability period for the housing is a 60 year covenant that runs with the land. While rents will gradually rise, throughout the affordability period they cannot ever rise about the 60% of median income level.

Question 6: How are monthly rate increases determined in the future?

NHA will make an annual assessment to determine whether a rent increase is needed to meet increasing operating expenses. If necessary, the proposed rent increase will be reviewed and approved by the Housing Authority of Clackamas County. Again, in no case can the rent exceed 60% of the area median income.

Question 7: Do we have an example of a different county that has provided a tax exemption for a similar project?

Please find accompanying this write up, two examples from the City of Wilsonville and the West Linn-Wilsonville School District granting property tax exemptions under ORS 307.540.

We know that this statute is also used in Tigard, Beaverton, Portland and Bend.

Clackamas Fire District #1



January 11, 2018

Matt Utterback, Superintendent
North Clackamas School District
12400 SE Freeman Way
Milwaukie, OR 97222

Dear Matt:

This letter is in reference to our discussion in December 2017 regarding the proposed request from the Northwest Housing Alternatives (NHA) to the City of Milwaukie for a low-income housing property exemption under ORS 307.540-548. As we discussed, Clackamas Fire District #1 (CFD1) has been and will continue to be very concerned about any limitations and or reductions in our ability to receive property tax revenue throughout our service area. Our services are primarily funded on property tax revenue and any erosion of that revenue causes challenges in meeting the needs of our community with regards to providing fire and life safety emergency response.

The City of Milwaukie staff reached out to the Fire District in mid-December 2017 and notified us verbally that a property tax exemption was being requested and that the North Clackamas School District (NCSD) is considering helping make up the required 51% of combined tax levy rate resulting in all overlapping taxing districts not receiving any property tax revenue from the proposed 28-unit NHA development in Milwaukie. The only information that CFD1 has found regarding this proposal is the December 12, 2017 City of Milwaukie Council Staff Report. We have not been contacted by the NHA to further fully understand their needs, strategies to ensure low-income families are cared for and the financial impact this may have on CFD1.

The Fire District appreciates the City of Milwaukie's goal to increase affordable housing in Milwaukie. However, the funding mechanism, no property taxes for such units, unfairly places the burden of supporting that goal on CFD1 and overlapping Districts. We are dependent on property taxes and are directly affected by the additional housing in the area, whether tax exempt or otherwise. NHA is a valuable partner in the community, but CFD1 has concerns regarding the implementation of this proposal and its impact.

Clackamas Fire is asking the NCSD that you please take this matter under consideration and we appreciate your support.

Sincerely,

Fred Charlton
Fire Chief

NORTH CLACKAMAS SCHOOL DISTRICT NO. 12

RESOLUTION R17/18-66

A RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH CLACKAMAS SCHOOL DISTRICT NO. 12, CLACKAMAS COUNTY, OREGON AUTHORIZING AN EXEMPTION FROM PROPERTY TAXES UNDER OREGON REVISED STATUTES FOR NORTHWEST HOUSING ALTERNATIVE CAMPUS REDEVELOPMENT APARTMENTS, AN AFFORDABLE APARTMENT DEVELOPMENT, TO BE OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

WHEREAS, affordable housing provides permanent stable housing options for low-income families; and

WHEREAS, affordable housing provides school age children experiencing homelessness with transitional housing, through eviction prevention and rapid re-housing services; and

WHEREAS, stable housing reduces student mobility, improves school effectiveness, addresses attendance challenges and inhibits malnutrition; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, plans to break ground for the NHA Campus Redevelopment Apartments, an affordable housing development located on S.E. Willard Street in Milwaukie, Oregon; and

WHEREAS, a property tax exemption is essential to the development of the NHA Campus Redevelopment as affordable housing; and

WHEREAS, NHA, will direct 100% of the tax savings to the tenants located at S.E. Willard Street in Milwaukie, Oregon; and

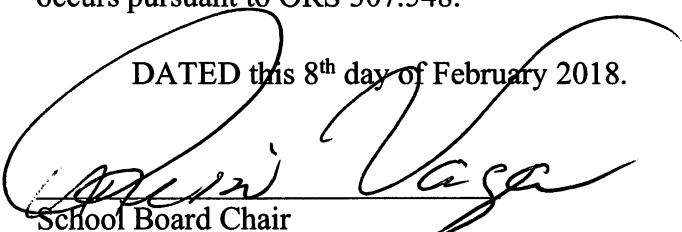
WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the District wishes to exercise the options set forth in those sections; and

WHEREAS, NHA has requested a property tax exemption for its Campus Redevelopment Apartments, located in Milwaukie, Oregon pursuant to ORS 307.543(2);

NOW, THEREFORE, BE IT RESOLVED THAT, the applicant, NHA, and its affordable housing development, Campus Redevelopment, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548 and that this resolution remain in effect unless and until termination occurs pursuant to ORS 307.548.

DATED this 8th day of February 2018.


School Board Chair


District Superintendent / Clerk

**COMMUNITY DEVELOPMENT**6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7600

FAX: 503-774-8236

E-MAIL:

fadenrecht@milwaukieoregon.gov

Low Income Housing Property Tax Exemption Certification Form

Please complete all sections by **February 15, 2020** by notarized, hard copy to the address listed above. Any applications received after this date will not be accepted or eligible for exemption.

Please choose one: ☐ Original Application ☒ Renewal Application

Section A: General Information	Page 2
Section B: Property Considered for Exemption	Page 3
Section C: Eligible Property Checklist	Page 4
Section D: Description of Project Benefit	Page 4
Section E: Declarations	Page 5

Section A: GENERAL INFORMATION

Applicant/Sponsor Name: Northwest Housing Alternatives

SSN/Tax ID: ~~XXXXXXXX~~

Address: 2316 SE Willard Street

City/State: Milwaukie, OR

Zip: 97222

Project Contact: Reese Neufeld

Phone: 503-654-1007 x133

Fax: 503-654-1319

E-mail: neufeld@nwhousing.org

Additional Contact (as needed): Ray Hackworth,
hackworth@nwhousing.org

Property Owner (if other than Applicant/Sponsor)

Entity Name:

Signatory Name & Title:

Address:

City/State:

Zip:

Contact Person:

Phone:

Fax:

Email:

Additional Contact (as needed):

Briefly describe your organization's charitable purpose:

Northwest Housing Alternatives, founded in 1982, is Oregon's leading and most successful nonprofit developer and owner of affordable housing. Prior to the redevelopment of our campus in 2018-19, we had operated our staff offices, transitional housing, and the Annie Ross House emergency family shelter on this site for over 30 years. Now that redevelopment is complete, we have reopened Annie Ross House and the offices, and have opened WALSH Commons, which comprises 28 units of permanently affordable housing for low- and very-low income Oregonians.

To date, the site has always received a tax exemption. This application is specifically regarding the 28 units of permanent affordable housing at WALSH Commons.

Section B: PROPERTY CONSIDERED FOR EXEMPTION

Property Tax Account #	Taxlot Account #	Address	Record Owner	Total Units	Total Low Income Units	Total SF	Total SF (Res.Use)	Total SF (Low Income Res. Use)*
00027580	11E36BC06000	2316 SE Willard Street, Milwaukie, OR 97222	Northwest Housing Alternatives	28	28	48,084 (total housing footprint)	29,851 interior SF	29,851 interior SF

*Areas that are occupied by or used for providing housing for low-income tenants are eligible for exemption. This includes hallways, bathrooms, laundry rooms, on-site manager units, community rooms, etc.

Section C: ELIGIBLE PROPERTY CHECKLIST

1. Do you own the property in question?	☒ YES	☐ NO
2. If you do not own the property, do you have a leasehold interest in the property? If yes, describe your interest and include a statement describing how you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants rather than the owner or corporation from whom you lease:	☐ YES	☐ NO
3. If you lease the property identified in the application, please explain to what extent your lease agreement coincides with the timeframe of the qualifying tax year:	☐ YES	☐ NO
4. If your organization is not the property owner, but has an ownership interest in the property, describe your interest in the property. NOTE: Your nonprofit organization must be responsible for day-to-day operations to be eligible for exemption in this program:	☐ YES	☐ NO
5. Are you applying for an exemption for vacant land being held for the development of low-income housing for residents with incomes of less than 60% MFI? - If yes, provide the below information for each piece of land being held: i. When did you originally purchase the land? The holding period may not exceed six years: ii. Describe in detail your plans for this property including the income levels served by the development, number of units and unit types, available amenities, and your estimated time frame for completion of this plan:	☐ YES	☒ NO
6. Is all or a portion of the property being used for charitable purpose? If a portion, approximately what percentage of the property?	☒ ALL	☐ PORTION
7. Will any property on the list be purchased prior to July 1, 2020? If yes, please list:	☐ YES	☒ NO

Section D: DESCRIPTION OF PROJECT BENEFIT

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

- | | | |
|--|---|--|
| 1. Reduce rents that your very low income residential tenants pay on the property?
If yes, by approximately how much? \$127/unit/month | ☒ YES | ☐ NO |
| 2. Provide greater services to your very low income residential tenants?
If yes, please explain: NHA provides a robust resident services program to assist our WALSH Commons tenants in finding assistance and creating a sense of community. | ☒ YES | ☐ NO |
| 3. Provide any other benefit to your very low income residential tenants?
If yes, please explain: | ☐ YES | ☒ NO |

Section E: DECLARATIONS

Please read carefully and sign before a notary.

1. I declare that my organization has been granted an exemption from income taxes under 26 U.S.C. Section 501(c)(3) or (4) as amended before December 1, 1984, and submit proof of that status with this application.
2. I have attached documentation as proof of the owner relationship to the name of the applicant.
3. I am aware that the income-qualifying tenants must meet the income guidelines in accordance with 42 U.S.S. Section 1437 (a) (b)(2) as amended.
4. I am aware of all requirements for tax exemption imposed by ORS 307.540-407.548 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987), and implemented by the City of Milwaukie
5. The above described property or properties qualify or will qualify upon completion of any improvement or construction and subsequent occupancy for property tax exemption within 30 days of the March 1 application or the date of approval.
6. All the information in this application is true to the best of my belief and knowledge and is for all purposes of determining eligibility for the tax exemption program authorized by the City of Milwaukie.

Northwest Housing Alternatives

For: Organization's Name

By: Organization's Chief Executive Officer (signature)

Trell Anderson

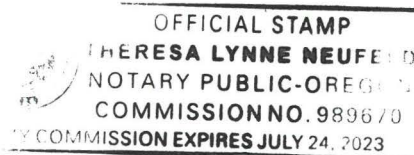
Organization's Chief Executive Officer (print)

SUBSCRIBED AND SWORN before me this 3 day of February, 2020

Notary Public for Oregon (signature)

Notary Public for Oregon (print or type name)

My Commission Expires: 7/24/2023



Internal Revenue Service
District Director
P O BOX 486
LOS ANGELES, CA 900530486

Department of the Treasury

AUG 24 1988

Date:

NORTHWEST HOUSING ALTERNATIVES INC
2316 SOUTH EAST WILLARD STREET
MILWAUKIE, OR 97222

Employer Identification Number:

~~XXXXXXXX~~

Case Number:

958131104

Contact Person:

TERRY IZUMI

Contact Telephone Number:

(213) 894-4170

Our Letter Dated:

Dec.17, 1985

Caveat Applies:

no

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi). Your exempt status under section 501(c)(3) of the code is still in effect.

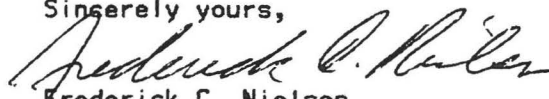
Grantors and contributors may rely on this determination until the Internal Revenue Service publishes a notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If the heading of this letter indicates that a caveat applies, the caveat below or on the enclosure is an integral part of this letter.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,


Frederick C. Nielsen
District Director

Letter 1050 (CG)

RS35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER OREGON REVISED STATUTE (ORS) 307.540 TO ORS 307.548 FOR A 28-UNIT NONPROFIT LOW-INCOME HOUSING DEVELOPMENT, WALSH COMMONS, OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES (NHA), INC.

WHEREAS, in response to rapidly rising residential rents and a lack of affordable housing options for low income families, the City Council declared a housing emergency in Milwaukie on April 19, 2016, and continues to explore opportunities to provide affordable housing across a range of different income spectrums; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low income persons, and the city wishes to adopt the policy set forth in those sections; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, has constructed a 28-unit development, known as WALSH Commons, for families with incomes at or below 60% of the area median family income for 60 years at 2316 SE Willard Street as part of its campus redevelopment; and

WHEREAS, the city and North Clackamas School District (NCSD) property tax levies jointly comprise more than 51% of the total combined rate of taxation for NHA's WALSH Commons development; and

WHEREAS, on February 8, 2018, the NCSD Board of Directors adopted Resolution R17/18-66 and the city adopted Resolution 12-2018, approving a property tax exemption for NHA's development, with an annual renewal until it is terminated; and

WHEREAS, NHA has submitted a renewal application for property tax exemption that has been determined by the city to meet the requirements of ORS 307.545 and will be required to submit an application annually to retain the exemption.

Now, Therefore, be it Resolved as follows:

Section 1: The City of Milwaukie adopts the provisions of ORS 307.540 to 307.548.

Section 2: NHA qualifies for a property tax exemption for WALSH Commons, its 28-unit development at 2316 SE Willard St.

Section 3: The finance director is directed to request the Clackamas County Assessor to exempt the development from taxation by all taxing jurisdictions, commencing on the first day of the tax assessment year beginning July 1, 2020.

Section 4: This resolution is to remain in effect unless and until termination occurs.

Section 5: This resolution is effective upon adoption.

Introduced and adopted by the City Council on **March 3, 2020**.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 18, 2020

Reviewed: Kelly Brooks, Assistant City Manager, and
Steve Adams, City Engineer

From: Jennifer Garbely, Assistant City Engineer, and
Beth Britell, Civil Engineer

Subject: **Meek Street Pipeline Installation South Phase (CIP 2016-Y11)**

ACTION REQUESTED

Council is asked to adopt a resolution authorizing the city manager to sign a contract for the Meek Street Pipeline Installation South Phase project with Tapani Inc. and establish construction authorization for the project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The project is included in both the 2004 and 2014 stormwater master plans. The project is included within the Fiscal Year (FY) 2019-2024 Capital Improvement Plan (CIP) for construction in FY 2020 and the adopted FY 2019-2020 Biennium Budget for the stormwater fund.

[July 5, 2016:](#) Council authorized an engineering agreement with AKS Engineering and Forestry, LLC, for design and construction services related to the Meek Street Storm System Improvements. Those services included design of the storm system alignment and property acquisition requirements for the completed project in addition to other tasks. The contract also provided for the appraisal of the properties to be acquired and the negotiation of settlements regarding the acquisition requirements.

[January 7, 2020:](#) Council authorized the acquisition of property on Oak Street from Union Pacific Railroad (UPRR) Company.

January 16, 2018: Council held an executive session to discuss the acquisition of real property related to the Meek Street storm system improvements.

ANALYSIS

The project is identified in both the 2004 and 2014 stormwater master plans to alleviate overcapacity and flooding in the Harrison Street stormwater system. Meek Street Pipeline Installation South Phase includes construction of approximately 2,500 linear feet of storm drainage mainline from SE Meek Street to SE 37th Avenue and SE Monroe, one stormwater detention facility at Oak Street, and a temporary connection to the Harrison Street system until the design of the north phase of the project is complete. The detention facility at Oak Street will reduce flooding in the Harrison Street system by mitigating peak flows.

The project provides needed service for the upcoming redevelopment of the McFarland site (Monroe Apartments land use application). Redevelopment of the McFarland site is contingent on the city providing a connection to the city stormwater system because there is no existing

feasible stormwater connection point and on-site infiltration is prohibited by the Oregon Department of Environmental Quality (DEQ).

The future northern project will remove the connection at Harrison Street and route flow north to discharge at the existing Roswell Pond Open Space and ultimately into Johnson Creek. The redesign of the northern project will eliminate the UPRR property acquisition and related easements. The city has obtained an easement with the Housing Authority of Clackamas County (HACC) to locate the pipeline on the Hillside property. The city is currently working with the HACC to locate a second detention pond and pump station on the Hillside Manor property in the proposed open space area. The open space area will be temporarily flooded during large storm events but will remain dry for recreation during most of the year.

Staff completed a competitive bidding process under Chapter 40 of the city 's Public Contracting Rules (PCRs) and seven bids were received before the solicitation deadline. There were no apparent discrepancies within the bids. The table below summarizes the bids received:

	Contractor	Total Bid Amount
1	Tapani Inc.	\$1,393,332.00
2	Landis & Landis Construction	\$1,508,826.00
3	Jesse Rodriguez Construction	\$1,716,892.00
4	Nutter Corporation	\$1,814,815.22
5	Moore Excavation Inc.	\$1,817,012.00
6	Trench Line Excavation	\$1,819,000.00
7	Emery and Sons Construction Group	\$1,819,202.50
	Engineer's Estimate	\$1,869,436.50

Tapani Inc. was the apparent low bid and is the intended awardee. A total project authorization of \$1,493,332.00 is requested, which includes a \$100,000 contingency based on project risks, potential deviations in project quantities, anticipated work, and to cover unforeseen circumstances.

BUDGET IMPACTS

This project is included in the FY 2019-2020 budget for the stormwater fund (FY 2019 \$720,000 and FY 2020 \$1,200,000). The low bid is within both the project estimate and program budget.

WORKLOAD IMPACTS

This project is scheduled for FY 2020 and FY2021 and no additional impacts are anticipated. Construction will occur from March to December 2020.

COORDINATION, CONCURRENCE, OR DISSENT

Managers from engineering, public works, planning, and finance reviewed and approved the project scope and budget.

Given that this project will disturb undeveloped land, it is not expected to have a high level of impact on adjacent property owners or the community at large. As such, the International Association of Public Participation (IAP2) engagement level recommended is inform. Project information, including the construction schedule and potential traffic impacts, will be shared with the community through the city website, mailings, social media posts, and the impacted neighborhood district association. Staff will also continue to engage directly with the property owners for both the Murphy and McFarland sites as needed.

STAFF RECOMMENDATION

Staff recommends the award of the Meek Street Pipeline Installation South Phase project to Tapani Inc., with a project authorization of \$1,493,332.00.

ALTERNATIVES

Council could choose to:

1. award the project as presented,
2. reject all bids in the public interest and direct staff to revise and rebid the project during a more favorable period, or
3. reject all bids in the public interest.

ATTACHMENTS

1. Resolution
2. Project Map

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, APPROVING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE MEEK STREET PIPELINE INSTALLATION SOUTH PHASE (CIP-2016-Y11) TO TAPANI INC.

WHEREAS, the city's Stormwater Master Plan identified the Meek Street Pipeline Installation South Phase project as a priority project to improve stormwater infrastructure; and

WHEREAS, these improvements are contained within the 2019-2020 biennial budget; and

WHEREAS, a formal competitive bid process following Public Contract Rule 40 was completed; and

WHEREAS, Tapani Inc. was the lowest responsive and responsible bidder.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager or designee is authorized to execute a contract with Tapani Inc. for the construction of the Meek Street Pipeline Installation South Phase, waive any irregularities, and authorize the city engineer or designee to administer the project in accordance with the project specifications with a project authorization of \$1,493,332.00.

Introduced and adopted by the City Council on **March 3, 2020**.

This resolution is effective immediately

Mark F. Gamba, Mayor

ATTEST:

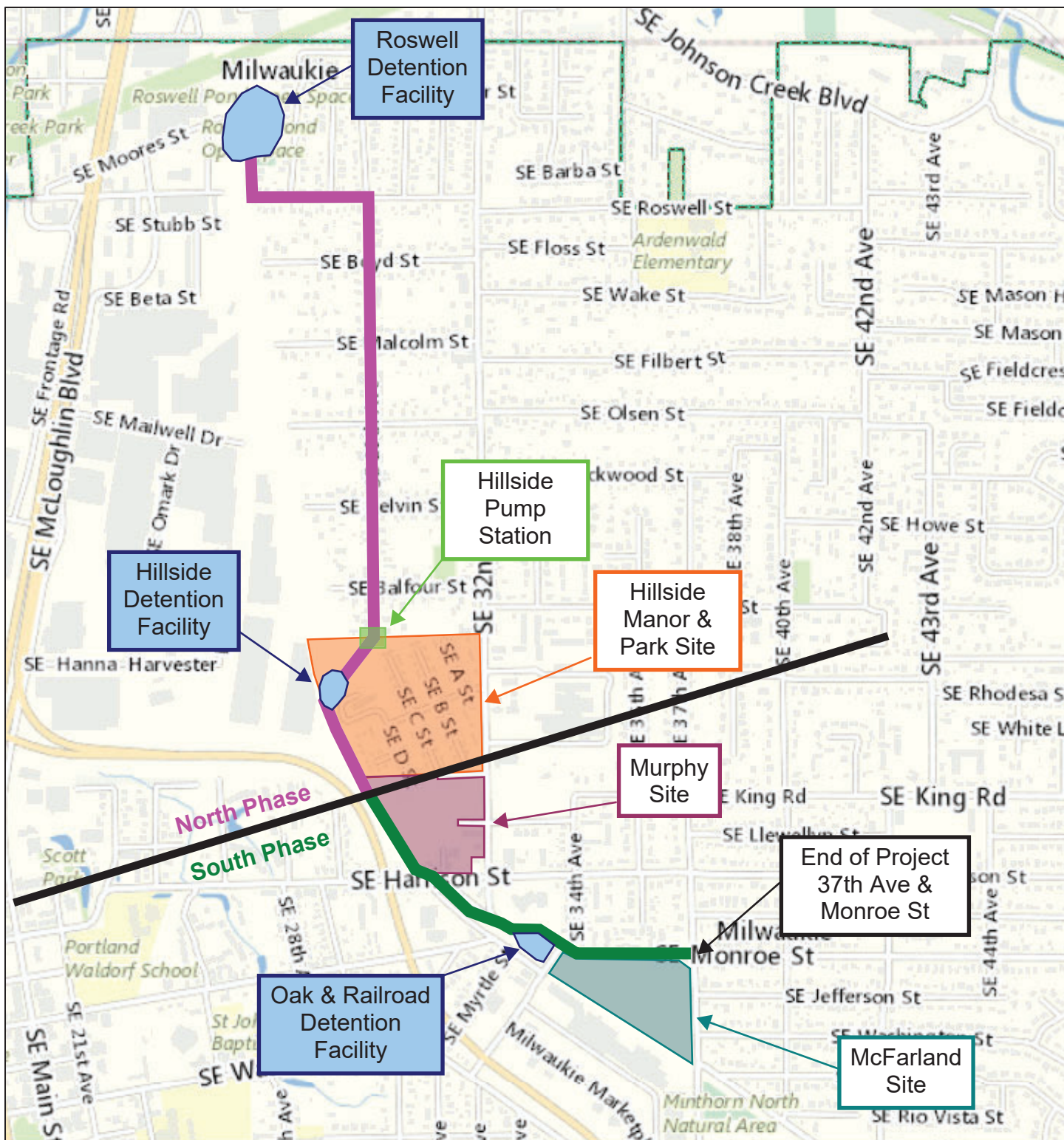
APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Meek Street Stormwater Project

Attachment 2



1/11/2019, 10:14:07 AM

Milwaukie City Limits

Storm Detention Facility

Hillside Pump Station

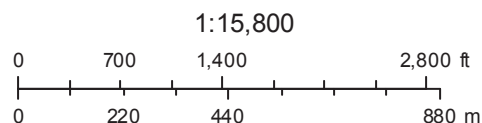
North Phase Storm Main

South Phase Storm Main

Hillside Manor & Park Site

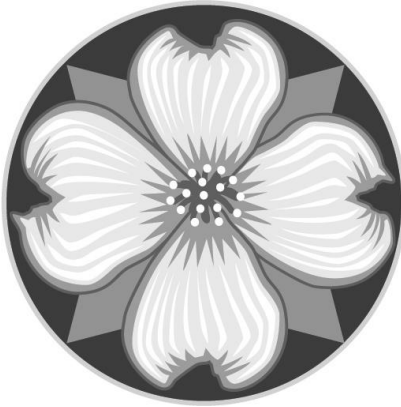
Murphy Site

McFarland Site



City of Milwaukie Oregon
Data Resource Center/Metro

RS42



RS Agenda Item

6

Other Business

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Kelly Brooks, Assistant City Manager
Jordan Imlah, Communication Program Manager

From: Jason Wachs, Community Engagement Coordinator

Subject: **2019 Volunteer of the Year Award Nominations**

Date Written: Feb. 18, 2020

ACTION REQUESTED

Council is asked to review nomination forms and select a winner to receive the 2019 award.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Staff opened the nomination process to the public on December 11, 2019. The nomination period closed on February 14, 2020.

Seventeen nominations were received. Nine individuals and one couple were nominated. Three individuals were nominated more than once. Nominees are listed below in alphabetical order by last name. Staff provided Council with nomination forms on February 20, 2020.

- Pixie Adams
- Lisa Lashbrook
- Lisa Lashbrook & Stephan Lashbrook
- Stephan Lashbrook
- Dave McAdams
- Connie Ross
- Sarah Smith
- Mark Stehn
- Kim Travis
- Ed Zumwalt

Potential nominees include anyone who resides in Milwaukie or members of a non-profit organization/business that serves the Milwaukie community. The winner will be chosen according to the following criteria:

- Longevity of service to the community;
- Some contribution of volunteer service in calendar year 2019 within the nominee's total volunteer efforts; and
- Service within the city limits of Milwaukie.

The volunteer service for which the person(s) is nominated does not have to be specifically in a City of Milwaukie volunteer capacity (i.e., board, commission, committee, neighborhood district association, etc.). However, some contribution to a city-related activity within the nominee's total effort is preferred.

The 2019 Volunteer of the Year will be recognized at the Volunteer Appreciation Dinner at the Milwaukie Center on Tuesday, March 31, 2020.

BUDGET AND WORKLOAD IMPACTS

The 2019 Volunteer of the Year will be recognized at the 2020 Volunteer Appreciation Dinner on March 31, 2020 at the Milwaukie Center. This annual dinner is also used to recognize and thank all city board, commission, and committee members and NDA officers. The cost of the venue and dinner for 100 people is approximately \$5,000. An already existing wooden plaque is engraved with the winner's name (cost to be determined) and displayed in the lobby of city hall. The other impact to the budget is primarily staff time to obtain nominations and organize the volunteer appreciation dinner.

COORDINATION, CONCURRENCE, OR DISSENT

Office of the city manager and city recorder staff have reviewed applications for accuracy, completeness, and compliance with program requirements.

ALTERNATIVES

Council could decline to name a 2019 volunteer of the year award recipient.

ATTACHMENTS

1. Nomination forms provided under separate cover.



2019 Volunteer of the Year Award Nominations

Background

- Volunteer of the Year Award began in 2012
- **Past winners:**
 - Ed Zumwalt – 2012
 - Dion Shepard - 2013
 - Alicia Hamilton - 2014
 - David Aschenbrenner - 2015
 - Joel Bergman – 2016
 - Lisa Gunion-Rinker – 2017
 - Greg Hemer - 2018



2019 Nominations

- The nomination process for 2019 began on Dec. 11, 2019 and ended on Feb. 14, 2020.
- Seventeen nominations were received. Nine individuals and one couple were nominated. Three individuals were nominated more than once.
 - Pixie Adams
 - Lisa Lashbrook
 - Lisa Lashbrook & Stephan Lashbrook
 - Stephan Lashbrook
 - Dave McAdams
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 - Kim Travis
 - Ed Zumwalt





Criteria for Choosing the Winner

- Longevity of service to the community
- Some contribution of volunteer service in 2019 within the nominee's total volunteer efforts
- Service within the city limits of Milwaukie
- Some contribution to a city related activity within the total effort is preferred (i.e. board, commission, committee, NDA, etc.)

Thanking and Honoring the Winner

- Recognized at the Annual Volunteer Appreciation Dinner on March 31, 2020 at the Milwaukie Center
- Press release distributed to local media
- Featured on the front cover of the Pilot in April
- Social media posts
- Added to the Volunteer of the Year plaque in the City Hall lobby





2019
VOLUNTEER OF THE
YEAR

Please vote for one volunteer to receive the 2019 Volunteer of the Year Award.

- ☐ Pixie Adams
- ☐ Lisa Lashbrook
- ☒ Lisa & Stephan Lashbrook
- ☐ Stephan Lashbrook
- ☐ Dave McAdams
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THANK YOU

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THANK YOU

2nd rd

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 24, 2020

Reviewed: Alison Wicks, Development Project Manager

From: Scott Stauffer, City Recorder

Subject: **Appointments to the City Hall Blue Ribbon Committee (CHBRC)**

ACTION REQUESTED

Council is asked to consider approving a resolution making reappointments to the CHBRC.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On [January 7](#), Council directed staff to recruit individuals to serve on the CHBRC and provided feedback on the draft committee workplan.

The city accepted CHBRC applications until February 10 and Council conducted an initial review of the applications received. On February 22 an interview panel of two Council members and two city staff members interviewed the applicants and have provided a slate of recommended appointments to the CHBRC.

ANALYSIS

In previous discussions, Council directed staff to recruit and facilitate interviews for up to eight at-large positions on the CHBRC. The eight positions were to reflect the city's seven residential neighborhoods and the downtown business area. Accordingly, staff recruited and facilitated interviews of individuals that had applied to serve on the CHBRC. The city did not receive applications from residents of the Llewelling or Hector Campbell neighborhoods and those neighborhoods are therefore not included in the list of recommended appointments.

Council also asked that several city boards and committees and two external groups name representatives to sit on the CHBRC. Staff worked with those groups to identify who their representatives would be. The North Clackamas School District (NCSD) Board named a representative and an alternate representative, which are noted below. One city board, the Tree Board, was unable to identify a representative to the CHBRC and therefore that board is not included in the list of appointments below.

Because the CHBRC is a limited-duration ad hoc committee, the term of these appointments is less certain given the unknown duration of the project. However, for clarity staff recommends that appointments to the CHBRC be made for a one-year period starting April 1, 2020.

At the time of this report, it is unknown which Council member will be the liaison to the CHBRC.

BUDGET AND WORKLOAD IMPACTS

Staff anticipates that facilitating the CHBRC will require additional financial and staff resources and will impact other work assigned to staff.

COORDINATION, CONCURRENCE, OR DISSENT

Staff worked with members of Council, staff committee liaisons, and the external groups listed below to recruit nominees to the CHBRC.

STAFF RECOMMENDATION

As a result of the application process and as nominated by city and external groups, the following 12 individuals are recommended for appointment the committee.

Position	Name	Start Date	End Date
Ardenwald Neighborhood	Val Ballestrem	4/1/2020	3/31/2021
Downtown Business Area	Mark Stehn	4/1/2020	3/31/2021
Historic Milwaukie Neighborhood	Donna Baten	4/1/2020	3/31/2021
Island Station Neighborhood	April Gracz	4/1/2020	3/31/2021
Lake Road Neighborhood	Ernestina Fuenmayor	4/1/2020	3/31/2021
Linwood Neighborhood	Nancy Tice	4/1/2020	3/31/2021
Arts Committee	Alicia Hamilton	4/1/2020	3/31/2021
Design and Landmarks Committee (DLC)	Tracy Orvis	4/1/2020	3/31/2021
Milwaukie Historical Society	Haley McCoy	4/1/2020	3/31/2021
NCSD Board	Tory McVay	4/1/2020	3/31/2021
	Jenna Benologa, alternate		
Park and Recreation Board (PARB)	Martha Germany	4/1/2020	3/31/2021
Planning Commission	Greg Hemer	4/1/2020	3/31/2021

ALTERNATIVES

Council could decline to make the recommended appointments, which would result in a smaller committee, or Council could identify and appoint different individuals to the CHBRC.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING APPOINTMENTS TO THE CITY HALL BLUE RIBBON COMMITTEE (CHBRC).

WHEREAS, the city is acquiring a new building to serve as a city hall and City Council has identified the need to form a blue-ribbon committee to consider the future use of the current city hall building; and

WHEREAS, staff worked with City Council and certain external groups to seek individuals interested in serving on the City Hall Blue Ribbon Committee (CHBRC); and

WHEREAS, an interview panel comprised of Council members and staff interviewed applicants, and certain city boards and committees and external groups nominated individuals to serve on the CHBRC; and

WHEREAS, staff recommends the following individuals be appointed to the CHBRC.

Position	Name	Start Date	End Date
Ardenwald Neighborhood	Val Ballestrem	4/1/2020	3/31/2021
Downtown Business Area	Mark Stehn	4/1/2020	3/31/2021
Historic Milwaukie Neighborhood	Donna Baten	4/1/2020	3/31/2021
Island Station Neighborhood	April Gracz	4/1/2020	3/31/2021
Lake Road Neighborhood	Ernestina Fuenmayor	4/1/2020	3/31/2021
Linwood Neighborhood	Nancy Tice	4/1/2020	3/31/2021
Arts Committee	Alicia Hamilton	4/1/2020	3/31/2021
Design and Landmarks Committee	Tracy Orvis	4/1/2020	3/31/2021
Milwaukie Historical Society	Haley McCoy	4/1/2020	3/31/2021
North Clackamas School District Board	Tory McVay	4/1/2020	3/31/2021
	Jenna Benologa, alternate		
Park and Recreation Board	Martha Germany	4/1/2020	3/31/2021
Planning Commission	Greg Hemer	4/1/2020	3/31/2021

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individuals named in this resolution are appointed to the City Hall Blue Ribbon Committee (CHBRC) for the term dates noted.

Introduced and adopted by the City Council on **March 3, 2020**.

This resolution is effective immediately.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

City Hall

Blue Ribbon Committee

City Council Regular Session

March 3, 2020

Scott Stauffer

Alison Wicks



City Hall Blue Ribbon Committee

- Role of the CHBRC:
 - Learn about:
 - Operational costs and limitations
 - Historic preservation requirements
 - Market conditions
 - Develop project goals
 - Participate in community engagement



City Hall Blue Ribbon Committee

- Recruitment
- Interviews
- Nominees
 - Council Liaison?



City Hall Blue Ribbon Committee

Position	Name
Ardenwald Neighborhood	Val Ballestrem
Downtown Business Area	Mark Stehn
Historic Milwaukie Neighborhood	Donna Baten
Island Station Neighborhood	April Gracz
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	Jenna Benologa, alternate
Park and Recreation Board	Martha Germany
Planning Commission	Greg Hemer



City Hall: CHBRC

Questions?



COUNCIL STAFF REPORT

To: Mayor and City Council
Reviewed: Ann Ober, City Manager, and
Leila Aman, Community Development Director
From: Dennis Egner, Planning Director

Date Written: Feb. 24, 2020

Subject: **Comprehensive Plan Implementation Committee (CPIC)**

ACTION REQUESTED

Council is asked to appoint members to the Comprehensive Plan Implementation Committee (CPIC).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On [July 5, 2017](#), staff offered several options for forming a Comprehensive Plan Advisory Committee (CPAC). Council directed staff to develop an open application process that included flexibility to invite applicants from key interest groups in the city.

On [November 19, 2019](#), staff provided an update regarding options for implementation of draft housing policies. The Council suggested formation of an advisory committee that includes a mix of members from the current CPAC, new community members, and subject area experts.

On [January 7, 2020](#), staff provided recommendations for the formation of an advisory committee that would include a mix of members from the current CPAC, one city councilor, one planning commissioner, new community members, and subject area experts.

DISCUSSION

Following the January 7 meeting, staff began the recruitment process for the CPIC. Staff placed an ad in the February Pilot newsletter and application announcements were sent to the CPAC, neighborhood district association (NDA) representatives, city committees and boards, and the Comprehensive Plan email list. The filing deadline for applicants was set for February 10 so that residents who learned about the process through the Pilot would have a chance to file an application. To narrow the candidate pool, Council was asked to review the applications and provide a short-list of candidates to be interviewed. Staff held interviews on Saturday, February 22, in conjunction with interviews for the City Hall Blue Ribbon Committee (CHBRC).

In previous discussions, Council recommended that the CPIC have up to 14 members, including:

- 1 Planning Commissioner
- 1 City Councilor
- Up to 6 CPAC members
- Up to 6 at large community members

Four CPAC members expressed their interest to participate in the CPIC moving forward, including:

- Matthew Bibeau
- Celestina DiMauro

- Daniel Eisenbeis
- Stephan Lashbrook

As of February 10, 25 applications had been received for the at large positions. Staff compiled the applications and summarized candidate data in a table. These materials were distributed to Council, who were asked to independently recommend 10 applicants for interviews to staff. Collectively, councilors voted for 22 different individuals. Of the candidates selected, 15 had two or more votes and staff dubbed these applicants as the “short list.” The breakdown of voting follows:

- 5 votes – 1 candidate
- 4 votes – 3 candidates
- 3 votes – 4 candidates
- 2 votes – 7 candidates

Four candidates who received 4-5 votes were considered automatic appointment. The 12 remaining candidates who received 2-3 votes were interviewed for the remaining five spots. The selected candidates are:

- Joel Bergman
- Jennifer Dillan
- Ada Gonzalez
- Sharon Johnson
- Micah Meskel
- Renee Moog
- Dominique Rossi
- Eugene Zaharie
- Nicole Zdeb

In addition to the open CPIC application process, the Planning Commission was asked to select a member to be assigned to the committee. At their January 14 meeting, the Commission selected Joseph Edge as their CPIC member, with Lauren Loosveldt as the alternate. Council will need to select their CPIC member on March 3 to complete the committee. Additional technical members will be added on an as needed basis determined by staff.

The CPIC will be responsible for reviewing code concepts with staff and providing input on proposed amendments to the Milwaukie Municipal Code (MMC). The Planning Commission will be responsible for making a recommendation to Council on amendments to the code. Council will ultimately make the final decision on changes to the MMC.

The final set of CPIC candidates are listed in the attached resolution. The intent is that the CPIC will serve until the conclusion of this project. The process for committee appointments related to future code amendment packages is still to be determined.

BUDGET IMPACTS

Staff does not anticipate a significant budget impact associated with this appointment process. The planning department is currently at a satisfactory staffing level for administration of the CPIC.

WORKLOAD IMPACTS

Staff anticipates that supporting the CPIC will require a significant dedication of staff time and resources in 2020.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager, assistant city manager, community development director, city recorder, planning director, and the development project manager have coordinated this effort to-date.

STAFF RECOMMENDATION

Staff recommends that the identified nominees be appointed to the CPIC and asks that Council nominate a councilor to serve on the committee.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING MEMBERS TO THE COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE (CPIC).**

WHEREAS, the city is undertaking a process to implement changes to its Comprehensive Plan; and

WHEREAS, community outreach and public involvement will be a critical part of the Comprehensive Plan review process and the City Council has identified the establishment of a Comprehensive Plan Implementation Committee (CPIC) as an integral component in the code amendment process; and

WHEREAS, the CPIC will provide input on code and map amendments associated with implementing the policies of the 2020 Comprehensive Plan, and will function as the Comprehensive Plan Advisory Committee (CPAC) for any updates to the Comprehensive Plan; and

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

WHEREAS, the process to apply for the CPIC was widely advertised and 29 applications were received; and

WHEREAS, the Council independently reviewed the applications and identified individuals that represent a diversity of neighborhoods, interests, and ideas.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the Comprehensive Plan Implementation Committee (CPIC) shall serve for the purpose of reviewing and providing input on Comprehensive Plan and zoning map amendments and municipal code amendments to implement the policies of the 2020 Milwaukie Comprehensive Plan. The following individuals are hereby appointed as members of the CPIC:

Members: Joel Bergman, Matthew Bibeau, Jennifer Dillan, Celestina DiMauro, Daniel Eisenbeis, Ada Gonzalez, Sharon Johnson, Stephan Lashbrook, Micah Meskel, Renee Moog, Dominique Rossi, Eugene Zaharie, and Nicole Zdeb.

Liaison members: Joseph Edge for Planning Commission; Lauren Loosveldt as alternate.

Introduced and adopted by the City Council on **March 3, 2020**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 25, 2020

Reviewed: Keith McClung, Assistant Finance Director

From: Bonnie Dennis, Finance Director
Carla Bantz, Court Operations Supervisor

Subject: **Municipal Court Amnesty Program**

ACTION REQUESTED

Council is asked to discuss and provide direction for the Municipal Court Amnesty Program.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[September 3, 2019:](#) Council and Municipal Court Judge Kimberly Graves briefly discussed an amnesty program.

ANALYSIS

The purpose of a municipal court amnesty program is to provide relief to qualified individuals in default for outstanding fines related to traffic violations. After 30 days of non-payment, the individual is considered in default and the city initiates a driver's license suspension process. Overdue fines (90 days or older), such as parking ticket violations, are sent to the city's collection agency, Valley Credit Services, who pursues collection of the fine from the individual.

At Valley Credit, the total number of eligible violations for parking and traffic infractions is approximately 7,000, which accounts for approximately \$3.2 million. This includes approximately 4,000 individuals with multiple infractions dating as far back as 2006.

An amnesty program would require that the individual pay 50% of the amount owed at the time of collection. Once payment has been received, the remaining 50% would be forgiven. For example:

Amount Due	\$1,000
50% payment	(500) *
50% amnesty	(500)
Balance Due	<u><u>\$0</u></u>

* Payment to be split 75% / 25% between the city and Valley Credit, respectively.

The proposed program would require the following for individuals to be eligible:

- Outstanding fines must have been at collections for three or more years;
- The fines must relate to traffic or parking fines, no other violation types;
- Only cases that are in non-judgment status with Valley Credit will be subject to amnesty; and
- Partial payments or payment plans for the 50% payment would not be allowed.

The benefit of this program is to provide relief to individuals and would reduce the city's outstanding receivable payments. The city could waive \$1.6 million under the proposed amnesty program and collect \$1.2 million from individuals. Valley Credit would retain the remainder. This would reduce the total receivable at Valley Credit (includes outstanding fines not eligible for amnesty) from approximately \$5 million to \$2 million.

If Council approves the program, staff would initiate a pilot program starting May 1 that would run through June 30. After June 30, staff will return to Council with a progress report.

Staff anticipates that the program's community outreach effort would include advertisements in local newspapers, the Milwaukie Pilot, social media outlets, the city's website, and a mailer.

Questions for Council consideration:

- 1) Does Council support the amnesty program as outlined?
- 2) Does Council agree with running a pilot program from May 1 to June 30?
- 3) Is Council comfortable with the pilot program including only traffic and parking violations?
- 4) Does Council agree with the three-year threshold for eligibility?

BUDGET IMPACTS

The amnesty program would decrease the city's outstanding court receivable and increase revenue in the fines and fees category.

WORKLOAD IMPACTS

Staff workload would temporarily increase in order to coordinate and reconcile accounts with Valley Credit and related processes to reinstate driver licenses.

COORDINATION, CONCURRENCE, OR DISSENT

The municipal court judge and city manager concur with this program and see mutual benefit to the city and community. City staff will coordinate with Valley Credit to clear default accounts and follow the driver's license reinstatement process.

STAFF RECOMMENDATION

Staff recommends that Council give direction for the pilot program to proceed and for staff to return to Council in July or August with a progress update.

ALTERNATIVES

Council could give direction to retain the current fine collection system.

ATTACHMENTS

None.

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF A REGIONAL UNIVERSAL YOUTHPASS FOR ALL YOUTH AGES 18 AND UNDER IN METRO'S REGIONAL TRANSPORTATION INVESTMENT MEASURE.**

WHEREAS, YouthPass is a program that provides Portland Public School students free access to TriMet transit service in lieu of a traditional school bus system; and

WHEREAS, each day, more than 200,000 youth in the region need to get to school, visit family and friends, attend events and meetings, receive medical care, get to jobs, visit libraries, participate in extracurricular activities and sports, and more; and

WHEREAS, over 60% of all students have indicated that access to a free YouthPass would increase their ability to attend school, activities, leadership opportunities, medical appointments, and employment opportunities; and

WHEREAS, 85% of Portland metro area high schools have one or more transit lines running directly outside the school campus or have transit lines within a half-mile or 10-minute walk of campus, including those in Milwaukie; and

WHEREAS, YouthPass is a critical program that builds the next generation of transit riders while reducing congestion and carbon pollution across the region; and

WHEREAS, as a region, we are not meeting our regional goals on transit ridership and climate emissions reductions; and

WHEREAS, getting more people on transit is one of the easiest ways to reduce our carbon emissions from transportation; and

WHEREAS, the Regional Universal YouthPass program will help address the trend of declining transit ridership and build future transit riders; and

WHEREAS, the Regional Universal YouthPass program provides the most benefit when it is made available year-round to all youth age 18 and under in the metro region, regardless of a student's financial, social, or school status; and

WHEREAS, the Regional Universal YouthPass program builds on Portland's existing YouthPass program and funding model, and incorporates existing TriMet commitments related to student rider pass funding programs; and

WHEREAS, the cost of the Regional Universal YouthPass program is based on ridership levels that reflect lost fare revenue as determined by actual card use verified by TriMet's HOP card usage in a manner like the annual pass program for employers; and

WHEREAS, the cost of the Regional Universal YouthPass program is estimated at approximately \$3 million per year, which represents double the existing program usage and usage by private school students, youths out-of-school, and unhoused youth; and

WHEREAS, Metro’s Transportation Measure Task Force and the Metro Council have approved approximately \$5 million for “youth fare affordability” in the region.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the Metro Regional Government is asked to include a Regional Universal YouthPass program for all youth age 18 and under in the Metro Regional Transportation Investment Measure.

Introduced and adopted by the City Council on **March 3, 2020**

This resolution is effective immediately.

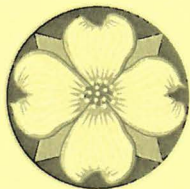
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



**CITY OF MILWAUKIE
CITY COUNCIL**

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: Kari Schlosshauer

Organization: Safe Routes Partnership

Address:

Phone:

Email:

Meeting Date: 3-3-20

Topic: Youth Pass + SRTS

Agenda Item You Wish to Speak to:

☐ #4 Audience Participation

☐ #5 Public Hearing, Topic:

☒ #6 Other Business, Topic:

You are Speaking...

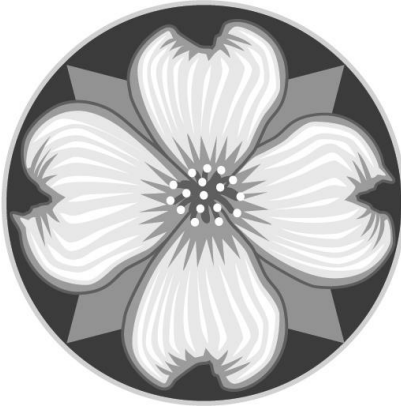
☒ in Support

☐ in Opposition

☐ from a Neutral Position

☐ to ask a Question

Comments:



RS Agenda Item

7

Information

Mayor's Announcements – Mar. 3, 2020



- **A Celebration of Black History Month** – Wed., Mar. 4 (6 – 7:30 p.m.)
 - Ledding Library, 10660 SE 21st Ave.
- **Can We Get Along? Examining Our Personal Experiences of Connection and Community** – Thu., Mar. 5 (6 – 7:30 p.m.)
 - Ledding Library, 10660 SE 21st Ave.
- **Johnson Creek Watershed Wide Volunteer Event** – Sat., Mar. 7 (8:45 a.m. – 12 p.m.)
 - 10 Restoration Work Parties to Choose From
- **22nd Ave. & River Rd. SAFE Project Open House** - Wed., Mar. 11 (5 – 7 p.m.)
 - Milwaukie Grange, 12015 SE 22nd Ave.
- **Minthorn Spring Quarterly Volunteer Work Party** – Sat., Mar. 14 (10 a.m. – 12 p.m.)
 - Minthorn Spring Wetland, Entrance on SE 37th Ave.
- **Ballet at the Milwaukie Center** – Sat., Mar. 14 (5 p.m.)
 - Milwaukie Center, 5440 SE Kellogg Creek Dr.
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV**