



**Regular Session**

**RS**

**Milwaukie City Council**



MILWAUKIE CITY COUNCIL  
REGULAR SESSION

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

**REVISED AGENDA**  
**JULY 5, 2016**  
(Revised June 30, 2016)

2,225<sup>th</sup> Meeting

- |  | Page #    |
|--|-----------|
| <b>1. CALL TO ORDER</b>  |           |
| Pledge of Allegiance   |           |
| <b>2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS</b>  |           |
| <b>A. None scheduled</b>   |           |
| <b>3. CONSENT AGENDA</b>   |           |
| These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the "Consent" agenda for discussion by requesting such action prior to consideration of that part of the agenda.  |           |
| <b>A. City Council Meeting Minutes:</b>  | <b>2</b>  |
| 1. April 19, 2016 Regular Session;   |           |
| 2. June 7, 2016, Work Session; and   |           |
| 3. June 21, 2016 Work Session.   |           |
| <b>B. Solid Waste Rate Adoption – Resolution</b>   | <b>22</b> |
| <b>C. Authorize IGA with Oregon Department of Administrative Services (DAS) for Offsite Storage Services – Resolution</b>  | <b>32</b> |
| <b>D. TriMet Property Triangle Site – Resolution [PENDING]</b>   | <b>76</b> |
| <b>4. AUDIENCE PARTICIPATION</b>   |           |
| The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and submit it to the City Recorder. Pursuant to MMC Section 2.04.360, "all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The presiding officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak. |           |
| <b>5. PUBLIC HEARING</b>   |           |
| Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.  |           |
| <b>A. None scheduled</b>   |           |
| <b>6. OTHER BUSINESS</b>   |           |
| These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.  |           |
| <b>A. Dissolution of the Library Services Expansion Task Force – Resolution</b>  | <b>78</b> |
| Staff: Katie Newell, Library Director  |           |
| <b>B. Visioning Advisory Committee Appointments</b>  | <b>82</b> |
| (Attachments Added June 30, 2016)  |           |
| Staff: David Levitan, Senior Planner   |           |

- C. Meek Street Storm System Engineering Services Agreement – Resolution 84**  
Staff: Chuck Eaton, Engineering Director
- D. Adopt Art in Public Places Ordinance – Ordinance 114**  
Staff: Mitch Nieman, Assistant to the City Manager
- E. 2017 League of Oregon Cities (LOC) Legislative Priorities 122**  
Staff: Mitch Nieman, Assistant to the City Manager
- F. Council Reports**

**7. INFORMATION**

**8. ADJOURNMENT**

**Public Notice**

Executive Sessions: The Milwaukie City Council may meet in Executive Session immediately following adjournment pursuant to ORS 192.660(2). All Executive Session discussions are confidential and those present may disclose nothing; representatives of the news media may attend as provided by ORS 192.660(3) but must not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and they are closed to the public.

The Council requests that mobile devices be set on silent or turned off during the meeting.

The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act. For special accommodations, please call 503-786-7502 or email [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) at least 48 hours prior to the meeting.



**Regular Session  
Agenda Item No.**

**3**

# **Consent Agenda**



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

**REGULAR SESSION**  
APRIL 19, 2016  
City Hall Council Chambers

**Mayor Gamba called the 2,220<sup>th</sup> meeting of the City Council to order at 6:07 p.m.**

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

Staff Present: Assistant to the City Manager Mitch Nieman, City Recorder Pat DuVal, City Attorney Peter Watts, Community Development Director Alma Flores, Finance Director Casey Camors, Planning Director Denny Egner, Sustainability Director Clare Fuchs, Associate Planner Brett Kelper, and Building Official Samantha Vandagriff

**CALL TO ORDER**

Pledge of Allegiance.

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

**A. Milwaukie High School (MHS) Outstanding Student Achievement Award for April 2016 to Emily McCarty**

**Mark Pinder**, MHS Principal, introduced Ms. McCarty and noted her achievements particularly in the areas of scholarship, volunteerism, and athletics.

Mayor Gamba and the Councilors congratulated Ms. McCarty and inquired about her academic and extracurricular activities and career plans.

**B. National Building Safety Proclamation**

**Ms. Vandagriff** read the proclamation naming May 2016 as *National Building Safety Month* in the City of Milwaukie.

**C. Air Quality Update**

**Mayor Gamba** introduced Nina DeConcini, Department of Environmental Quality (DEQ) Region Administrator; and Brian Boling, DEQ Laboratory Program Manager; and Aaron Johnson and Jay Khetani, Precision Castparts Corp. (PCC).

**Ms. DeConcini** provided a brief recap of the context and set the stage for this update. The last time she was before the Milwaukie City Council, DEQ had not done any monitoring, and she had stated that DEQ was not proceeding with renewal of PCC's air quality permits until the regulatory reform was completed. The new program, Cleaner Air Oregon, would take into consideration health and risk based information for industrial facilities that impacted local communities. The Brentwood Darlington Community hosted a meeting, and there was a request to monitor both soil and air quality around PCC. DEQ was still in the process of developing a soils sampling plan that it would communicate with the community and public health partners. PCC had informed DEQ earlier that it intended to install pollution control equipment on some of its processes, which DEQ was pleased to hear. The community believed that monitoring should take place before that equipment was installed. DEQ worked diligently to install its monitoring instruments to get a before snapshot. There were many regulatory intersects with PCC, so Ms. DeConcini provided an update of both PCC and McClure Industries in hard copy and electronically on DEQ's website.

**Mr. Boling** addressed ongoing monitoring at PCC and what it took to establish and monitor both air and soil. In the case of PCC, DEQ was doing fence line monitoring. Three stations were deployed around the facility after studying wind direction and speed from a meteorological station on top of McClure. It was found that the flow was from east to west along the canyon area of Johnson Creek. The deployments were placed to determine what was contributed by PCC and was a follow up to the moss study. The US Forest Service (USFS) collected moss in the area and identified nickel along with arsenic, so the follow up monitoring looked at the air concentration. The moss takes in the metals which either accumulate or go down into the moss. The air monitoring looked at air concentrations and human health impacts. DEQ also does receptor monitoring, a national program to measure air toxics, near homes and schools. The monitoring equipment filters are collected daily for a period of 30 days and taken to the lab in Hillsboro for analysis and determination of long term impacts. There was also a concern about styrene in the area, so a volatiles monitoring instrument would be installed just east of the potential source and perhaps one in between. He discussed the funding issues faced by DEQ and the limitation on available equipment. DEQ was borrowing equipment from the Environmental Protection Agency (EPA) so that more monitoring can be done.

**Council President Batey** asked if Eastside Plating in that same general area was being monitored.

**Mr. Boling** replied that DEQ had not done direct monitoring at that location.

**Ms. DeConcini** added that based on its most recent inspections, Eastside Plating was in compliance with state and federal regulations and that there had been no violations since 1998. There had been no citizen complaints for the past five years.

**Councilor Churchill** asked about plume discharge and how DEQ would know if it was monitoring in the right location.

**Mr. Boling** replied that DEQ looked at the wind pattern data and whether the air was coming from a heated source. PCC did not have a heated source, and staff confirmed that a lot lays low in that canyon. There was a different wind pattern on the bluff, and he felt the monitors were in the right location.

**Councilor Churchill** asked if manufacturing cycles for the past few months could be taken into consideration to determine if there were any changes in processes before the monitoring took place.

**Ms. DeConcini** said DEQ would request that information from PCC.

**Mayor Gamba** asked if monitors could be installed at the smoke stack to determine what was actually being emitted rather than fence line testing.

**Ms. DeConcini** replied that DEQ was looking at that as part of the regulatory overhaul. She discussed Oregon's clean air benchmarks with the goal of no more than one excess cancer risk in 1 million people compared to the general population. Other states do take into account the localized impact, which Oregon's program did not at this time prior to rulemaking and potential legislation.

**Councilor Power** was concerned about the time lag between collecting data and release of information. She asked if there were real time monitors that could identify spikes as they occurred.

**Mr. Boling** replied that in the case of greenhouse gas monitors, the information was available in real time. In the case of metals there was a real time instrument, but it was very expensive. Part of the time delay was the analysis that needed to occur and the time to determine the health impact using a longer term data set. Oregon benchmarks that assessed cancer risk, for example, was a one year test period.

**Ms. DeConcini** discussed standards and added that the benchmarks were set at a very protective level.

**Councilor Power** felt there should be a less costly way to access real time data.

**Mr. Boling** explained the difficulties of analyzing data in real time. The challenge with volatile organic compounds (VOC) and metals was the low level analysis of what human health impacts might be in the long term.

**Council President Batey** asked for comments about water quality including groundwater and Johnson Creek.

**Ms. DeConcini** replied that the City of Portland administered the PCC permit program and acted as DEQ's agent. She provided a document showing the environmental intersects that included water quality; however, she would prefer that Portland responded to Milwaukie directly.

**Mayor Gamba** suggested inviting the Bureau of Environmental Services (BES) to the May 19 study session on water quality.

**Councilor Power** asked how local governments could advocate for DEQ so it could do its job more effectively, and she noted the reduced staffing level.

**Mr. Boling** discussed the statewide lab that did all air, water, and land quality and the monitoring equipment that was moved around the state. He talked about staffing levels with employees being deployed to the highest priority locations.

**Ms. DeConcini** added that the regulatory overhaul would help identify staffing needs. She appreciated the City's involvement.

**Councilor Power** suggested that if people wanted to push for more funding they should express their support as budgets were considered at the legislative level.

**Mayor Gamba** invited representatives from PCC to provide their comments.

**Aaron Johnson**, General Manager, PCC Structural's Large Parts Campus on Johnson Creek Blvd and **Jay Khetani**, Vice President of Communications. Mr. Johnson read his comments into the record and would then invite questions. PCC employed 2,800 people in the Portland region and took its obligation to operate safely and responsibly very seriously. PCC made flight critical parts for every aircraft engine in the sky today, and the company knew exactly what metals are used to achieve the necessary performance characteristics.

Air quality has been on everyone's minds in the past couple of weeks. **Mr. Johnson** assured the City Council and the audience that PCC understood the importance of a neighborhood that was a safe environment to live, work, and raise a family. He briefly addressed some of the concerns that had been raised. PCC did not use arsenic or cadmium in its metals and predominantly used low toxicity nickel alloys. PCC used elemental chromium in its metals, and an extremely small percentage of the chromium converts to hexavalent chromium when high heat was applied. PCC Structural's has extensive air emissions control systems including hexavalent chromium. The scheduled system improvements would increase the capture rate.

**Mr. Johnson** said PCC was in full compliance with its permits and was audited by the Oregon DEQ. PCC invested years in analysis and engineering studies to ensure that the controls employed the best technology available. \$17 million had been invested on additional improvements between 2014 and 2016, although the existing controls were highly effective. PCC would submit a request to DEQ to reduce the maximum permitted emission for the upcoming permit renewal. The investments also included \$4.2 million for a stormwater facility to capture and treat all rain water at the Johnson Creek facility. He added that the industrial wastewater was not routed to Johnson Creek.

**Mr. Johnson** reported that PCC had established a website and posted relevant documents containing the most current information. A public community meeting was scheduled for May 25 to provide information and respond to questions.

**Councilor Churchill** asked about the indoor air quality sampling and if Mr. Johnson was willing to share that information with DEQ.

**Mr. Johnson** replied that PCC hired a third party industrial hygienist, but he was not prepared at this time to share that data. That information was shared with Oregon Occupational Safety and Health Administration (OSHA), so he felt he could probably share it with DEQ.

**Mayor Gamba** asked Mr. Johnson to discuss the new devices for air emissions and stormwater.

**Mr. Johnson** said the first project which had been completed was the addition of high efficiency particulate air (HEPA) filters on the exhaust of the baghouse to remove small dust particles. A baghouse captures and removes dust from the air using fabric filters which removes about 99% of the dust. Cyclone prefilters were installed which used baghouse. PCC upgraded its stormwater filtration system to improve the current process of removing contaminants before the runoff reached the City of Portland's stormwater system and Johnson Creek. Virtually all organics would be captured. There were springs and a pond at a higher elevation, and a lift system would be installed that would divert the water around the PCC property and go directly into the Portland system.

**Councilor Power** understood this stormwater investment would capture virtually all of the pollutants before going into the Portland system. She asked which pollutants were not being captured currently.

**Mr. Johnson** replied that from discontinued practices there were polychlorinated biphenyl (PCB) and chlorinated solvents. There was testing and the stormwater system went through extensive cleaning. The discontinued practices left some things behind that could migrate into the stormwater system. He and Mr. Khetani discussed runoff filtration systems. Mr. Johnson said all evidence indicated the threat was low, but conditions would improve with the stormwater system.

**Councilor Churchill** asked Mr. Johnson if he would be willing to talk to DEQ and share how manufacturing cycles had changed over time.

**Mr. Johnson** said he would include exact timelines. **Mr. Khetani** wanted to clarify that PCC would have discretion to change practices during the monitoring process to be sensitive to customer needs.

**Councilor Power** discussed the wastewater treatment plant as a major odor source and a long time source of frustration for those living near it. She commented on the success of the Kellogg Good Neighbor Committee (KGNC) and asked if PCC had considered doing something that.

**Mr. Khetani** replied that PCC had historically been an organization focused on its work and had not engaged with the media and the community. Clearly community concerns were making PCC think about taking actions to be more transparent and engaging the community. He did not feel that PCC was prepared to make a contractual commitment at this time but encouraged residents to attend the May 25 community meeting to begin the dialogue.

## **CONSENT AGENDA**

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

### **A. City Council Meeting Minutes:**

- 1. March 29, 2016, Study Session; and**
- 2. April 5, 2016, Work Session.**

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

## AUDIENCE PARTICIPATION

**Mayor Gamba** reviewed the procedure for audience participation.

**Mr. Nieman** reported that City Council received comments on solarization, but no staff response was necessary.

**Meg VanBuren**, South Portland Air Quality, read a statement regarding PCC's citizen engagement. The community was pleased that the company was communicating with residents and expected ongoing communication regarding any proposed solutions. The community wanted complete information on any previous emissions and controls. The community expected PCC to install world class pollution controls that used the best available technology. The community looked forward to a dialogue with PCC about emergency prevention and response. She discussed major incidents that had occurred at the large parts campus including the May 2011 release of a toxic cloud of gas that resulted in a hazardous material incident. PCC attributed the incident to a PGE power failure, but it did not appear steps were taken to install backup generators. It was expected that PCC would take community concerns seriously and respond promptly. She expected third party verification of any solutions and hoped PCC would invest the resources to establish and maintain a neighborhood advisory committee to facilitate communication and increase transparency.

**Jacob Sherman**, South Portland Air Quality, addressed some of the issues that DEQ had raised with regards to the human health risk permitting and pointed out that DEQ could have taken these steps years ago. Some people felt this had more to do with cultural issues than funding issues. With regard to the Oregon benchmark and looking for more than one excess cancer risk, there was 2014 data available that showed PCC was named one of the top 20 toxic air polluters in the country. There were 90 excess cancer risks in 1 million. The same questions could be asked about McClure Industries which received hundreds of complaints from the community about air quality odors prior to its permit renewal in 2010. He would encourage continued community advocacy.

**Mr. Johnson** said there were backup generators on site but could not speak directly to the power outage event at this time.

**Daniel Newberry**, Executive Director, Johnson Creek Watershed Council, a community based, nonprofit organization that did stream restoration. In the past couple of weeks, his organization had been contacted by DEQ and Portland BES about water quality issues. DEQ commissioned a study in 2014 that looked at several sources of pollution in the sediment in the vicinity of PCC that showed a pattern of polychlorinated biphenyl (PCB) and several heavy metal contaminants. He was glad to hear that PCC was doing some onsite mitigation, and he recommended redoing that study after recent storm events to determine if pollutants were still coming out. He also encouraged DEQ to investigate Milwaukie's drinking water supply. Mr. Newberry asked PCC when the PCB process changed.

**Mr. Johnson** replied that PCC stopped using the electrical switch gear that the PCBs came from in the early 1990's, and there was significant cleanup on the remedial sites.

**Charles Snyder**, Milwaukie resident, referred to the letter from PCC Structural and suggested that PCC was concerned that there was some risk to the company's profits. His family wanted a safe place to live, and he felt PCC should be held to the highest standards. PCC employees and executives should be comfortable living next door to the facility. He, too, would like investigations of the water supply. He did not trust corporations to take into account the environment or the public good and hoped there would be some way to move from the focus on profits.

**Julie Reardon**, Brentwood Darlington District, asked about the letter that went out to residents and hexavalent chromium emission figures. She thanked everyone in the community for their involvement and taking time to fight for change and accountability.

As a society, the country had strayed too far from meeting the basic needs of humanity and putting people on the frontlines of toxic exposure. The community was here to challenge the status quo. She hoped the City Council would invest its political power to affect change. Instead of looking at profit margins, one should preserve people's health and safety as the most valuable assets.

**Victor Hungerford**, Ardenwald resident, said his family was growing its own food, but he was concerned about the quality of the air. He understood PCC was a significant employer in the area. As a father and someone who wanted to live the rest of his life in this area, he wanted to know that it was safe. Change could happen, and it was good to know that PCC was willing to open up to the community. He urged setting an example for children and not simply accepting the status quo.

**Anne Trudeau**, South Portland Air Quality, did not live near PCC, but there were people she cared for who did. In 2002, her mother who was an environmental activist passed away. She had given Ms. Trudeau a copy of *Living Downstream* written by Sandra Steingraber. There has been a steady stream of lies and distortions from PCC and our regulatory agencies. Those living around PCC had undergone continuous assault. PCC talked about installing stormwater controls but neglected to mention this was not a voluntary action. PCC was licensed as a foundry that processed arsenic and cadmium, and she planned to speak with DEQ to get that information. She understood this was a self-reported list.

**Ms. DeConcini** said she would look at the hazardous air pollutant that PCC used in its license which was enforceable. It would be an important validation component of the current monitoring.

**Mr. Johnson** added that PCC did not use arsenic and cadmium in the metals. It would be in the recipe for the type of alloy provided by the customer. All material safety data sheets (MSDS) were reviewed, and arsenic and cadmium were not listed as a component of any recipe. Arsenic and cadmium were found in the Portland area, and if found in the baghouses, the levels would be very low. The PCBs were legacy.

**Steve Meyer**, Portland resident, asked about the use of hydrochloric acid and asked if PCC was self-insured. There were other plants in the region, and he asked why they were only focusing on the main Portland plant.

**Ms. DeConcini** said DEQ was focusing on this plant because of the moss study and hot spots identified for nickel and arsenic.

**Mr. Meyer** discussed other PCC locations and contamination flowing into Johnson Creek. He noted a number of former employees who had become ill.

**Mayor Gamba** recessed the regular session at 7:56 p.m. and reconvened the regular session at 8:00 p.m.

**Albert Zayha**, Portland resident, said PCC had facilities in California and other areas with stricter air quality requirements. The company could upgrade its Oregon facilities to meet similar requirements and still maintain its profits. He noted a conflict between what has been reported by DEQ and PCC and asked who could be trusted. The moss had spoken, but the monitors were in another location.

**Mr. Boling** explained when DEQ did metals monitoring the instrument provided a number of metals at the same time and provided results on a suite of metals in the sampling plan. He discussed the moss maps which used interpolation of where the samples were collected. DEQ placed its monitors to determine what was happening directly around PCC. DEQ was collaborating with the U.S. Forest Service and working diligently to transfer knowledge and understand where there may be potential issues.

**Debra Taevs**, Portland resident, said her husband, an industrial engineer, understood PCC was installing HEPA filters. He was concerned that the size of the particles being filtered would likely be too small to be caught by the filters. She and others were interested in the specifications of the equipment being installed the names of the

manufacturers to have a better understanding of those pieces of equipment. She also expressed concern about monitoring respiratory irritants like hydrochloric and nitric acids and cobalt. She asked if the monitoring devices detected those kinds of things.

**Mr. Boling** said the monitors did detect cobalt but did not address the acids.

**Ms. Taevs** said she and others were interested in learning how those other things were controlled. PCC continued to show up on the list of top air polluters for the entire country surrounded on all sides by homes, so she felt PCC should have ongoing monitoring.

**Heather Sparks**, Milwaukie resident, could smell a horrible, toxic plastic odor at least three or four times a week. She did not feel her daughter could play outside and was concerned about growing her own vegetables. She was also very concerned about the Milwaukie water supply because of the toxins going into Johnson Creek, and she asked if there had been any discussion of using the Bull Run water supply.

**Joan McClellan**, Portland resident, understood that all airplanes used PCC parts and expressed some concern about the company's being a security risk. Concerned residents were organizing a forum at a local church prior to the PCC event. She was concerned about pollution and her family's health and livelihood. She was also involved with the community forum Police and Citizens Working Together to Improve Relationships on April 24.

**Joel Iboa**, Beyond Toxics located in Eugene, said loopholes in regulations had allowed many manufacturers in residential areas to release heavy metals. Many concerned citizens would like to shutdown these facilities. Recent efforts by PCC and other polluters in the face of scrutiny were merely a Band-Aid. He believed the State should have a comprehensive air permitting program with stack emission tests at the site, fence line, and community monitoring. Currently, facilities were awarded permits with certain benchmarks; however, DEQ did not currently regulate cumulative air impacts. He urged everyone to consider the burden of toxic waste.

#### **A. Declare a Housing Emergency – Ordinance and Resolution**

**Ms. Flores** provided the staff report in which the City Council was requested to adopt an Emergency Ordinance authorizing the City Council to declare a housing emergency and adopt a Resolution declaring a housing emergency. She discussed housing related issues in the City of Milwaukie that were outlined in the staff report, and she provided relevant home sale and rental data.

**Mr. Watts** said the first action would be to grant the City Council the legislative authority to declare the emergency, and the second would be to adopt the Resolution. He discussed the Ordinance related to no cause evictions and how it differed from the regulations adopted by the City of Portland.

**Misty Collard**, Milwaukie resident, said she worked with low income families to find affordable housing. This region had the lowest vacancy level in the nation, and people are being asked to move from their units. She urged the Milwaukie City Council adopt the legislation. Wages and Social Security were not commensurate with the increasing rents, and renters were not given sufficient time to find other suitable units. She was concerned about the ability of communities who adopted this type of legislation to enforce. Portland currently charged the equivalent of three months' rent for violations of the 90-day termination requirement, which she believed was administered through Code Enforcement. Ms. Collard also encouraged support of programs that assisted first time homebuyers.

**Patty Jay**, Steen Court resident, said she received a 60-day notice of a no cause eviction. She had always paid her rent on time, and she and her sons had been good tenants. As a veteran she was eligible for the Rapid Rehousing Program. She hoped to be a catalyst for change because she did not want to leave Milwaukie or Clackamas County.

**Councilor Power** supported the actions because she herself found it difficult to find a home in her own community which she saw as a red flag. She felt adding the time restrictions would be very helpful to families and reduce stress levels.

**Mayor Gamba** said this was a small step to address affordable housing and encouraged that Milwaukie advocate at the State level and work with entities that could increase the housing stock in the City.

**Council President Batey** supported the requested actions but felt the City Council needed to have a discussion about the length Resolutions generally which tended to have a lot more “whereas” clauses than are really needed. She was also concerned about Resolutions that made “findings” for which there was no supporting documentation providing substantiation. She encouraged her fellow Councilors and staff to provide such substantiation and also to try to keep Resolutions concise. She encouraged staff and fellow Councilors to substantiate the language of proposed Ordinances.

**It was moved by Councilor Parks and seconded by Councilor Power to approve the first and second readings by title only and adoption of the ordinance authorizing the City Council to declare a housing emergency under specified circumstances, defining duration and City Council powers during a housing emergency and declaring an emergency. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]**

**Mr. Nieman** read the Ordinance two times by title only.

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

**ORDINANCE No. 2117:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY COUNCIL TO DECLARE A HOUSING EMERGENCY UNDER SPECIFIED CIRCUMSTANCES, DEFINING DURATION AND CITY COUNCIL POWERS DURING A HOUSING EMERGENCY AND DECLARING AN EMERGENCY.**

**It was moved by Councilor Power and seconded by Councilor Parks to approve the resolution declaring a housing emergency pursuant to Ordinance No. 2117. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]**

**RESOLUTION No. 46-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING A HOUSING EMERGENCY PURSUANT TO ORDINANCE NO. 2117**

**D. Establishing a New Milwaukie Municipal Code (MMC) Chapter 5.60 Relating to No Cause Eviction – Ordinance**

**Ms. Flores** provided the staff report in which the City Council was requested to adopt an emergency Ordinance to create MMC Chapter 5.60 which would establish a minimum time period of 90 days for no cause evictions of residential tenants. She read excerpts from Oregon Revised Statutes (ORS) Chapter 90, the Residential Landlord and Tenant Act, and provided statistics on local housing needs. The notice period was not increased in the case of for cause evictions

The group discussed appropriate terminology, and **Mr. Watts** advised that would not be a problem. **Council President Batey** discussed her amendments that clarified language in two sections of the proposed Ordinance.

**It was moved by Council President Batey and seconded by Councilor Parks to approve the first and second readings by title only and adoption of the ordinance relating to renter protections, establishing new code chapter 5.60 and declaring an emergency with two minor amendments in sections 1 and 2. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]**

**Mr. Nieman** read the Ordinance two times by title only with the amendments.

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

#### **ORDINANCE No. 2118:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RELATING TO RENTER PROTECTIONS, ESTABLISHING NEW CODE CHAPTER 5.60 AND DECLARING AN EMERGENCY.**

### **PUBLIC HEARING**

#### **A. Code Amendments for Short-Term Rentals, Vacation Rentals, Bed and Breakfasts, and Related Changes – Ordinance**

**Mayor Gamba** called the public hearing on the legislative Zoning Ordinance amendment initiated by the City of Milwaukie to order at 9:07 p.m.

The purpose of the hearing was to consider an Ordinance to adopt proposed amendments to the Zoning Ordinance to allow and regulate short-terms rentals, vacation rentals, bed and breakfasts, and related changes associated with commercial lodging uses.

This was a legislative decision by the City Council and was based on the following standards: the statewide planning goals; applicable federal or state laws or rules; any applicable plans and rules adopted by Metro; applicable Comprehensive Plan policies; and applicable provisions of implementing ordinances.

**Mayor Gamba** reviewed the order of business in the conduct of the hearing. The City Council decision was the final decision of the City. All testimony and evidence was directed toward the applicable substantive criteria. Failure to address a criterion or raise any issue with sufficient detail precluded an appeal based on that criterion or issue. Any party with standing could appeal the decision of the City Council to the State Land Use Board of Appeals (LUBA) according to the rules adopted by that Board. Persons with standing are those who submitted written comments or testified and signed the City Council Attendance sign-up sheet.

No members of the City Council declared a potential or actual conflict of interest as defined in ORS §244. No member of the audience challenged any Council member’s ability to participate in the decision.

Staff Presentation: **Mr. Egner** provided the staff report in which the City Council was requested to approve application ZA-2015-003 and Findings of Approval. He reviewed the proposed regulations which were developed through a series of workshops and the Planning Commission recommendation. Part of the proposed regulations addressed short term rentals that included Airbnbs where a property owner lived in the house on a permanent basis for at least 270 days per year. The proposal was to allow this type of rental in all zones where a residential use was allowed and treated as an accessory use to a residential unit. The Planning Commission recommended that at any given time

they could be rented to two different parties when hosted. These would be treated and regulated like a home occupation. The proposal allowed the use of a guest house or an accessory dwelling unit (ADU) on the property. The owner would be required to register as a business with the City to ensure that all building and fire code requirements were met.

**Mr. Egner** reviewed the vacation rental regulations when the owner was absent for more than 95 days per year. These would be rented to a single party and were a conditional use in a residential zone and the Downtown Mixed Use (DMU) zone and would require a hearing before the Planning Commission. The proposal would permit vacation rentals in the General Mixed Use (GMU), Neighborhood Mixed Use (NMU), Commercial (G-C), and Limited Commercial (C-L) zones. The rationale was that hotels and motels were allowed in those zones. Bed and Breakfast was the other type of rental in which three or more parties may rent rooms in the facility. They would be allowed as a conditional use in low, medium, and high density zones and permitted in commercial and mixed use zones.

**Mr. Egner** described the proposed changes to hotel and motel regulations. In addition to being prohibited in low and medium density residential zones, they would also be prohibited in R-1 and R-2 zones. They would be a conditional use in R-1-B and C-L zones. Hotels and motels would be permitted in mixed use and G-C zones.

**Mr. Egner** reviewed the new home occupation standards for short term rentals. An owner/operator has to live on the property for no less than 270 days per year. A short term rental can be occupied by no more than two rental parties at a given time. For a duplex property, only one unit at a time can be used as a short term rental. Building and fire code requirements must be met, and the owner must have obtained a business registration with the City of Milwaukie.

**Mr. Egner** reviewed the key Planning Commission issues. There was testimony from housing advocates concerned about affordable housing and compliance with statewide Planning Goal #10 who later submitted correspondence stating that the supplemental findings addressed their issues with Goal #10 and affordable housing. Parking was discussed at the Planning Commission, and members felt it could be addressed through the home occupation or conditional use processes. There had also been discussion of how many parties could occupy a short term rental and the number of rooms that could be rented in hosted situations.

**Council President Batey** noted that the issue of taxation had been discussed in work session.

**Mr. Egner** replied that issue would be worked out with the Finance Director and addressed separately. The 270 days of owner occupancy did not need to be consecutive, and he commented that it could be difficult to document and enforce.

Correspondence: Louise Dix and Jennifer Bragar, Fair Housing Council of Oregon and Housing Land Advocates, 1221 SW Yamhill Street, Portland, OR 97205. They stated that staff seemed to have thoroughly addressed their concerns related to Goal 10 obligations.

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

Testimony in Support:

**Cid Blase**, Island Station resident, had a B&B in her home and received a notice about a year ago that she was out of compliance. She attended the meetings and spoke before the Planning Commission regarding the required parking space which was eventually removed. She thought the Planning Commission was thoughtful, and she supported the recommendation. She urged that the checklist being developed be clear and succinct. She thought short term rentals could help people purchase homes in Milwaukie.

**Mr. Watts** made several clarifying remarks related to the State's transient lodging tax.

**Ms. Blase** commented on Airbnb taxes.

**James Knight**, Historic Milwaukie resident, had testified at the Planning Commission and sent emails to the Milwaukie City Council. He supported most of the amendments but asked why there were restrictions on the amount of time one had to be living in his or her home. He would prefer the number of days lower and noted that Portland only required that it be the primary residence. The City of Portland established a tax because it was pushed by hotel lobby. He recommended that the business fee not be too high. He discussed the need for an inspector and expressed concerns with code enforcement and felt he was being targeted.

Neutral Testimony: None.

Testimony in Opposition: None.

Staff Response: **Mr. Egner** said the reason for the limit on the number of days was to ensure that it was an accessory use to the primary residence and not a commercial enterprise independent of the house. He addressed the fire life safety issue that assured that the building was safe. By authorizing this he felt the City had some responsibility. He would check into the Portland question about the number of days the homeowner had to occupy the home.

**Council President Batey** recommended given the hour that the hearing be continued.

**It was moved by Council President Batey that the hearing on File #ZA-2015-003 be continued to the date certain of May 17, 2016, and to keep the public testimony open. Motion died for lack of a second.**

**Councilor Power** was prepared to adopt the Planning Commission's recommendation, and **Councilor Churchill** agreed.

Close Public Hearing:

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

Council Discussion:

**Council President Batey** saw a lot of tension between this package and emergency housing regulation just adopted. She believed approving short term rentals was an opening for taking more housing off the market. She thought 95 days was long, but she was willing to go with the Planning Commission's recommendation. Allowing for ADUs to be used as rentals took them out of the housing equation when the City Council supported more middle housing. The allowance of permitted short term rentals in the mixed use areas would also take housing out of the equation, and she gave the example of units on the Murphy site that could be turned into year round vacation rentals. She felt taxes should be addressed at the time these regulations were adopted and requested more information on the County taxes. She supported the general idea of allowing some short-term rentals, but thought the expansion to ADUs and to the newly-rezoned Central Milwaukie areas were allowing for too much housing to be taken off the housing market. She had some anxiety about the two parties because it would increase the intensity of use but was alright with the idea that it could be handled through code enforcement and business licensing. She thought there were too many loopholes in the code amendment which she felt ran counter to the Council's decision on emergency housing in the preceding discussion this evening.

**Councilor Parks** had not heard of a big groundswell of those who would like to rent out their houses or rooms. She was not seriously concerned that the amendments would replace long term available housing stock.

**Council President Batey** said there were many studies showing that Airbnb has reduced housing in areas like The Pearl. She was concerned about condos in the South Downtown that would be very appealing to rent. It was not only about availability but also about driving up costs.

**Decision by Council:**

It was moved by Councilor Churchill and seconded by Councilor Power to approve the first and second readings by title only and adoption of the ordinance amending Title 19 Zoning to allow and regulate short-term rentals, vacation rentals, and bed and breakfasts, and make related changes associated with commercial lodging uses (File #ZA-2015-003).

**Mayor Gamba** addressed Council President Batey's concerns about buildings that could be all rented out.

**Mr. Egner** explained in the Downtown that there could be an individual who occupied a condo or some other type of housing unit who could rent out a bedroom or vacate the unit for a month and rent it out. If the individual wanted to make it available for a vacation rental, then the individual would have to go through the conditional use process. In the Central Milwaukie commercial districts the vacation rentals were permitted outright.

**Mayor Gamba** asked if there was a way to amend the language so that only a certain number of units could be vacation rentals.

**Mr. Egner** replied that could be done.

**Motion passed with the following vote: Councilors Parks, Power, and Churchill and Mayor Gamba voting "aye" and Council President Batey voting "no." [4:1]**

**Mr. Nieman** read the Ordinance one time by title only.

**Mayor Gamba** announced that since the vote was not unanimous, the second reading and adoption would be scheduled for the May 3, 2016, regular session.

**Mayor Gamba** recessed the regular session at 9:36 p.m. and reconvened it at 9:48 p.m.

**OTHER BUSINESS**

**E. Adoption of Supplemental Budget – Resolution**

**Ms. Camors** provided the staff report in which the City Council was requested to adopt the Resolution adjusting the 2015 – 2016 biennium budget by adopting the supplemental budget and revising appropriations. Significant conditions included funding the Sustainability Director position in the City Manager's Office, the emergency temporary repair of the Kellogg Creek Bridge, and legal costs related to code enforcement. Staff was not requesting additional authority but rather shifting funds.

It was moved by Council President Batey and seconded by Councilor Parks to approve the resolution adjusting the budget for the 2015-2016 Biennium by adopting this Supplemental Budget and revising appropriations. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting "aye." [5:0]

**RESOLUTION No. 47-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADJUSTING THE BUDGET FOR THE 2015-2016 BIENNIUM BY ADOPTING THIS SUPPLEMENTAL BUDGET AND REVISING APPROPRIATIONS.**

**E. Adoption of Solar Goals for the City of Milwaukie – Resolution**

**Ms. Fuchs** provided the staff report in which the City Council was requested to adopt a Resolution setting a goal to triple the amount of solar energy produced in the City of Milwaukie by 2021 and to authorize staff to promote and facilitate a residential solar program for interested citizens modeled after the “Solarize” format. She described the benefits of the program and the process. Optional items of the “solarize” program were the ability to charge a small fee to defray program administration and project management. Another option was to include weatherization for those who did not wish or could not afford to go solar. She briefly discussed the option of buying into community solar. The final option was to include an apprenticeship program for chosen installation vendors to help create jobs in the community.

**Charlie Fisher**, Environment Oregon, supported the Resolution to help get clean energy on the grid and to help cities take action to promote clean energy and reduce carbon emissions.

**Terry Tomei**, Elemental Energy, believed in solar and encouraged the City Council to adopt the proposed Resolution. He saw many homeowners who wanted to go solar and needed more support through a program like this to make it happen.

**Robert Sandberg**, Light Source Energy, noted that in his Mt. Tabor Neighborhood many people had installed solar. Solarize helped make installation more affordable for homeowners. He was currently working on a proposal for a Milwaukie non-profit building at King Road and Linwood Avenue.

**Council President Batey** suggested that Mr. Sandberg contact Northwest Housing.

**Meghan Barrier**, Oregon Solar Energy Industries Association (OSEIA), said this was a great way to raise awareness of renewable energy and encouraged the City Council to adopt the Resolution. She was an experienced solar project manager and offered her support.

**Virginia Maxam**, Milwaukie resident, spoke in support of the program. She was impressed with the City Council and its integrity, intelligence, and thoughtfulness on a variety of issues addressed at this meeting. The Clean Energy Bill passed in March, and cities across Oregon were considering the “solarize” program.

**Crista Whittington**, Milwaukie resident, supported solar and this program for the reasons already stated.

**James Knight**, Milwaukie resident, spoke in support for the adoption of the Resolution and wanted to be well informed about the program and how to participate.

**Craig Ernst**, Milwaukie resident, said he, Ms. Barrier, and others wanted to be a resource to the program. Milwaukie had an opportunity to become known statewide for its solar program and becoming a solarized community.

**It was moved by Council President Batey and seconded by Councilor Parks to approve the resolution authorizing the establishment of a “Solarize” program and setting solar energy goals.**

**Councilor Churchill** said he would support the “solarize” program and acknowledged citizen concerns about the cost and the feeling that it was more important to repair City streets.

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

**RESOLUTION No. 48-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE ESTABLISHMENT OF A “SOLARIZE” PROGRAM AND SETTING SOLAR ENERGY GOALS.**

## **F. Neonicotinoid Insecticides – Resolution**

**Mr. Nieman** provided the staff report in which the City Council was requested to adopt a Resolution supporting the elimination of the use of neonicotinoid pesticides in Milwaukie that were toxic to honey bees and other pollinators. Park and Recreation Board (PARB) Chair Lisa Gunion-Rinker had provided a list of local nurseries that did not use neonicotinoids or other similar insecticides. He noted that the North Clackamas Parks and Recreation District (NCPRD) sourced product from eleven neonicotinoid-free nurseries. He discussed the management plan and other agencies involved.

**Mayor Gamba** said this action would be more far reaching after discussions with NCPRD and the North Clackamas School District (NCS D 12). The Oregon Department of Transportation (ODOT) and the Oregon Liquor Control Commission (OLCC) were not contacted. The group discussed those County agencies involved. Mayor Gamba offered to reach out to those who had not been contacted.

**Sharon Selvaggio**, Northwest Center for Alternatives to Pesticides, commended the City of Milwaukie for proposing this Resolution. Neonicotinoids harm bees and other wildlife and are known for large, dramatic die offs, but there are also sub lethal impacts. She urged the City Council to adopt the Resolution.

**Denise Baker**, Milwaukie resident, commended the City Council on all of the issues it considered at this meeting including the proposed ban on neonicotinoids which were harmful to humans as well. She provided links regarding the dangers of chemicals including glyphosates. She referred to an Oregon Occupational Safety and Health Administration (OSHA) regulation stating that warning signs should be placed after the application of chemical fertilizers and herbicide that included glyphosates.

**Council President Batey** pointed out that while the Parks and School districts had apparently been consulted and concurred with the policy, no one had consulted with other governmental agencies covered by the language, including OLCC and ODOT campuses in the North Industrial area.

**It was moved by Councilor Churchill and seconded by Councilor Parks to approve the resolution to eliminate the use of neonicotinoid pesticides which are toxic to honey bees and other pollinators. Motion passed with the following vote: Councilors Parks, Power, and Churchill and Mayor Gamba voting “aye” and Council President Batey voting “no.” [4:1]**

### **RESOLUTION NO. 49-2016:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO ELIMINATE THE USE OF NEONICOTINOID PESTICIDES WHICH ARE TOXIC TO HONEY BEES AND OTHER POLLINATORS.**

## **G. Approve Expedited Annexation of the Property Located at 9404 SE Stanley Ave – Ordinance**

**Mr. Egner** provided the staff report in which the City Council was requested to approve the expedited annexation for the property located at 9404 SE Stanley Avenue.

**It was moved by Councilor Power and seconded by Councilor Churchill to approve the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AD05200 and located at 9404 SE Stanley Avenue into the City Limits of the City of Milwaukie (File #ZA-2016-001). Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]**

**Mr. Nieman** read the Ordinance two times by title only.

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

**ORDINANCE No. 2119:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AD05200 AND LOCATED AT 9404 SE STANLEY AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2016-001).**

**H. Council Reports**

**Mayor Gamba** announced upcoming community events including the Milwaukie Earth Day Volunteer Event and Arbor Day Celebration; the Milwaukie Film Series 2016 and 5<sup>th</sup> Watershed Film Event; Prescription Drug Take Back and Document Shredding; the Urban Renewal Open House; and a number of non-profit Plant Sales around town on May 7.

**Council President Batey** announced the opening day of the Milwaukie Sunday Farmers Market and the first First Friday of 2016.

**ADJOURNMENT**

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

**Mayor Gamba** adjourned the regular session at 10:58 p.m.

Respectfully submitted,

---

Pat DuVal, Recorder



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

**WORK SESSION**  
JUNE 7, 2016  
City Hall Conference Room

**Mayor Gamba called the Work Session to order at 4:15 p.m.**

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

Staff Present: City Manager Bill Monahan, City Attorney Dan Olsen, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Information Technology (IT) Manager Brandon Gill, Finance Director Casey Camors, Right-of-Way (ROW) and Contract Coordinator Reba Crocker, Public Works Director Gary Parkin, and Stormwater/Streets Supervisor Kenny Hill.

**City Manager's Report**

**Ms. Camors** introduced Mr. Gill as the City's new IT Manager.

**Mr. Monahan** provided an update on the City Manager recruitment schedule, discussed opportunities for the interview cycle, and suggested possible meeting times. He discussed Cost of Living Adjustment (COLA) and deferred compensation considerations for non-represented and confidential employees.

It was Council consensus that the non-represented and confidential employee COLA and deferred compensation adjustments would be considered at the June 21, 2016, Regular Session.

It was Council consensus that staff should move forward with the Construction Manager/General Contractor (CM/CG) process for the Library Expansion Project.

**Solid Waste Rates**

**Ms. Crocker** introduced Rick Winterhalter, Clackamas County Senior Sustainability Analyst, Dean Kemper with Waste Management, and Dave White with Oregon Refuse and Recycling Association. She discussed proposed solid waste increases of 5 – 10 cents per month and recommended container increases.

**Mayor Gamba** noted drop boxes were still being subsidized by residential commercial users to get to the 10% rate of return. He asked why it could not be 10% equally across the board.

**Mr. Winterhalter** noted the need to look at the bottom line to determine if adjustments needed to be made. He wanted to look at keeping the disposal unit whole and not to get too far behind. He disagreed with it being characterized as a subsidy.

**Councilor Power** noted the sub-numbers were not consistent for the costs of drop box disposal versus residential disposal.

**Mr. Winterhalter** said he would still look to ask for an increase for residential and commercial uses. He explained that use of drop boxes were standard practice for commercial users and that the thought was to have a per box fee for the special waste category, so other incidental fees could stay the same. He discussed expenses related to drop boxes.

**Council President Batey** agreed with Mayor Gamba on the drop box matter.

**Mr. Winterhalter** said the desire was to try to minimize the increase and noted there may be another bump in that type of service.

**Councilor Churchill** wanted to look at the fee structure fiscal model.

**Mayor Gamba** reiterated that he believed residential users had been carrying the load for drop boxes and to some degree commercial users. He expressed support for reducing residential rates.

**Councilor Power** asked if there was a point where boosting the fee would disincentivize people from going through the disposal process. **Mr. Winterhalter** did not believe that would happen. **Councilor Power** noted recycling was becoming a loss, mostly from commercial. She asked how Council could prioritize doing the right thing so people could move toward a more sustainable decision.

The group discussed the residential and commercial recycling.

**Councilor Power** asked about residential composting and if a program that diverted 30% of solid waste could be sustained. **Mr. Winterhalter** discussed expenses.

The group discussed composting and yard debris.

**Mr. Winterhalter** and **Ms. Crocker** reported that they would return to Council with updated rates of return at the June 21, 2016, Regular Session.

### **Emergency Management**

**Mr. Parkin** described the Cascadia Rising exercise and reviewed the Declaration of Emergency procedure. He commented on the Beacon program and discussed the Emergency Operations Plan (EOP) that was adopted in 2012.

### **Jurisdictional Transfer of 99E Frontage Road between SE Milport Road and SE Ochoco Street**

**Mr. Hill** discussed the jurisdiction and maintenance of Frontage Road and the nearby detention pond. He reported that staff was requesting that Council authorize the City Manager to sign a memorandum of understanding (MOU) transferring jurisdiction to the City once the street and signage was brought up to standards. He noted that complaints from business owners along Frontage Rd included potholes, and he discussed the importance for the road for truck traffic. He also discussed the possibility of controlling parking. He explained that the Oregon Department of Justice (DOJ) had requested more time to review the MOU before it was signed. He added that 1 ramp would be addressed because of damage and some soft spots in the roadway.

**Mr. Hill** noted that all of the City's requests had been accepted and that the Oregon Department of Transportation (ODOT) was looking to complete this transfer before starting their McLoughlin Boulevard project. He explained that the advantage for the City was to have a street that it controlled, a better plan for similar streets, and to help create a better image of the City and its condition for the next 15 years.

**Mr. Parkin** confirmed Frontage Road was a City street and discussed capital improvements to be made.

The group discussed the benefits of the jurisdictional transfer.

### **Urban Growth Management Agreement (UGMA) Update**

**Mr. Nieman** reviewed changes to the UGMA map including Elk Rock Island and certain residential areas in Portland. He discussed dual interest areas (DIAs), urban services,

and the decision to make all areas outside of DIA A into DIA B. He noted these changes were pending a review from Clackamas County.

**Mr. Olsen** explained the statewide mandate to get urban areas into cities, but noted it was more difficult to require people to annex to a city. He explained a statute dating from the 1950s that stated cities may exercise subdivision and partition jurisdiction over any area within 6 miles of their boundary, unless other agreements were adopted. He explained that the current UGMA proposed that the City had jurisdiction over land divisions and subdivisions in the entire area, and as a condition, if a property was contiguous to the city, property owners would be required to annex; if not contiguous, they would be required to sign a consent to annexation document stating that should they become contiguous they would annex. He also discussed the possibility of the City deciding to do a cherry stem on a county or local access road and discussed the path moving forward. He noted the possibility of pushback on the proposed UGMA changes.

**Mr. Nieman** added that the boundary would likely not get a lot of push back and reported that the City of Portland seemed amenable to the UGMA changes. He discussed the feasibility of annexing the Clackamas Community College (CCC) Harmony Campus.

The group discussed the map's border, and **Mr. Nieman** confirmed he would report back to Council with additional information.

**Mr. Olsen** noted this would set the boundary for a period of 20 years but elements could be amended during that time. He discussed road the issue of jurisdiction provisions and septic systems.

**Mayor Gamba adjourned the Work Session at 5:45 p.m.**

Respectfully submitted,

---

Amy Aschenbrenner, Administrative Specialist II



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

**WORK SESSION**  
JUNE 21, 2016  
City Hall Conference Room

**Mayor Gamba called the Work Session to order at 4:15 p.m.**

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

Staff Present: City Manager Bill Monahan, City Attorney Dan Olsen, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, and Engineering Director Chuck Eaton

**City Manager's Report**

**Mr. Monahan** asked about the dates of the July and August Study Sessions. It was Council consensus to discuss the dates at the July 5 Work Session.

**Mr. Monahan** discussed the City Manager recruitment process. The June 23 Study Session would begin at 5:30 p.m. to discuss the process with Waldron HR.

**Percent for Art**

**Mr. Nieman** introduced artMOB member Denise Emmerling-Baker. He explained the reasoning behind why the draft ordinance did not include the private dedication piece as it had before. However, he had learned that the City of Portland did try to work with private development through incentives, such as floor area ratios. The draft ordinance for review was similar to what other Oregon cities had in place.

**Ms. Emmerling-Baker** noted that the City of Happy Valley had a seed fund from the construction of its city hall for art. She did not want to delay the process and discussed the opportunity to have the ordinance cover both private and public development at some time.

**Mr. Nieman** discussed the percentage to the developer. No one was doing the private piece in Oregon, but there was nothing in state statute that did not allow it. **Councilor Power** commented on exaction. **Mr. Nieman** discussed the \$50,000 cap.

**Ms. Emmerling-Baker** noted the public's enthusiasm for more public art.

**Councilor Parks** understood art would be purchased on behalf of City of Milwaukie and vested in the City of Milwaukie. She asked about programmatic funding. **Mr. Nieman** noted the new draft did not include programmatic funding.

**Councilor Power** asked for a City Attorney opinion on the risks and possibilities of the private development piece. The group discussed exploring the private option.

The group discussed exclusions. **Mayor Gamba** discussed the construction of public housing and how it might apply to a public / private project.

The group concurred on the boilerplate version and to continue research.

**Bike / Pedestrian Accessibility Program**

**Mr. Eaton** and Angel Falconer, Chair of the Public Safety Advisory Committee (PSAC), introduced the key concepts of the proposed program. **Mr. Eaton** presented the bicycle

priority corridor map which included the Safe Routes to School elements and explained the Priority 1 and Priority 2 distinctions.

**Mr. Eaton** noted SE 29<sup>th</sup> was designated as a greenway but was not included in this plan. **Ms. Falconer** explained the neighborhood and PSAC identified 32<sup>nd</sup> Avenue as the preferred route.

**Ms. Falconer** and **Mr. Eaton** further discussed the map and the connections between and within the City's neighborhoods. **Mr. Eaton** reported that Existing Condition surveys had been done on identified corridors, and he hoped to complete surveys on all City streets by the end of the summer.

**Mr. Eaton** explained the dot exercise, and City Council participated. **Mr. Eaton** noted that people were generally most supportive of new infrastructure where there was currently none. The group discussed the ranking of the Monroe Street Greenway.

**Mr. Eaton** explained the \$37.5 million figure for the Capital Improvement Plan, that was broken down by Priority 1, Priority 2, and the greenways and trails. **Mr. Eaton** and **Mayor Gamba** discussed matching fund amounts.

**Mr. Eaton** explained funding options and described the possibilities of fully or partially funding the projects.

**Councilor Churchill** wanted to fund the Americans with Disabilities Act (ADA) required elements.

**Councilor Power** wanted to start with the federal requirements and then continue to tackle Priority 1, in order to not kick the can down the road.

**Council President Batey** said to go for the \$15.5 million for Priority 1 and Priority 2.

The group discussed the use of Street Surface Maintenance Program (SSMP) funds.

**Mr. Eaton** summarized the City would have a 3 to 4 tier long range vision, starting with the baseline ADA improvements and then adding on Safe Routes to School and other projects. He explained next steps included the continuation of mapping the City, PSAC's recommendation of the final plan, and the Citizens Utility Advisory Board (CUAB)'s recommendation on funding scenarios. **Mr. Eaton** would return with a proposed plan and program during the July 19 Regular Session.

**Mr. Monahan** provided updates on the June 21 Regular Session agenda. He noted that North Clackamas School District Superintendent Matt Utterback had cancelled. The group agreed **Mr. Monahan** would present on the consideration of the management and confidential employee compensation. He also noted the Solid Waste Rates discussion may be in flux. In addition, the City Council would meet as the Milwaukie Redevelopment Commission meeting following the adjournment of the Regular Session.

**Mayor Gamba adjourned the Work Session at 5:41 p.m.**

Respectfully submitted,

---

Amy Aschenbrenner, Administrative Specialist II



MILWAUKIE CITY COUNCIL  
STAFF REPORT

**To:** Mayor and City Council  
**Through:** Bill Monahan, City Manager

**Subject:** **Solid Waste Rate Adoption**

**From:** Reba Crocker, Rights of Way Contract Coordinator

**Date:** July 5, 2016

**ACTION REQUESTED**

Adopt solid waste rates for fiscal year 2017.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**2004-2013**

Council approved a solid waste rate increase.

**June 2014**

Council and Staff discussed current solid waste rate structure and concluded that no rate increase was necessary to sustain the system.

**June 2015**

Council approved a solid waste rate increase.

**June 2016**

Council and Staff discussed proposed rates increases. Staff received direction to move forward with rates that equalize ROR across service types.

**BACKGROUND**

The City Council annually reviews and adopts solid waste rates charged by the City's four haulers. The process is as follows:

- The City's franchise solid waste haulers submit financial information to the City identifying revenues and expenses for the previous year relating to the provision of garbage, recycling and yard debris collection services, on or around March 15.
- The City, through an Intergovernmental agreement with Clackamas County, consolidates the information to create a composite.
- Costs are adjusted to eliminate amounts that may be allowable for tax purposes, but that aren't allowed for rate determination.
- The composite is used to evaluate the financial health of the system as a whole which is based on the "rate of return" (ROR) projected for the following year.
- The projected ROR is reviewed and rate changes are considered to ensure it remains within an acceptable range. Chapter 13.24 of the City municipal code states that rates shall be adequate to provide a ROR equal to 10% of the composite gross revenue and further states that a rate of return within the range of 8% to 12% is sufficient to reflect the level of business risk assumed by the haulers, allow investment in equipment, and to ensure quality collection services.

- Staff discusses ROR with the solid waste haulers and County staff to identify and recommend rates to the City Council.
- City Council discusses the recommendations and adopts solid waste rates.

This year's analysis recognized a slight increase in the cost of garbage disposal and known increases in contractual labor. While other upward pressures on expenses exist, past increases have allowed the system to finally move into the middle of the targeted range of returns. A minimal increase is being proposed for commercial and drop box to keep the composite within the range with no increase to residential rates.

The Metro Council has adopted a small increase to the cost of disposal of \$1.27 per ton effective July 1, 2016. Other notable expenses are rising, but at a lower percentage compared to recent years. Disposal and labor represent almost 50% of the costs to provide service and Staff believes it is important to stay current with providing revenues necessary to cover expenses.

Staff recommends creating a special class of service for special wastes delivered outside the Metro region. This level of service differs significantly from the predominant service levels contemplated when establishing the drop box fees. This fee will apply to asbestos contractors and others with special wastes required to be disposed of in an appropriately permitted landfill. The proposed fee represents an increase from the standard customer collection fee for 10, 20, and 30 cubic yard drop boxes.

<b>Special waste delivered outside the Metro region</b>	<b>Current</b>	<b>Proposed</b>	<b>Proposed Increase</b>
<b>10/20 yard Drop Boxes</b>	\$119.00	\$161.00	\$42.00
<b>30 yard Drop Boxes</b>	\$136.00	\$178.00	\$42.00

After reviewing the production records submitted by the franchisees, making agreed upon adjustments, and applying known increases for disposal of garbage, it was determined that collection fee adjustments are appropriate.

In addition, Curbside Bulky Waste event costs are estimated for this year and are included in the analysis. This may impact the ROR in residential rates, possibly causing a rate increase next year.

Following is a description of the fee changes proposed by Staff:

- Rates effective August 1, 2016.
- No increase for residential can and cart service.
- Increase commercial container service by \$.39 per cubic yard serviced. This reflects the adjustments to labor and garbage disposal costs as mentioned above.
- Create a special class of service for special waste required to be disposed of outside the Metro region. Increase the 10, 20, and 30 yard drop boxes by \$42.00.

**CONCURRENCE**

The solid waste haulers support the proposed rate increases.

**FISCAL IMPACTS**

The proposed rate increase will result in a slight increase in solid waste franchise fee revenue for the City.

**WORK LOAD IMPACTS**

Adjusting the solid waste rate structure will require rate updates by the haulers within the City.

**ALTERNATIVES**

Defer rate increases until 2017, potentially resulting in much larger rate increases for all service levels and having an adverse effect on the current solid waste service.

**ATTACHMENTS**

1. Solid Waste Rate Resolution
2. Uniform Solid Waste and Recycling Rates
3. Rate of Return Composite



**CITY OF MILWAUKIE**

*"Dogwood City of the West"*

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, INCREASING RESIDENTIAL, COMMERCIAL, DROP BOX SERVICE RATES TO REFLECT INCREASES IN METRO TIP FEE AND LABOR RELATED COST INCREASES, AND CREATING A SPECIAL CLASS OF SERVICE TO ADDRESS THE COST OF SPECIAL HANDLING REQUIREMENTS EFFECTIVE AUGUST 1, 2016.**

**WHEREAS**, Section 13.24 of the Milwaukie Municipal Code provides that the City Council may set rates and implement rate changes; and

**WHEREAS**, some rate projections for calendar year 2016, without a rate adjustment, are below the 8%-12% range prescribed by the City Code; and

**WHEREAS**, effective July 1, 2016, Metro's Transfer Station tip fee will increase by \$1.27 per ton; and

**WHEREAS**, the proposed rates are comparable to local jurisdictions in the Metro area and reflect a graduated increase across service levels; and

**WHEREAS**, some offered services incur disproportional costs and the creation of a special class of service will require the users of the service to cover the additional costs of the service.

**Now, Therefore, be it Resolved** that the rates for garbage and recycling, herein attached as "Uniform Solid Waste and Recycling Rates" are effective on August 1, 2016.

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

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

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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

# Attachment 2

**City of Milwaukie  
Uniform Solid Waste Rates  
Rates as of August 1, 2016**

**Uniform Monthly Residential Rates**

	<u>New Monthly Rate</u>	
<b>20 Gallon Can (Mini-Can):</b>		
1 Can/Cart (1 time/week)	\$	26.00
<i>Weekly collection includes recycling and yard debris service.</i>		
<b>32 Gallon Can/Cart:</b>		
1 Can/Cart (1 time/week)	\$	29.90
2 Cans/Cart (1 time/week)	\$	59.80
Each Addtl Can/Cart	\$	29.90
Extra Can of Garbage (occasional)*	\$	6.05
Extra Can of Yard Debris (occasional)	\$	2.60
Court Apartments (1 time/week/recycling only)	\$	25.40

\* This rate is for the first extra can collected, each additional at the stop is \$3.00. Maximum weight for a 20 or 32 gal. can/cart is 60 lbs.

Weekly collection includes recycling and yard debris service. Recycling carts and bins and yard debris carts must be placed at the curb. Additional stops per week are charged at 100% of the first stop per week rate.

**Roller Carts:**

60 Gallon Cart (1 time/week)	\$	39.40
90 Gallon Cart (1 time/week)	\$	46.35
Extra Can of Yard Debris (occasional)	\$	2.60

Weekly collection includes recycling and yard debris service. Recycling bins and yard debris carts must be placed at the curb. Additional stops per week are charged at 125% of the first stop per week rate. A deposit of \$30.00 may be charged when cart is placed. Refunds will be made after return of cart or after five years (whichever comes first). A \$10.00 redelivery charge may be charged for redelivery within one year, regardless of reason. Maximum weight for 60 gal. cart is 100 lbs and for 90 gal cart is 120 lbs.

**Monthly and OnCall Service:**

Monthly	\$	12.85
On Call	\$	13.60

Monthly service includes recycling but **not yard debris service**. Monthly and on call customers must subscribe for one year in advance for yard debris service. On call customers must provide hauler with 24 hours notice.

## Uniform Monthly Commercial Rates

	<b>New Monthly Rate</b>	
<b>32 Gallon Can/Cart:</b>		
One Can/Cart (1 time/week)	\$	26.05
Two Cans/Cart (1 time/week)	\$	52.10
Each Add'l Can/Cart	\$	21.85
Extra Can (occasional)	\$	5.00

*Additional stops per week are charged at 100% of the first stop per week rate.*

**Roller Carts:**

60 Gallon Cart (1 time/week)	\$	37.50
90 Gallon Cart (1 time/week)	\$	40.55

*Additional stops per week are charged at 125% of the first stop per week rate. A deposit of \$30.00 may be charged when cart is placed. Refunds will be made after return of cart or after five years (whichever comes first). A \$10.00 redelivery charge may be charged for redelivery within one year.*

**Compacted Containers:**

2.2 times the loose container rate

*Containers weighing in excess of 500 lbs per cubic yard will be charged this rate plus disposal for the excess weight. Compactors furnished by the customers shall be compatible with the equipment of the collector. If the collector agrees to furnish the compactor, the collector may charge a reasonable rental rate based on the value of the compactor and the cost of repair and maintenance.*

## Uniform Drop Box Rates

	<b>New Monthly Rate</b>	
<b>Loose Material:</b>		
10/20 Yards	\$	119.00 *
30 Yards	\$	136.00 *
40 Yards	\$	153.00 *

*\* Plus disposal costs*

*An additional \$40.00 per drop box may be charged for one-stop service (plus disposal costs). Deposits of no more than \$500.00 may be charged for each drop box.*

**Compacted Material:**

Under 25 Cubic Yards	\$	135.00 *
25-34 Cubic Yards	\$	169.00 *
34 + Cubic Yards	\$	196.00 *

*\* Plus disposal costs*

*Rental rate for permanent boxes hauled at least weekly is \$50.00 per month. Rental rate for occasional boxes after 48 hours on location is \$6.30 per day or \$63.00 a month, whichever is less, if less than one load per week is hauled. Monthly Equipment Fee of \$20.00 for Lidded/Specialty Drop Boxes. Mileage charge of \$4.70 per mile (over 18 miles round-trip from shop or Metro South). Deadhead round trip for boxes that cannot be exchanged: \$25.00.*

**Special Wastes delivered to an appropriately permitted Landfill**

10/20 Yards	\$	161.00 *
30 Yards	\$	178.00 *

*\* Plus disposal, monthly rental, mileage and monthly specialty drop box fees.*

**Uniform Rates for Miscellaneous Services  
Commercial and Residential**

**Hourly Fee:**

	<u>New Rate</u>
Truck + 1 person	\$ 73.00
Truck + 2 people	\$ 105.00

**Other Miscellaneous:**

Furniture and Recyclable Appliance Pick-Up	\$ 5.45 to \$ 29.15 *
Tire Pick-Up (Off Rim)	\$ 2.00 **
Tire Pick-Up (On Rim)	\$ 5.50 **
Over 18 Inches	Special Handling Rate

*\*Plus \$30.00 freon removal charge.*

*\*\* Plus disposal.*

**Clean-up containers:**

First Collection	33% of regular container rate, plus \$16.60 handling charge
Each Add'tl Collection	33% of regular container rate

**Rent of container after 5 working days (M-F) with no collection:**

1 - 2 Yards	\$ 2.10 per day
3 Yards	\$ 3.10 per day
4 Yards	\$ 4.10 per day

*Rent not to exceed \$20.00 per container in a 30-day period.*

**Non-Customer Services**

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

**Recycling Only:**

	<u>New Monthly Rate</u>
Weekly curbside collection of recyclables	\$ 4.70
Yard Debris Subscription Service Annual rate must be paid in full in advance of service	
60 Gallon Cart	\$ 5.70
Extra Can of Yard Debris	\$ 2.60
Permanent Second Can	\$ 3.85

*Monthly rates are for weekly service.*

*This service is provided only within the Urban Growth Boundary.*

*The subscriber is required to pay for one year of service in advance.*

**ANY OTHER TYPE OF SERVICE:**

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

**Commercial Container Fees**

Stops/ Week	Size in Cubic Yards					
	1	Add'l	1 1/3	Add'l	1.5	Add'l
1	\$95.68	\$81.24	\$118.23	\$100.07	\$125.55	\$107.40
2	\$183.63	\$156.40	\$228.74	\$195.01	\$243.35	\$207.36
3	\$271.58	\$230.12	\$339.22	\$288.93	\$361.17	\$307.86
4	\$359.53	\$306.72	\$449.72	\$383.47	\$478.96	\$407.58
5	\$447.48	\$380.43	\$560.23	\$477.41	\$596.77	\$510.94
6	\$535.43	\$456.21	\$670.73	\$570.65	\$714.57	\$610.06

Stops/ Week	Size in Cubic Yards					
	2	Add'l	3	Add'l	4	Add'l
1	\$158.75	\$135.65	\$215.11	\$184.17	\$273.64	\$236.10
2	\$309.76	\$265.49	\$417.78	\$358.45	\$534.85	\$461.07
3	\$460.78	\$394.53	\$620.45	\$533.36	\$796.06	\$685.20
4	\$611.79	\$521.22	\$823.12	\$710.33	\$1,057.27	\$906.73
5	\$762.82	\$655.30	\$1,025.80	\$883.65	\$1,318.47	\$1,134.82
6	\$913.83	\$782.57	\$1,228.46	\$1,053.68	\$1,579.68	\$1,359.22

Stops/ Week	Size in Cubic Yards					
	5	Add'l	6	Add'l	8	Add'l
1	\$329.83	\$305.08	\$378.96	\$350.49	\$465.44	\$432.43
2	\$646.05	\$597.26	\$744.30	\$689.49	\$917.27	\$851.92
3	\$962.27	\$887.28	\$1,109.63	\$1,022.20	\$1,369.09	\$1,271.61
4	\$1,278.47	\$1,178.98	\$1,474.97	\$1,361.43	\$1,820.92	\$1,689.31
5	\$1,594.70	\$1,473.63	\$1,840.32	\$1,700.28	\$2,272.75	\$2,100.03
6	\$1,910.91	\$1,770.86	\$2,205.66	\$2,032.94	\$2,724.58	\$2,523.70

*Collector shall furnish the container. Overweight charge for containers over 300 lbs. per cubic yard determined through mutual agreement between hauler and customer. Container cleaning, if required more than twice in 12 months, will be charged the actual cost of cleaning.*

**Bio-Medical Services Fees**

Number of units	Tub Rates	
	per Gallon	
	20/21	35/48
1	\$81.45	\$83.25
2	\$61.85	\$63.50
3	\$54.30	\$56.00
4	\$49.35	\$51.00
5	\$46.35	\$48.00
6	\$44.35	\$46.00
7	\$41.85	\$43.50
8	\$40.40	\$42.00
9	\$37.35	\$39.00
10	\$35.85	\$37.50
11	\$34.75	\$36.50
12	\$33.25	\$35.00
13	\$32.75	\$34.50
14	\$32.00	\$33.75
15	\$31.25	\$33.00
16	\$26.30	\$28.00
17	\$26.30	\$28.00
18	\$26.30	\$28.00
19	\$26.30	\$28.00
20	\$26.30	\$28.00
60	\$17.90	\$18.75
75	\$17.45	\$18.05
90	\$12.80	\$13.10

**City of Milwaukee Composite**  
**Return on Revenues**  
**2016 Projected**

	Can / Cart Service	Container Service	Drop Box Service	Total
<b>Collection &amp; Service Revenues</b>	<b>2,297,187</b>	<b>1,181,323</b>	<b>886,584</b>	<b>4,365,094</b>
<i>Rate Increase (Tip Fee Pass-Through / SpecWaste )</i>		<b>3,569</b>	<b>33,768</b>	<b>37,337</b>
	<b>% of</b>	<b>% of</b>	<b>% of</b>	<b>% of</b>
<b>Direct Costs of Operations</b>	<b>1,713,945</b>	<b>920,116</b>	<b>826,155</b>	<b>3,406,417</b>
	<b>rev</b>	<b>rev</b>	<b>rev</b>	<b>rev</b>
Disposal Expense	493,524 21%	442,790 37%	387,994 44%	1,324,308 30%
Labor Expense	650,357 28%	271,973 23%	313,775 35%	1,236,105 28%
Truck Expense	347,696 15%	101,094 9%	75,513 9%	524,303 12%
Equipment Expense	51,702 2%	48,881 4%	19,302 2%	119,885 3%
Franchise Fees	102,918 4%	49,594 4%	23,028 3%	175,540 4%
Other Direct Expense	13,949 1%	5,784 0%	6,543 1%	26,276 1%
Community Cleanup (\$0.68 per cust per month)	<b>53,799</b>			
<b>Indirect Costs of Operations</b>	<b>353,935</b>	<b>149,213</b>	<b>38,540</b>	<b>541,688</b>
Management Expense	87,173 4%	32,708 3%	9,441 1%	129,322 3%
Administrative Expense	94,880 4%	39,291 3%	11,962 1%	146,133 3%
Other Overhead Expenses	171,882 7%	77,214 7%	17,137 2%	266,233 6%
<b>Total Cost</b>	<b>2,067,880</b>	<b>1,069,329</b>	<b>864,695</b>	<b>3,948,105</b>
<b>Less Unallowable Costs</b>	<b>2,008</b>	<b>1,264</b>	<b>338</b>	<b>3,610</b>
<b>Allowable Costs</b>	<b>2,065,872</b>	<b>1,068,065</b>	<b>864,357</b>	<b>3,944,495</b>
<b>Franchise Income</b>	<b>231,315</b>	<b>116,827</b>	<b>55,995</b>	<b>457,936</b>
<b>Return on revenues</b>	<b>10.07%</b>	<b>9.89%</b>	<b>6.32%</b>	<b>10.49%</b>
<b>Carts / Yards / Drop Box Pulls</b>	<b>6,880</b>	<b>76,427</b>	<b>2,088</b>	



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 3. C.**  
Meeting Date: **July 5, 2016**

To: Mayor and City Council  
Through: Bill Monahan, City Manager  
Subject: **Intergovernmental Agreement (IGA) with State of Oregon for backup recovery services**  
From: Brandon Gill, Information Technology Manager  
Date: June 22, 2016

### **ACTION REQUESTED**

Authorize the City Manager to sign an open ended Intergovernmental Agreement (IGA) with State of Oregon for backup recovery services.

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

2013 - City of Milwaukie replaced the old data backup software (Backup Exec) with CommVault at a cost of \$47,000 (including software and hardware). The original contract included two extension terms, the last of which was extended only after completion of a request for quote process, now set to expire in July of 2016.

### **BACKGROUND**

The backup software contract with CommVault is approaching expiration. The software is 3 years old and the hardware system itself is approximately 6 years old. When identifying options for renewal, staff was made aware of the State of Oregon backup recovery service from the same software vendor (CommVault). Based on discussions with State of Oregon backup recovery services staff, it became clear the best fiscal choice is State of Oregon backup recovery service. Some of the items determined as beneficial to City of Milwaukie are as follows:

- Reduction of hardware and software purchases and associated annual maintenance costs.
- State of Oregon has a team of staff dedicated to data backup recovery.
- Elimination of a contract for offsite tape storage.
- Increases knowledge and support during a disaster scenario due to State of Oregon's ability to assist with recovery efforts.

Yearly estimated cost for State of Oregon is \$8,700. If backup recovery services were to stay at City of Milwaukie, the yearly estimated cost is \$12,000 for software licenses and \$13,000 for hardware replacement for a total cost of \$25,000 per year. By moving to the State of Oregon backup recovery services, City of Milwaukie will save \$11,300 in the first year and \$3,300 every following year.

### **CONCURRENCE**

The City Attorney has reviewed and approved the IGA.

**FISCAL IMPACTS**

\$13,700 for the first year includes the \$8,700 yearly fee and \$5,000 initial setup fee. Estimated ongoing cost will be \$8,700 per year.

**WORK LOAD IMPACTS**

During the initial setup staff will have to install the new backup client on each server. The install may require a reboot. Staff will schedule installs and reboots after hours to minimize work impact.

**ALTERNATIVES**

Keep backup recovery services at the City of Milwaukie and replace aging backup hardware.

**ATTACHMENTS**

1. Resolution
2. IGA for Backup Recovery Services



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

**Attachment 1**

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH STATE OF OREGON FOR DATA BACKUP RECOVERY SERVICES**

**WHEREAS**, the City of Milwaukie uses data backup recovery to ensure continuity of business when data failure occurs; and

**WHEREAS**, current onsite backup recovery services require upgrades and maintenance at a high cost; and

**WHEREAS**, the City wishes to utilize State of Oregon data backup recovery services in lieu of replacement as a cost savings; and

**Now, Therefore, be it Resolved** that the City Manager is authorized to execute an Intergovernmental Agreement for data backup recovery services with State of Oregon for the City of Milwaukie.

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

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

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

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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

## **INTERGOVERNMENTAL AGREEMENT**

### **Agreement No. DASPS-107212-16**

This Intergovernmental Agreement (IGA) is between the State of Oregon acting by and through its Department of Administrative Services, Enterprise Technology Services (“Agency”) and City of Milwaukie (“Local Government”), each a “Party” and, together, the “Parties”.

#### **SECTION 1: AUTHORITY**

This Agreement is authorized by ORS 190.110.

#### **SECTION 2: PURPOSE**

The purpose of this Agreement is to facilitate the exchange of resources and services between Agency and Local Government.

Local Government has shown a desire for enterprise level backup and recovery services for their information systems environment. Local Government has decided it is in its best interest to have Agency provide these services. This agreement covers the procurement, delivery, and upkeep of the backup services.

#### **SECTION 3: EFFECTIVE DATE AND DURATION**

This Agreement is effective on the date of the last signature and remains in effect in until terminated pursuant to Section 16.

#### **SECTION 4: AUTHORIZED REPRESENTATIVES**

##### **4.1 Agency’s Authorized Representative is:**

Tony Black: Strategic Tech Officer for DAS OSCIO ETS  
530 Airport Rd, Salem, OR 97301  
503-378-3570: *Office*  
Tony.Black@oregon.gov

##### **4.2 Local Government’s Authorized Representative is:**

Brandon Gill: IT Manager for City of Milwaukie  
3200 SE Harrison Street, Milwaukie, OR 97222  
503-786-7404: *Office*  
[GillB@milwaukieoregon.gov](mailto:GillB@milwaukieoregon.gov)

4.3 A Party may designate a new Authorized Representative by written notice to the other Party.

## **SECTION 5: RESPONSIBILITIES OF EACH PARTY**

5.1 Agency shall perform the work set forth on Exhibit A, attached hereto and incorporated herein by this reference.

5.2 Local Government shall pay Agency as described in Section 6.

## **SECTION 6: COMPENSATION AND PAYMENT TERMS**

Payment by Local Government will be made to Agency upon submission of a satisfactory invoice for all applicable work and deliverables to Local Government's satisfaction per the DAS ETS Service Agreement ("SA") of the attached Exhibit A.

Local Government will remit payment within 30 days of receiving an invoice from Agency. Invoices will be sent on a monthly basis.

## **SECTION 7: REPRESENTATIONS AND WARRANTIES**

Agency represents and warrants to Local Government that:

7.1 Agency is a government entity duly organized and validly existing. Agency has the power and authority to enter into and perform this Agreement;

7.2 The making and performance by Agency of this Agreement (a) have been duly authorized by Agency, (b) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative Local Government or any provision of Agency's charter or other organizational document and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Agency is party or by which Agency may be bound or affected. No authorization, consent, license, approval of, or filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Agency of this Agreement, other than those that have already been obtained;

7.3 This Agreement has been duly executed and delivered by Agency and constitutes a legal, valid and binding obligation of Agency enforceable in accordance with its terms;

7.4 Agency has the skill and knowledge possessed by well-informed members of the industry, trade or profession most closely involved in providing the services under this Agreement, and Agency will apply that skill and knowledge with care and diligence to perform its

obligations under this Agreement in a professional manner and in accordance with the highest standards prevalent in the related industry, trade or profession; and

- 7.5 Agency shall, at all times during the term of this Agreement, be qualified, professionally competent, and duly licensed to perform its obligations under this Agreement.

The representations and warranties set forth in this section are in addition to, and not in lieu of, any other representations or warranties provided by Agency.

## **SECTION 8: GOVERNING LAW, CONSENT TO JURISDICTION**

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between Local Government or any other Local Government or department of the State of Oregon, or both, and Agency that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or from the jurisdiction of any court. AGENCY, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.

## **SECTION 9: OWNERSHIP OF WORK PRODUCT**

- 9.1 As used in this Section 9 and elsewhere in this Agreement, the following terms have the meanings set forth below:
- 9.1.1 "**Agency Intellectual Property**" means any intellectual property owned by Agency and developed independently from the work under this Agreement.
  - 9.1.2 "**Third Party Intellectual Property**" means any intellectual property owned by parties other than Agency or Local Government.
  - 9.1.3 "**Work Product**" means every invention, discovery, work of authorship, trade secret or other tangible or intangible item that Agency is required to deliver to Local Government under this Agreement, and all intellectual property rights therein.
- 9.2 All Work Product created by Agency under this Agreement, including derivative works and compilations, and whether or not such Work Product is considered a work made for hire or an employment to invent, shall be the exclusive property of Local Government. Local Government and Agency agree that any Work Product that is an original work of authorship created by Agency under this Agreement is a "work made for hire" of which Local Government is the author within the meaning of the United States Copyright Act. If for any

reason the original Work Product created by Agency under this Agreement is not "work made for hire," Agency hereby irrevocably assigns to Local Government any and all of its rights, title, and interest in all original Work Product created by Agency under this Agreement, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine. Upon Local Government's reasonable request, Agency shall execute such further documents and instruments necessary to fully vest such rights in Local Government. Agency forever waives any and all rights relating to Work Product created by Agency under this Agreement, including without limitation, any and all rights arising under 17 U.S.C. §106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.

If the Work Product created by Agency under this Agreement is a derivative work based on Agency Intellectual Property, or is a compilation that includes Agency Intellectual Property, Agency hereby grants to Local Government an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform, and display the pre-existing elements of the Agency Intellectual Property employed in the Work Product, and to authorize others to do the same on Local Government's behalf.

If the Work Product created by Agency under this Agreement is a derivative work based on Third Party Intellectual Property, or is a compilation that includes Third Party Intellectual Property, Agency shall secure on Local Government's behalf and in the name of Local Government an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the pre-existing element of the Third party Intellectual Property employed in the Work Product, and to authorize others to do the same on Local Government's behalf.

- 9.3** If Work Product is Agency Intellectual Property, Agency hereby grants to Local Government an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Agency Intellectual Property, and to authorize others to do the same on Local Government's behalf.
- 9.4** If Work Product is Third Party Intellectual Property, Agency shall secure on Local Government's behalf and in the name of Local Government an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Third Party Intellectual Property, and to authorize others to do the same on Local Government's behalf.
- 9.5** If state or federal law requires that Local Government or Agency grant to the United States a license to any intellectual property in the Work Product, or if state or federal law requires that Local Government or the United States own the intellectual property in the Work Product, then Agency shall execute such further documents and instruments as Local Government may reasonably request in order to make any such grant or to assign ownership in such intellectual property to the United States or Local Government.

## **SECTION 10: CONTRIBUTION**

- 10.1** If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (a “Third Party Claim”) against a Party (the “Notified Party”) with respect to which the other Party (the “Other Party”) may have liability, the Notified Party shall promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party, along with the written notice, a copy of the claim, process and all legal pleadings with respect to the Third Party Claim that have been received by the Notified Party. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this Section and a meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party’s contribution obligation under this Section 10 with respect to the Third Party Claim.
- 10.2** With respect to a Third Party Claim for which Local Government is jointly liable with Agency (or would be if joined in the Third Party Claim ), Local Government shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of Local Government on the one hand and of Agency on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Local Government on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Local Government’s contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the Local Government had sole liability in the proceeding.
- 10.3** With respect to a Third Party Claim for which Agency is jointly liable with Local Government (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Local Government in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of Local Government on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of Local Government on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency’s contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

## **SECTION 11: AGENCY DEFAULT**

Agency will be in default under this Agreement upon the occurrence of any of the following events:

- 11.1** Agency fails to perform, observe or discharge any of its covenants, agreements or obligations under this Agreement;
- 11.2** Any representation, warranty or statement made by Agency in this Agreement or in any documents or reports relied upon by Local Government to measure the delivery of services, the expenditure of funds or the performance by Agency is untrue in any material respect when made;
- 11.3** Agency (a) applies for or consents to the appointment of, or taking of possession by, a receiver, custodian, trustee, or liquidator of itself or all of its property, (b) admits in writing its inability, or is generally unable, to pay its debts as they become due, (c) makes a general assignment for the benefit of its creditors, (d) is adjudicated a bankrupt or insolvent, (e) commences a voluntary case under the Federal Bankruptcy Code (as now or hereafter in effect), (f) files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, (g) fails to controvert in a timely and appropriate manner, or acquiesces in writing to, any petition filed against it in an involuntary case under the Bankruptcy Code, or (h) takes any action for the purpose of effecting any of the foregoing; or
- 11.4** A proceeding or case is commenced, without the application or consent of Agency, in any court of competent jurisdiction, seeking (a) the liquidation, dissolution or winding-up, or the composition or readjustment of debts of Agency, (b) the appointment of a trustee, receiver, custodian, liquidator, or the like of Agency or of all or any substantial part of its assets, or (c) similar relief in respect to Agency under any law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, and such proceeding or case continues undismissed, or an order, judgment, or decree approving or ordering any of the foregoing is entered and continues unstayed and in effect for a period of sixty consecutive days, or an order for relief against Agency is entered in an involuntary case under the Federal Bankruptcy Code (as now or hereafter in effect).

## **SECTION 12: LOCAL GOVERNMENT DEFAULT**

Local Government will be in default under this Agreement if Local Government fails to perform, observe or discharge any of its covenants, agreements, or obligations under this Agreement.

## **SECTION 13: REMEDIES**

- 13.1** In the event Agency is in default under Section 11, Local Government may, at its option, pursue any or all of the remedies available to it under this Agreement and at law or in equity, including, but not limited to: (a) termination of this Agreement under Section 16, (b)

reducing or withholding payment for work or Work Product that Agency has failed to deliver within any scheduled completion dates or has performed inadequately or defectively, (c) requiring Agency to perform, at Agency's expense, additional work necessary to satisfy its performance obligations or meet performance standards under this Agreement, (d) initiation of an action or proceeding for damages, specific performance, or declaratory or injunctive relief, or (e) exercise of its right of recovery of overpayments under Section 14 of this Agreement or setoff, or both. These remedies are cumulative to the extent the remedies are not inconsistent, and Local Government may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever.

**13.2** In the event Local Government is in default under Section 12 and whether or not Agency elects to exercise its right to terminate this Agreement under Section 16.3.3, or in the event Local Government terminates this Agreement under Sections 16.2.1, 16.2.2, 16.2.3, or 16.2.5, Agency's sole monetary remedy will be (a) for work compensable at a stated rate, a claim for unpaid invoices for work completed and accepted by Local Government, for work completed and accepted by Local Government within any limits set forth in this Agreement but not yet invoiced, for authorized expenses incurred, and for interest within the limits of ORS 293.462, less any claims Local Government has against Agency, and (b) for deliverable-based work, a claim for the sum designated for completing the deliverable multiplied by the percentage of work completed on the deliverable and accepted by Local Government, for authorized expenses incurred, and for interest within the limits of ORS 293.462, less previous amounts paid for the deliverable and any claims that Local Government has against Agency. In no event will Local Government be liable to Agency for any expenses related to termination of this Agreement or for anticipated profits. If previous amounts paid to Agency exceed the amount due to Agency under this Section 13.2, Agency shall promptly pay any excess to Local Government.

## **SECTION 14: RECOVERY OF OVERPAYMENTS**

If payments to Agency under this Agreement, or any other agreement between Local Government and Agency, exceed the amount to which Agency is entitled, Local Government may, after notifying Agency in writing, withhold from payments due Agency under this Agreement, such amounts, over such periods of times, as are necessary to recover the amount of the overpayment.

## **SECTION 15: LIMITATION OF LIABILITY**

EXCEPT FOR LIABILITY ARISING UNDER OR RELATED TO SECTION 10, NEITHER PARTY WILL BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR OTHER INDIRECT DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT, REGARDLESS OF WHETHER THE LIABILITY CLAIM IS BASED IN CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, PRODUCT LIABILITY OR OTHERWISE. NEITHER PARTY WILL BE LIABLE FOR ANY DAMAGES OF ANY SORT ARISING SOLELY FROM THE TERMINATION OF THIS AGREEMENT IN ACCORDANCE WITH ITS TERMS.

## **SECTION 16: TERMINATION**

**16.1** This Agreement may be terminated at any time by mutual written consent of the Parties.

**16.2** Local Government may terminate this Agreement as follows:

**16.2.1** Upon a 30 day advanced written notice to Agency;

**16.2.2** Immediately upon written notice to Agency, if Local Government fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient in Local Government's reasonable administrative discretion, to perform its obligations under this Agreement;

**16.2.3** Immediately upon written notice to Agency, if federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that Local Government's performance under this Agreement is prohibited or Local Government is prohibited from paying for such performance from the planned funding source;

**16.2.4** Immediately upon written notice to Agency, if Agency is in default under this agreement and such default remains uncured 15 days after written notice thereof to Agency; or

**16.2.5** As otherwise expressly provided in this Agreement.

**16.3** Agency may terminate this Agreement as follows:

**16.3.1** Immediately upon written notice to Local Government, if Agency fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient in Agency's reasonable administrative discretion, to perform its obligations under this Agreement;

**16.3.2** Immediately upon written notice to Local Government, if federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that Agency's performance under this Agreement is prohibited or Agency is prohibited from paying for such performance from the planned funding source;

**16.3.3** Immediately upon written notice to Local Government, if Local Government is in default under this Agreement and such default remains uncured 15 days after written notice thereof to Local Government; or

**16.3.4** As otherwise expressly provided in this Agreement.

**16.4** Upon receiving a notice of termination of this Agreement, Agency will immediately cease all activities under this Agreement, unless Local Government expressly directs otherwise in such notice. Upon termination, Agency will deliver to Local Government all documents, information, works-in-progress, Work Product and other property that are or would be deliverables under the Agreement. And upon Local Government's reasonable request,

Agency will surrender all documents, research or objects or other tangible things needed to complete the work that was to have been performed by Agency under this Agreement.

## **SECTION 17: INSURANCE**

Agency shall maintain insurance as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

## **SECTION 18: NONAPPROPRIATION**

Local Government's obligation to pay any amounts and otherwise perform its duties under this Agreement is conditioned upon Local Government receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow Local Government, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, section 7 of the Oregon Constitution or any other law limiting the activities, liabilities or monetary obligations of Local Government.

## **SECTION 19: AMENDMENTS**

The terms of this Agreement may not be altered, modified, supplemented or otherwise amended, except by written agreement of the Parties.

## **SECTION 20: NOTICE**

Except as otherwise expressly provided in this Agreement, any notices to be given relating to this Agreement must be given in writing by facsimile, email, personal delivery, or postage prepaid mail, to a Party's Authorized Representative at the physical address, fax number or email address set forth in this Agreement, or to such other addresses as either Party may indicate pursuant to this Section 20. Any notice so addressed and mailed becomes effective five (5) days after mailing. Any notice given by personal delivery becomes effective when actually delivered. Any notice given by email becomes effective upon the sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system. Any notice given by facsimile becomes effective upon electronic confirmation of successful transmission to the designated fax number.

## **SECTION 21: SURVIVAL**

All rights and obligations of the Parties under this Agreement will cease upon termination of this Agreement, other than the rights and obligations arising under Sections 8, 9, 10, 14, 15 and 21 hereof and those rights and obligations that by their express terms survive termination of this Agreement; provided, however, that termination of this Agreement will not prejudice any rights or obligations accrued to the Parties under this Agreement prior to termination.

## **SECTION 22: SEVERABILITY**

The Parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the Parties will be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

## **SECTION 23: COUNTERPARTS**

This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of the Agreement so executed constitutes an original.

## **SECTION 24: COMPLIANCE WITH LAW**

In connection with their activities under this Agreement, the Parties shall comply with all applicable federal, state and local law.

## **SECTION 25: INDEPENDENT CONTRACTORS**

The Parties agree and acknowledge that their relationship is that of independent contracting parties and that Local Government is not an officer, employee, or agent of the State of Oregon as those terms are used in ORS 30.265 or otherwise.

## **SECTION 26: INTENDED BENEFICIARIES**

Local Government and Agency are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement provides, is intended to provide, or may be construed to provide any direct or indirect benefit or right to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of this Agreement.

## **SECTION 27: FORCE MAJEURE**

Neither Party is responsible for any failure to perform or any delay in performance of any obligations under this Agreement caused by fire, civil unrest, labor unrest, natural causes, or war, which is beyond that Party's reasonable control. Each Party shall, however, make all reasonable efforts to remove or eliminate such cause of failure to perform or delay in performance and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Agreement. Local Government may terminate this Agreement upon written notice to Agency after reasonably determining that the failure or delay will likely prevent successful performance of this Agreement.

## **SECTION 28: ASSIGNMENT AND SUCCESSORS IN INTEREST**

Agency may not assign or transfer its interest in this Agreement without the prior written consent of Local Government and any attempt by Agency to assign or transfer its interest in this Agreement without such consent will be void and of no force or effect. Local Government's consent to Agency's assignment or transfer of its interest in this Agreement will not relieve Agency of any of its duties or obligations under this Agreement. The provisions of this Agreement will be binding upon and inure to the benefit of the Parties hereto, and their respective successors and permitted assigns.

## **SECTION 29: SUBCONTRACTS**

Agency shall not, without Local Government's prior written consent, enter into any subcontracts for any of the work required of Agency under this Agreement. Local Government's consent to any subcontract will not relieve Agency of any of its duties or obligations under this Agreement.

## **SECTION 30: TIME IS OF THE ESSENCE**

Time is of the essence in Agency's performance of its obligations under this Agreement.

## **SECTION 31: MERGER, WAIVER**

This Agreement and all exhibits and attachments, if any, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver or consent under this Agreement binds either Party unless in writing and signed by both Parties. Such waiver or consent, if made, is effective only in the specific instance and for the specific purpose given. EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

## **SECTION 32: RECORDS MAINTENANCE AND ACCESS**

Agency shall maintain all financial records relating to this Agreement in accordance with generally accepted accounting principles. In addition, Agency shall maintain any other records, books, documents, papers, plans, records of shipments and payments and writings of Agency, whether in paper, electronic or other form, that are pertinent to this Agreement in such a manner as to clearly document Agency's performance. All financial records, other records, books, documents, papers, plans, records of shipments and payments and writings of Agency, whether in paper, electronic or other form, that are pertinent to this Agreement, are collectively referred to as "Records." Agency acknowledges and agrees that Local Government and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives will have access to all Records to perform examinations and audits and make

excerpts and transcripts. Agency shall retain and keep accessible all Records for a minimum of six (6) years, or such longer period as may be required by applicable law, following termination of this Agreement, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later. Subject to foregoing minimum records retention requirement, Agency shall maintain Records in accordance with the records retention schedules set forth in OAR Chapter 166.

### **SECTION 33: HEADINGS**

The headings and captions to sections of this Agreement have been inserted for identification and reference purposes only and may not be used to construe the meaning or to interpret this Agreement.

### **SECTION 34: ADDITIONAL REQUIREMENTS**

Agency shall comply with the additional requirements set forth in Exhibit C, attached hereto and incorporated herein by this reference.

### **SECTION 35: AGREEMENT DOCUMENTS**

This Agreement consists of the following documents, which are listed in descending order of precedence: this Agreement less all exhibits, attached Exhibit A (the Statement of Work), Exhibit B (Insurance), and Exhibit C (Additional Requirements).

### **SECTION 36: SIGNATURES**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

**STATE OF OREGON acting by and through its DAS OSCIO ETS**

\_\_\_\_\_  
Tony Black

\_\_\_\_\_  
Date

**City of Milwaukie**

\_\_\_\_\_  
William Monahan, City Manager

\_\_\_\_\_  
Date

## **EXHIBIT A**

### **STATEMENT OF WORK**

The work will be performed in accordance with our attached Service Agreement known as “City of Milwaukee B&R SA”.

**EXHIBIT B**  
**INSURANCE**

[No required insurance]

**EXHIBIT C**  
**ADDITIONAL REQUIREMENTS**

[No additional requirements]

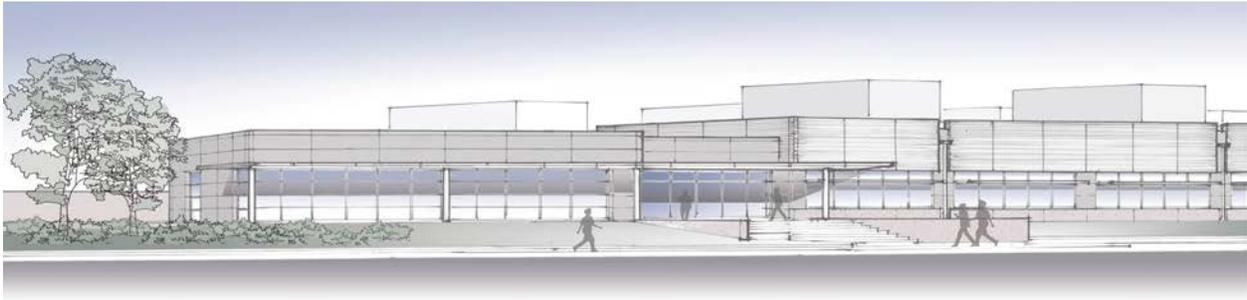
Exhibit A

# Enterprise Technology Services SERVICE AGREEMENT



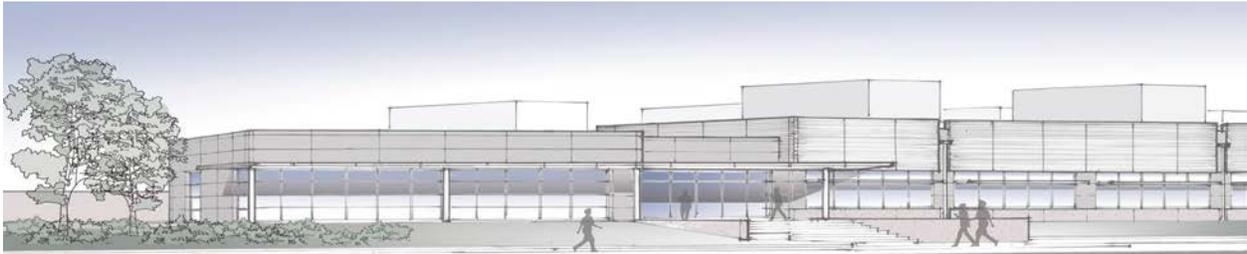
## City of Milwaukee Backup and Recovery

RS50

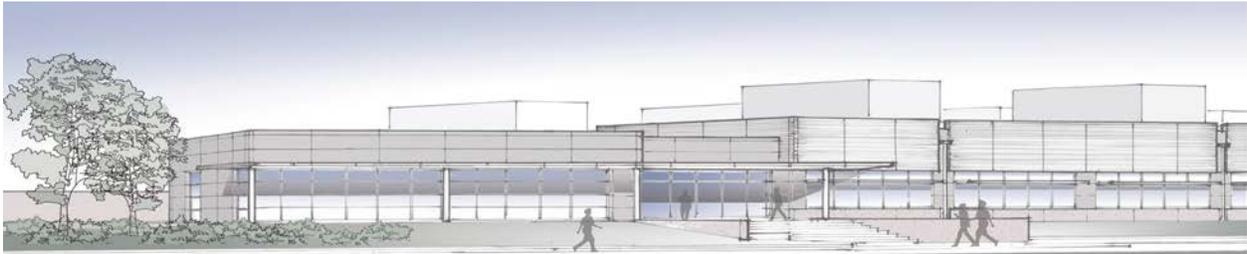


## Contents

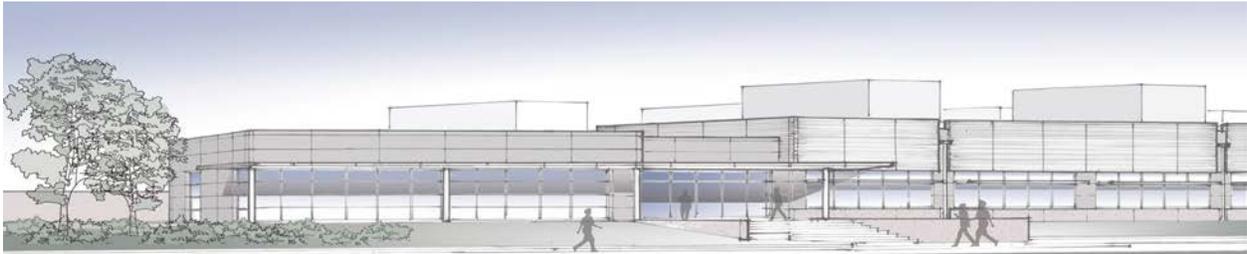
1 Introduction .....	5
1.1 Associated Documents .....	5
1.2 Service Period (Start, End, Review).....	6
2 Common Service Levels .....	6
2.1 Service Description .....	6
2.1.1 ETS Standard .....	6
2.1.2 Scheduled Maintenance .....	7
2.1.3 Service Disruption .....	8
2.1.4 Security .....	9
2.1.5 Availability .....	9
2.1.6 Request Fulfillment .....	10
2.1.7 Service Continuity .....	10
2.1.8 Reporting.....	11
2.1.9 Remedies .....	11
3 Backup and Restore Services.....	11
3.1.1 ETS Standard .....	12
3.1.2 Scheduled Maintenance .....	12
3.1.3 Service Disruption .....	12
3.1.4 Security .....	12
3.1.5 Availability .....	13
3.1.6 Request Fulfillment .....	13
3.1.7 Service Continuity .....	13
3.1.8 Reporting .....	13



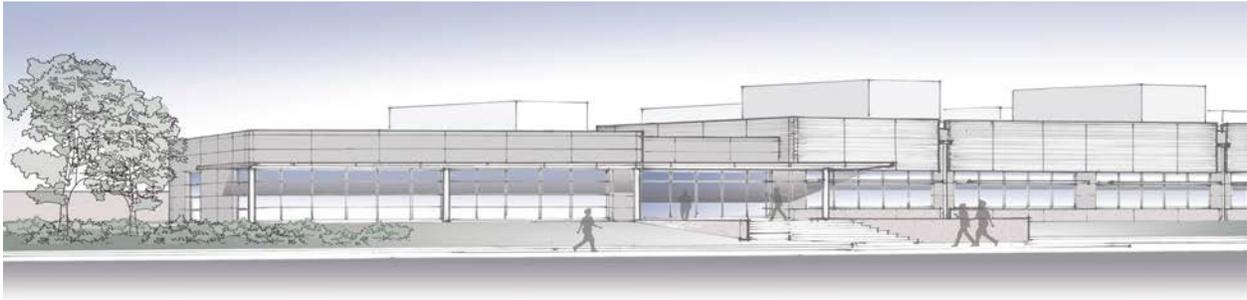
3.1.9 Remedies .....	13
4 State Mall Area Network .....	15
4.1.1 ETS Standard .....	15
4.1.2 Scheduled Maintenance .....	15
4.1.3 Service Disruption .....	15
4.1.4 Security .....	15
4.1.5 Availability.....	15
4.1.6 Request Fulfillment .....	15
4.1.7 Service Continuity.....	15
4.1.8 Reporting .....	16
4.1.9 Remedies .....	16
5 Appendix .....	16
5.1 Definitions.....	16
5.1.1 Agency Production Environments.....	16
5.1.2 Automated Call Distributor .....	16
5.1.3 Availability: .....	16
5.1.4 Best Effort.....	16
5.1.5 Catastrophic Failure: .....	17
5.1.6 Change Management: .....	17
5.1.7 Custom Call Routing (CCR) Tree.....	17
5.1.8 Client: .....	17
5.1.9 Delivery Date: .....	17
5.1.10 Down Time (DT): .....	17
5.1.11 Expected Delivery Date: .....	18



5.1.12 Forward Busy (FWD-BSY) .....	18
5.1.13 Forward No Answer (FWD-NA) .....	18
5.1.14 Hands Free (HF) Answer .....	18
5.1.15 Hours of Service: .....	18
5.1.16 Interactive Voice Response (IVR) .....	18
5.1.17 Internet Protocol Contact Center (IPCC).....	18
5.1.18 Key System (Voice).....	18
5.1.19 Lightweight Directory Access Protocol (LDAP).....	19
5.1.20 Private Branch exchange (PBX) .....	19
5.1.21 Privileged Access: .....	19
5.1.22 Public Switched Telephone Network (PSTN).....	19
5.1.23 Service: .....	19
5.1.24 ETS Engineering Request.....	19
5.1.25 ETS Standard Work .....	20
5.1.26 Service Disruption: .....	20
5.1.27 Severity Level: .....	20
5.1.28 Service Level: .....	20
5.1.29 Service Level Measurement: .....	20
5.1.30 Simple Mail Transport Protocol (SMTP) .....	20
5.1.31 Time to Respond: .....	20
5.1.32 Time to Restore: .....	21
5.1.33 Total Hours of Service (THS): .....	21
5.1.34 Untrusted Network: .....	21
5.2 City of Milwaukie .....	21



5.2.1 Client Requirements .....	21
5.2.2 Enterprise Technology Services Technical Requirements for backup clients.....	22
5.2.3 Process .....	22
1. Obtaining Offsite data for restore.....	22
3. Commvault Client.....	23
5.2.4 Pricing.....	23



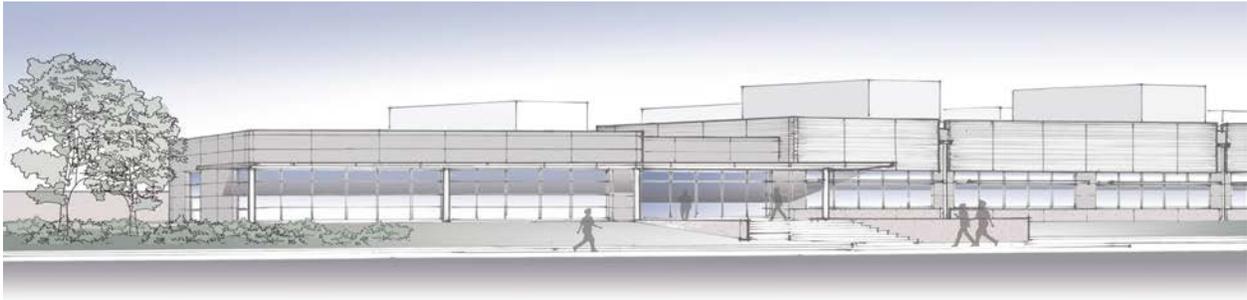
## 1 Introduction

The purpose of the Service Level Agreement (SLA) is to document the expectations and responsibilities of the Enterprise Technology Services (ETS) and **City of Milwaukie** hereafter referred to as “client”. This document identifies service levels provided by ETS. The document is not meant to be static, but a working document that reflects the continuous change in services, process, and expectations between the Enterprise Technology Services and its clients. The ETS will support all systems within its scope. These Service Agreements are to set expectations for services supported within the ETS standard configurations, and non-standard systems will be supported with best effort available.

### 1.1 *Associated Documents*

As additional documentation is reviewed and approved by the ETS advisory committees, it is released and available at <http://www.oregon.gov/DAS/OSCIO>.

- [Service Catalog](#) – Services referred to in this document are defined in detail in the Enterprise Technology Services Catalog.
- [Rate Sheet](#): This document shows our current rates for our services.
- Scope Matrix – Roles and Responsibilities for services provided by the Enterprise Technology Services and by the Agency clients are documented in the approved Scope Matrix.
- Scope Inclusion/Exclusion Process – The process to include new services in or exclude systems from the ETS scope.
- ETS Technical Standards – Standards for hardware and software supported by the ETS.
- ETS Process Documentations – Process and procedures for services provided are documented in the ETS library and are available upon request. Processes in use and under development include:
  - Change Management
  - Incident and Problem Management
  - Release Management
  - Asset Management
  - Request Fulfillment
  - Service Level Management
  - Account Management
  - Procurement and Financial Assessments



- Capacity Management
- Security and Physical Access Management

### **1.2 Service Period (Start, End, Review)**

This agreement is in effect from the date of signing of the Interagency Agreement (IAA) and the IAA may be canceled, modified or replaced by either party upon 30 days written notice. Services may be added or deactivated through by submitted a service ticket.

\_\_\_\_\_  
Tony Black, ETS Administrator  
Enterprise Technology Services  
Date

\_\_\_\_\_  
William Monahan, City Manager  
City of Milwaukie  
Date

## **2 Common Service Levels**

This section describes the common service levels for all services provided by the ETS. Service specific additions and or exceptions are described for each service in the sections following.

### **2.1 Service Description**

In this section of each service below there will be a brief description from the Service Catalog of what the service is.

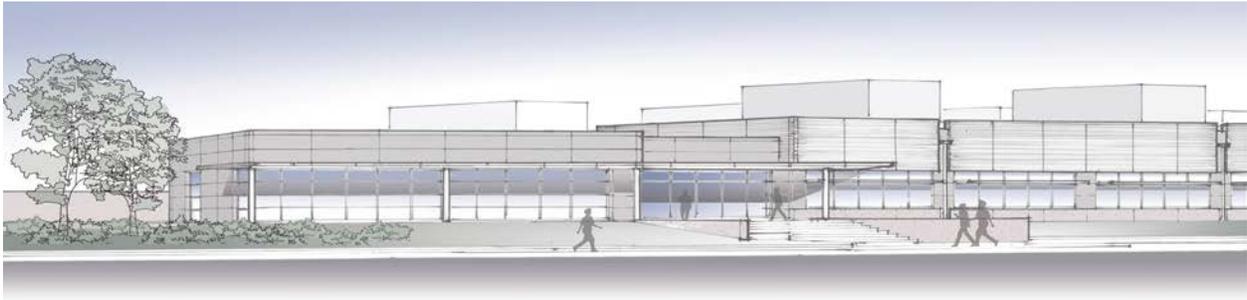
#### **2.1.1 ETS Standard**

In this section of each service below there will be a description of the standard configuration that is subject to all of the service levels for that service. Systems not within the standards will be supported on a “Best Effort” basis.

#### **2.1.2 Scheduled Maintenance**

##### **2.1.2.1 Standard Maintenance Window**

If scheduled maintenance is required, the ETS will use the standard maintenance window. This window will only be used when needed. Use of this window will be governed by the ETS change management process. Emergency changes required to restore services can be made outside of the maintenance window.



### **2.1.2.2 Patching**

Patching descriptions and schedules are specific to each service, so details are provided below.

### **2.1.2.3 Change Management**

Information regarding scheduled changes will be available through the ETS Support System (S3) web site: <https://www.oregonSDC.org/>

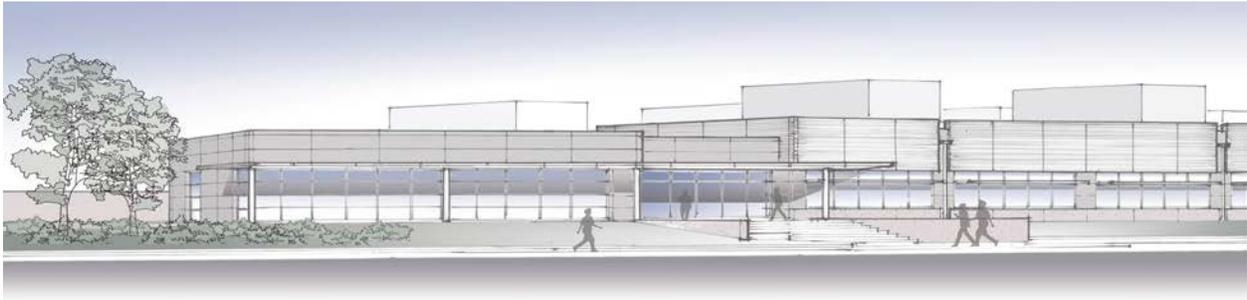
- Clients will be allowed at least **2** business days to provide questions, concerns or comments on scheduled changes so that adjustments to those changes may be made.
- All high risk / high impact changes will provide at least **10** business days notification prior to change execution

In order for the ETS to better coordinate activities in production environments, clients are asked to schedule application maintenance with potential impact to the ETS outside the ETS maintenance windows, and notify the ETS prior to changes to application in agency production environments. The ETS requests to be notified at least three business days prior to any planned application maintenance in production environments. If the client requires planned application maintenance during an ETS maintenance window, they must send a request to the ETS Change Manager at least **9** business days prior to the requested date. This will allow the ETS to assess the impact to the scheduled changes and possibly reschedule certain changes.

## **2.1.3 Service Disruption**

### **2.1.3.1 Monitoring**

If the ETS monitoring system notifies that a system is unavailable, the ETS will respond to the Service Disruption without action from the client. The client will be informed about outages through the ETS Service Disruption procedures. The basic monitoring reports up/down status for the device.



### **2.1.3.2 Communications / Time to Respond**

Staff will acknowledge client requests and provides initial contact to gather requirements within the following response times:

- Severity 1 – **90%** within 15 minutes \*
- Severity 2 – **90%** within 30 minutes.
- Severity 3 – **95%** within 1 day.
- Severity 4 – **95%** within 2 days.

Service Disruption – Refer to standards for Incident Management for more information on service disruption handling.

### **2.1.3.3 Time to Restore**

The ETS will restore services within the target resolution times set in the Incident Management Severity Level Response chart at the following rates:

- Severity 1 – **70%** within 2 hours.\*
- Severity 2 – **75%** within 4 hours.
- Severity 3 – **90%** within 2 days.
- Severity 4 – **95%** within 5 days.

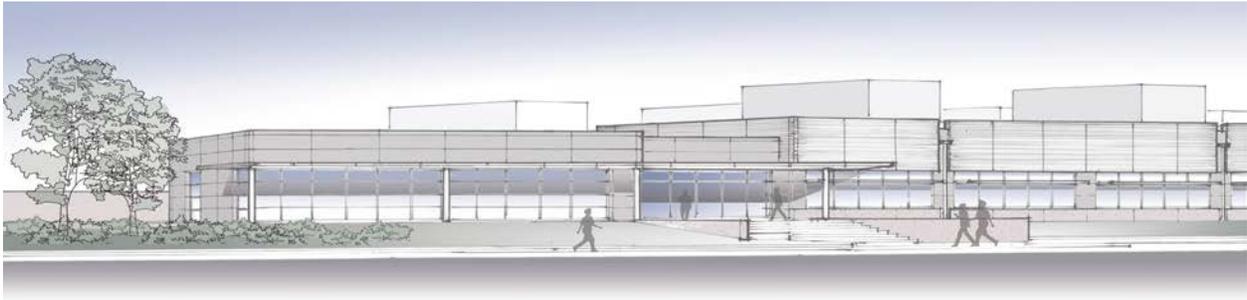
### **2.1.3.4 Escalations**

Service disruptions will escalate to the next higher severity as the target resolution time for the current severity level is exceeded or is expected to exceed resolution time.

\*Refer to Incident Management standards for more information on service disruption handling including target response times and target resolution times.

### **2.1.4 Security**

The ETS provides protection of agency resources at all levels of data classification. Firewalls are implemented and managed, as necessary, to provide separation and restriction between devices. When requested encryption can be provided to securely transmit data. Intrusion detection is implemented at key points in the network to alert on and restrict malicious traffic.



#### **2.1.4.1 Intrusion Detection**

The ETS provides Network Intrusion Detection that examines traffic as it passes defined points on the network to see if it matches “signatures” of known malicious activity. This applies to network intrusion detection only, and does not include host intrusion detection. Host intrusion detection is not currently provided, but may be provided in the future.

#### **2.1.4.2 Security Incident Response**

The ETS will notify ESO and agency security personnel of intrusion incidents and suspicious activities in accordance with the ETS and agency Security Incident Response Plan. The agency must designate who will receive these types of notifications.

#### **2.1.4.3 Privileged Access**

Privileged access to ETS systems is limited. The ETS will manage privileged access to systems granting access to only those whose job duties require it. Clients are not given privileged access without special authorization. If methods other than using privileged access will accomplish an action, those other methods must be used unless the burden of time or other resources required clearly justifies granting privileged access. The privileged access process can be found on the ETS Support System (S3) web site: <https://www.oregonSDC.org/>

#### **2.1.5 Availability**

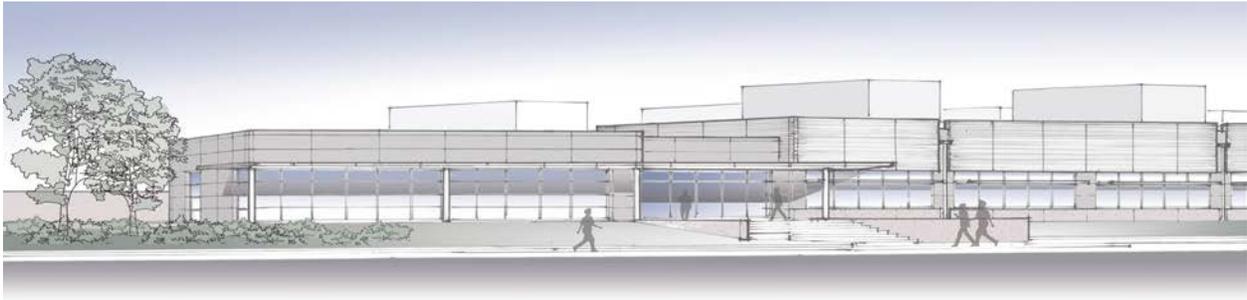
Availability is calculated monthly in the following manner:

$$\text{Availability\%} = (\text{Total Service Hours} - \text{Down Time}) / (\text{Total Service Hours})$$

Down Time will be calculated from the ETS Request Tracker (RT) system as a sum of all of the downtime recorded for each service disruption.

#### **2.1.6 Request Fulfillment**

ETS Engineering requests for new environments or major upgrades are fulfilled in priority order. The ETS allows the client to prioritize engineering requests. Clients set priorities for ETS Engineering Requests through their ETS Account Manager. Frequent changes to engineering priorities can reduce the ETS’s ability to deliver these requests on time, so major reprioritization should occur no more frequently than once per



month. Minor changes due to the completion of prioritized requests can be addressed at any time.

Once the ETS and the client agree on the requirements and the ETS determines the solution design for the request, the ETS will provide the client an expected delivery date (Due Date). If the requirements and/or the solution design changes, then the Expected Delivery Date may change. The client will be notified prior to any change to the Expected Delivery Date. The ETS will deliver **90%** of the requests within a **20%** variance of the Expected Delivery Date. (e.g. If the Expected Delivery Date is **30** days from the request submit date, then the ETS will deliver the request within **6** days of the Expected Delivery Date.)

ETS Standard Work requests are fulfilled in order of receipt. Most requests are completed within one week depending on the nature of each request and the volume of requests to the ETS.

#### **2.1.6.1 Communication**

Staff will acknowledge client requests and provides initial contact to gather requirements within the following response times:

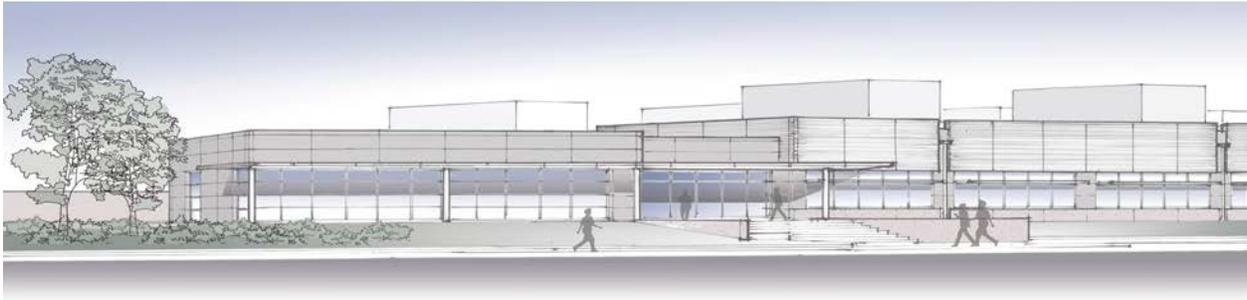
- Standard Work – **90%** within 3 business days
- Engineering Required – **90%** within 3 business days

#### **2.1.7 Service Continuity**

Continuity ensures that in the case of a catastrophic failure, the service can be restored within an agreed upon period. Disaster Recovery services can be added to this service at an additional cost.

In the case of a catastrophic issue in which a hardware failure requires replacement, additional time may be required to procure replacement hardware and/or repurpose and reload hardware within the ETS. The incident management process will be used for communications in this event.

The ETS will provide best effort to restore systems to service that are end-of-life or do not conform to the ETS Standards in the event of a catastrophic failure.



### **2.1.8 Reporting**

The ETS will make the Service Level Measurements available to the client at the end of each month. Quarterly Service Level reports will be made available that show the Service Level Measurements across the entire ETS and Annual reports will be made available during the annual review of the Service Level Agreement.

### **2.1.9 Remedies**

The ETS will review the service levels for all services. If the ETS does not meet a service level for a particular month, then the Service Level Manager will analyze the root cause within 30 days and determine if a Service Improvement Plan is required. The initial analysis will be made available to the affected client(s) and included in an annual report. Service Improvement Plans will be provided to the client(s) upon completion within 90 days after analysis.

## **3 Backup and Restore Services**

*Backups can be defined as creating a copy of data for purposes of reproducing the original in case the original is lost, erased, damaged, or changed in error. The copy may be an exact duplicate of the original, or it may be some other structure that allows the original to be recreated by restoration software*

*This SLA sets the expectations on the availability of the systems and software used to backup and restore agency data from systems supported by the ETS. It does not include any guarantee on the quality of the data backed up or on the integrity of the files from those backup. The ETS will ensure that the systems and software used to backup and restore data are functioning properly, but the agency is responsible for testing that the data backed up can be restored.*

### **3.1.1 ETS Standard**

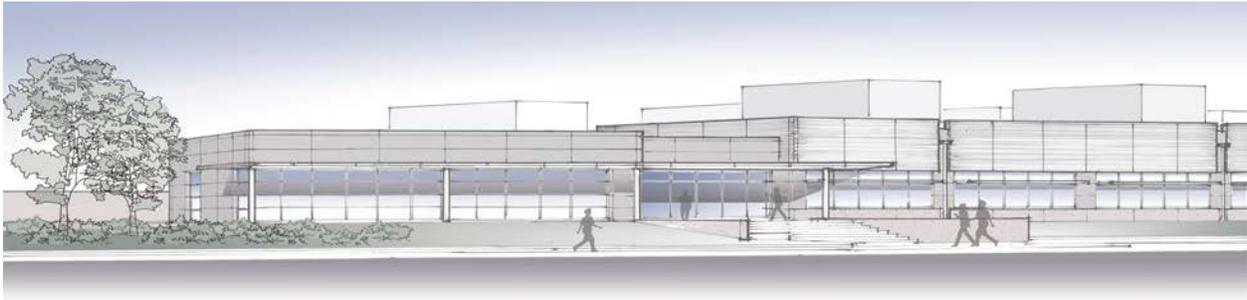
*The ETS has the following standards for backup and restoration of agency data:*

*Distributed Systems use Commvault Simpana 10.*

### **3.1.2 Scheduled Maintenance**

#### **3.1.2.1 Standard Maintenance Window**

*If maintenance is required, the ETS will use the standard maintenance window. This window will only be used when needed. Use of this window will be governed by the ETS change management process.*



*For the Commvault server(s):*

*Thursday 3PM – 7PM,*

*For the ATL and VTS:*

*Thursday 3PM – 7PM*

### **3.1.2.2 Patching**

*Patching is as needed. All patching is scheduled through the Change Management process, but exceptions to the normal schedule can be requested. Emergency critical patches will follow the Urgent or Emergency Change Management process.*

### **3.1.2.3 Privileged Access**

*Due to the shared nature of the environments that host these applications, the ETS cannot grant privileged system access to these environments.*

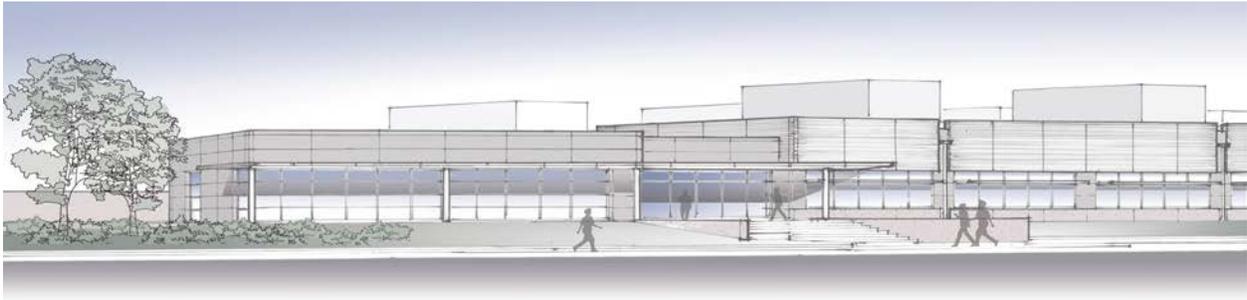
### **3.1.3 Service Disruption**

*Refer to the common section above.*

### **3.1.4 Security**

The ETS is herein authorized to be the representative of City of Milwaukie in stewardship of all City of Milwaukie electronic data backed up onto the systems that the ETS maintains. City of Milwaukie retains direct control of all data backed up onto these systems. Employees of the ETS are not allowed to disclose any City of Milwaukie information without the express written permission of authorized City of Milwaukie staff. All requests for access to City of Milwaukie information or audits of this data must be routed to authorized City of Milwaukie staff for review and approval. Any ETS employee who discloses City of Milwaukie information without the express written consent of City of Milwaukie staff must be subject to disciplinary action, up to and including termination.

The ETS must place appropriate security measures in place to protect the integrity of City of Milwaukie data. Only staff whose job duties require direct access to City of Milwaukie data can be allowed rights to this data. City of Milwaukie retains the right to audit these measures to ensure they meet requirements. City of Milwaukie remains the sole owner of all data backed up on ETS systems.



**3.1.5 Availability**

*Service Hours for restorations are 24 x 7 x 365 excluding scheduled maintenance.*

*Restore Systems will be available **99.9%** each month.*

*Service Hours for Backup Systems are:*

*For CommVault 6p.m. – 7a.m. excluding scheduled maintenance*

*Backup Systems will be available **99.9%** each month.*

**3.1.6 Request Fulfillment**

*Most backup and restore services for new clients can be delivered in 30 days. Some environments may take more or less time depending on complexity. Modifications to the agencies existing services are usually classified as ETS Standard Work.*

*Most agencies have the ability to restore files, but requests for the ETS to restore files are ETS Standard Work.*

**3.1.7 Service Continuity**

*For backup systems within the ETS standard, the system will be restored within 96 hours.*

**3.1.8 Reporting**

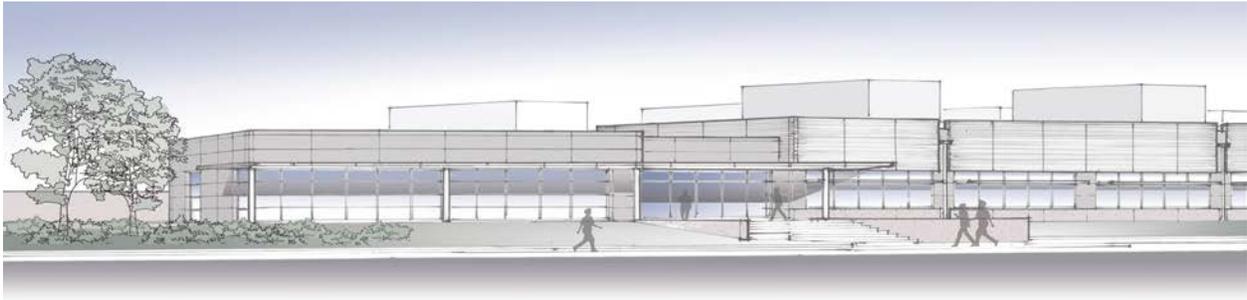
*Refer to the common section above.*

**3.1.9 Remedies**

*Refer to the common section above.*

**Backup and Recovery Revision History**

Date	Author	Description of change
12/11/2015	Joseph King	Initial Draft for internal review
12/14/2015	Brian Swick	Technical Review
12/18/2015	Joseph King	Final AM Draft for internal review
05/13/2016	Jaden Hurtienne	Fixed broken hyperlinks



## **4 State Mall Area Network**

*The ETS currently offers network connection services in certain locations on the state mall area in Salem. The mall area network is a high speed loop around selected state office buildings that provides high speed and redundant connections to the state network.*

### **4.1.1 ETS Standard**

*ETS Network Standards are detailed in the ETS Architecture document. Hardware that does not conform to these standards will be supported in a reduced capacity.*

### **4.1.2 Scheduled Maintenance**

*Refer to the common section above.*

#### **4.1.2.1 Standard Maintenance Window**

*Sunday 4 a.m. - 6 a.m.*

#### **4.1.2.2 Patching**

*The ETS will perform software updates based upon vendor recommendation regarding Security Vulnerabilities, Network Enhancements and to repair software abnormalities.*

### **4.1.3 Service Disruption**

### **4.1.4 Security**

*Due to the shared nature of the network environment, the ETS cannot usually grant privileged access to network devices.*

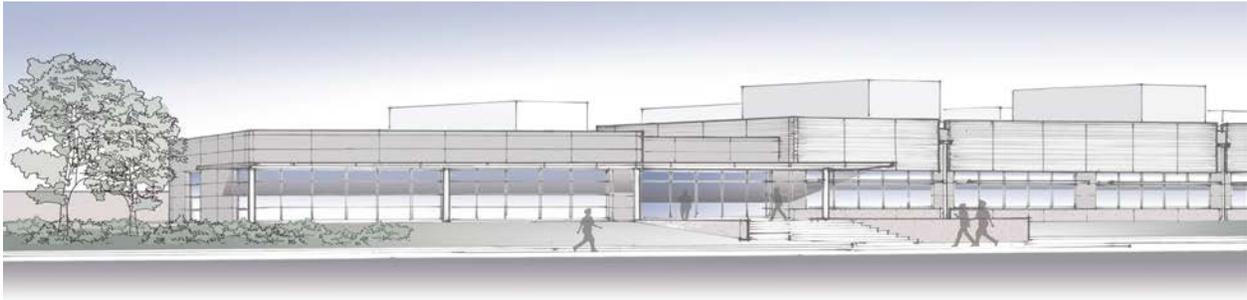
### **4.1.5 Availability**

*Mall Area Network Services will be available **99.9%** each month.*

*Service Hours are 24 x 7 x 365 excluding scheduled maintenance.*

### **4.1.6 Request Fulfillment**

*Most Mall Area Network services can be delivered in thirty days. Some environments may take more or less time depending on equipment availability.*



#### **4.1.7 Service Continuity**

*For systems within the ETS standard, the system will be restored within a maximum of two business days.*

#### **4.1.8 Reporting**

*Refer to the common section above.*

#### **4.1.9 Remedies**

*Refer to the common section above.*

### **5 Appendix**

#### **5.1 Definitions**

##### **5.1.1 Agency Production Environments**

Those systems that host software which are used by the agency business sections to accomplish the agency mission. These systems are not those used by the Information Systems or Information Technology sections for development or testing of software.

##### **5.1.2 Automated Call Distributor**

A computerized phone system that responds to the caller with a voice menu and connects the call to the appropriate agent. It can also distribute calls equally to agents. ACDs are the heart of call centers, or contact centers, which are widely used in the telephone sales and service departments of all organizations.

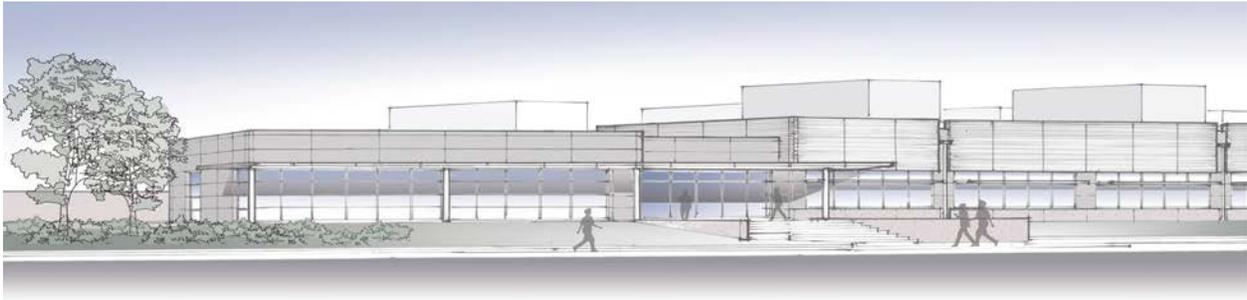
##### **5.1.3 Availability:**

Ability of a component or service to perform its required function at a stated instant or over a stated period of time. It is usually expressed as the availability ratio, i.e. the proportion of time that the service is actually available for use by the Clients within the agreed service hours. In the Service Level Agreement the availability percentages are derived using the following formula:

$$[(THS - DT) / THS] \times 100 = \text{Service or Component Availability (\%)}$$

THS = Total Hours of Service

DT = Actual downtime during agreed service time



#### **5.1.4 Best Effort**

Best effort support defines ETS support levels for non-standard software and hardware. There are no service guarantees for non-standard hardware and software. In general the ETS will provide professional services to the extent possible. Best Effort however assumes that the level of support offered for these systems is something less than what is guaranteed for standard systems.

#### **5.1.5 Catastrophic Failure:**

A catastrophic failure is a sudden and total failure of some system from which recovery is impossible.

#### **5.1.6 Change Management:**

The ETS Change Management process provides communication and control over the addition, modification or removal of hardware and software that could have an effect on IT services. The change management process includes both an ETS internal and client-inclusive review of change requests. For client agencies that have their own internal change management process, the ETS Change Manager will work with the agency Change Manager to integrate processes to meet both ETS and client needs.

#### **5.1.7 Custom Call Routing (CCR) Tree**

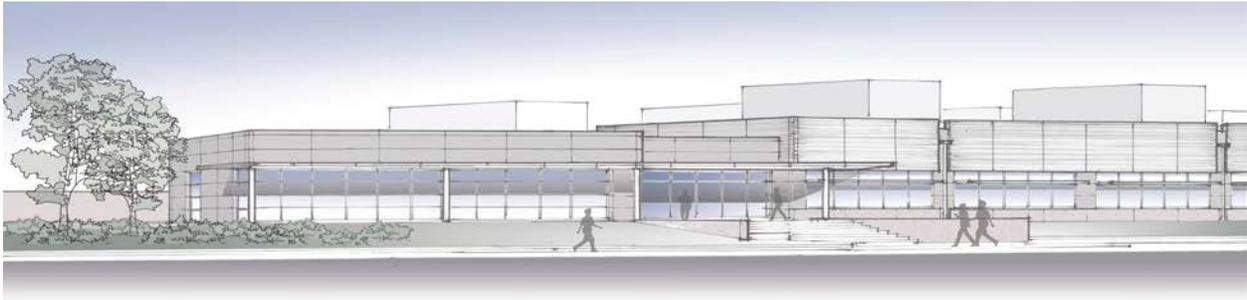
A Custom Call Routing (CCR) Tree contains paths that callers select using their touch-tone phones. They are prompted by a series of recordings. Once a selection is made, they are routed to messages, transferred to extensions or departments, or directed to sub menus for more specific information.

#### **5.1.8 Client:**

In the ETS Service Level Agreement, the term “Client” refers to state agencies or other public organizations that request and acquire services provided by the ETS.

#### **5.1.9 Delivery Date:**

The date that the service is available for the client to use. This is typically at the end of the Solutions Release phase of the ETS Engineering workflow.



#### **5.1.10 Down Time (DT):**

The amount of time between when the ETS was notified that a service became unavailable, and when service was restored. Notification can come from either the ETS monitoring system, or the client. Down Time excludes planned maintenance and service disruptions caused by factors beyond the ETS control (remote power outages, application changes applied by the client, etc.)

#### **5.1.11 Expected Delivery Date:**

The date that the service is expected to be delivered. Clients are provided an Expected Delivery Date once the requirements are determined and the solution design developed. This typically occurs at the end of the Plan Development phase of the ETS Engineering workflow.

#### **5.1.12 Forward Busy (FWD-BSY)**

Incoming calls go directly to voice mail if line is busy.

#### **5.1.13 Forward No Answer (FWD-NA)**

Incoming calls go to voice mail after 3 or 4 rings

#### **5.1.14 Hands Free (HF) Answer**

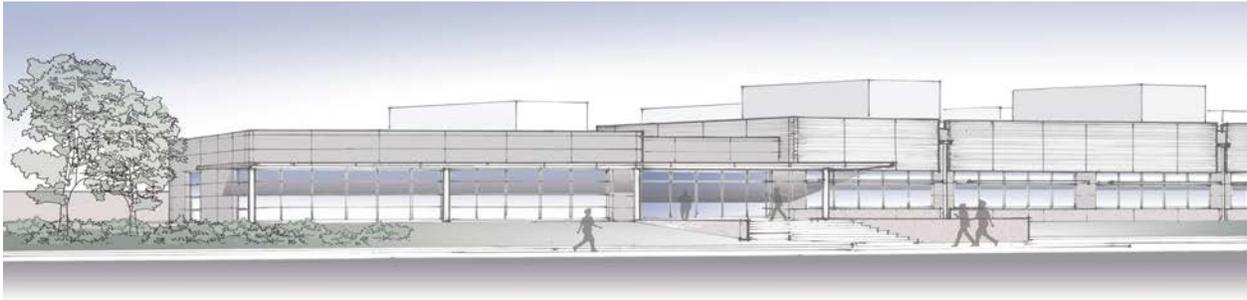
The ability to answer calls without picking up the handset.

#### **5.1.15 Hours of Service:**

The number of hours per day and the number and which days of the week that support will be provided for a given Service Level. (E.g. 24x7, 12x5, etc.)

#### **5.1.16 Interactive Voice Response (IVR)**

An automated telephone information system that speaks to the caller with a combination of fixed voice menus and data extracted from databases in real time. The caller responds by pressing digits on the telephone or speaking words or short phrases. Applications include bank-by-phone, flight-scheduling information and automated order entry and tracking.



### **5.1.17 Internet Protocol Contact Center (IPCC)**

A Cisco product to provide Automated Call Distribution (ACD) and other enhanced features for voice over internet protocol (VOIP).

### **5.1.18 Key System (Voice)**

An in-house telephone system that is not centrally connected to a PBX. Also known as a "key system," each telephone has buttons for outside lines that can be dialed directly without having to "dial 9."

### **5.1.19 Lightweight Directory Access Protocol (LDAP)**

The Lightweight Directory Access Protocol, or LDAP, is an application protocol for querying and modifying directory services running over TCP/IP.

### **5.1.20 Private Branch eXchange (PBX)**

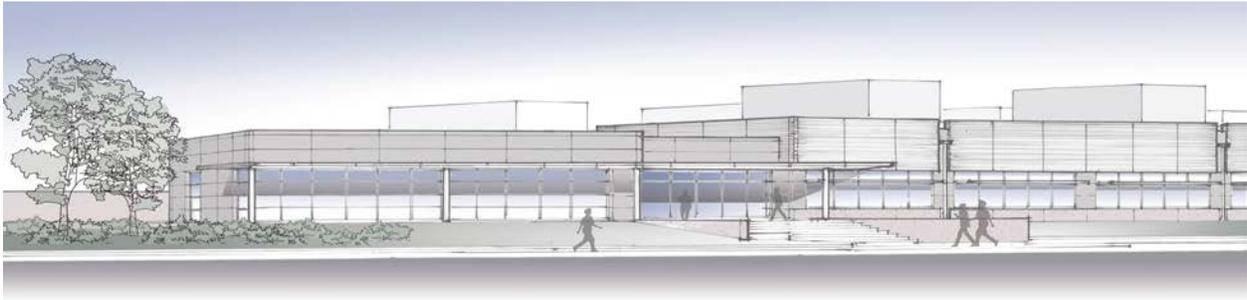
An in-house telephone switching system that interconnects telephone extensions to each other as well as to the outside telephone network (PSTN). A PBX enables a single-line telephone set to gain access to one of a group of pooled (shared) trunks by dialing an 8 or 9 prefix. PBXs also include functions such as least cost routing for outside calls, call forwarding, conference calling and call accounting. Modern PBXs use all-digital methods for switching, but may support both analog and digital telephones and telephone lines.

### **5.1.21 Privileged Access:**

Access that allows an individual access to ETS computer, network, or security resources when that access provides the capability to alter the properties, behavior or control of the information system or network. Privileged access is typically granted to system administrators, network administrators or other such employees whose job duties require such access.

### **5.1.22 Public Switched Telephone Network (PSTN)**

The worldwide voice telephone network. Also called the "plain old telephone system" (POTS) and originally analog only, the heart of most telephone networks today is digital. However, the lines from the home and office to the digital loop carrier (DLC) junction box in the neighborhood typically remain analog. At that point, analog signals are converted to digital.



#### **5.1.23 Service:**

The deliverables of the IT organization as perceived by the Clients. Contains one or more IT systems working together to enable a business process.

#### **5.1.24 ETS Engineering Request**

New, modified, or enhanced services or support that requires consulting, exploration of options, client submission of requirements, agreement by ETS (and client of ETS) for those requirements, funding approval, and appropriate change management. If a request is one of an agency's top eight priorities, it is processed as an Engineering Work Required request regardless of its duration or change management impact.

#### **5.1.25 ETS Standard Work**

Work that has been proven possible to complete in 0 - 6 hours that has received standing approval through change management, or work that does not need to go through the change management process.

#### **5.1.26 Service Disruption:**

Any event which is not part of the standard operation of a service and which causes, or may cause, an interruption to, or a reduction in, the quality of that service.

#### **5.1.27 Severity Level:**

An assessment of the degree of impact a Service Disruption has on the end-user that is used to prioritize response to reported outages.

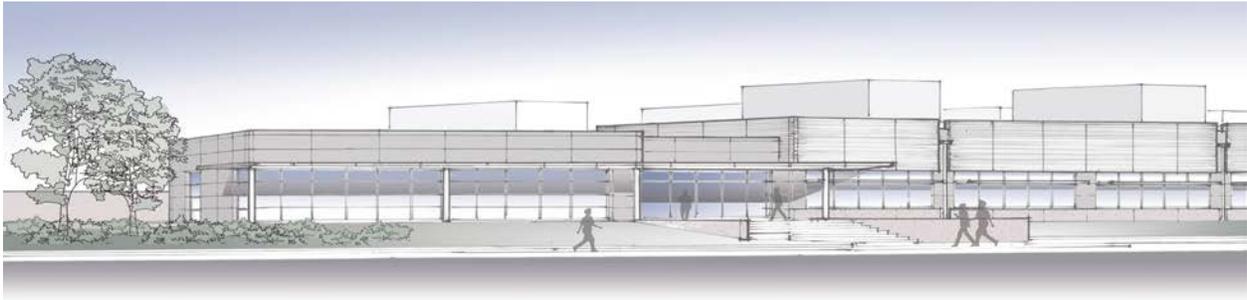
(See [http://www.oregon.gov/DAS/ETS/docs/Service\\_Catalog.pdf](http://www.oregon.gov/DAS/ETS/docs/Service_Catalog.pdf) Appendix A for details)

#### **5.1.28 Service Level:**

The agreed upon level of quality for a service. (E.g. Availability, Time to Respond, Time to Restore, etc.)

#### **5.1.29 Service Level Measurement:**

The measurement of the service level that describes the quality of the service for a period of time. (E.g. the Wide-Area Network (WAN) availability for July, 2008 was 99.98%)



**5.1.30 Simple Mail Transport Protocol (SMTP)**

The standard Internet protocol for transferring electronic mail messages.

**5.1.31 Time to Respond:**

The amount of time available for a response to an incident from the appropriate ETS support personnel. This is the time for triage on the Incident to begin at a minimum.

**5.1.32 Time to Restore:**

The amount of time that is taken to return a given service to normal levels of performance from the onset of an Incident to the point where adequate checks have taken place to ensure that the service has been restored..

**5.1.33 Total Hours of Service (THS):**

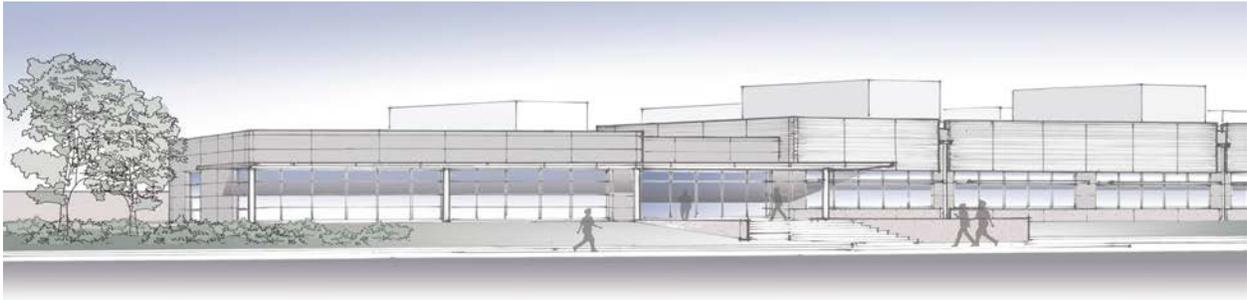
The total number of hours within a given period that a service was expected to be available. (E.g. For the month of January for a 24x7 service with 3hrs of maintenance window:  $31 \times 24 - 3 = 741$  hrs.)

**5.1.34 Untrusted Network:**

Any network where physical and/or logical access are not subject to monitoring, administration and supervision of the ETS.

**Appendix Revision History**

Date	Author	Description of change
12/11/2015	Joseph King	Initial Draft
12/14/2015	Brian Swick	Technical Review
12/18/2015	Joseph King	Final AM Draft for internal review



## 5.2 *City of Milwaukie*

### 5.2.1 Client Requirements

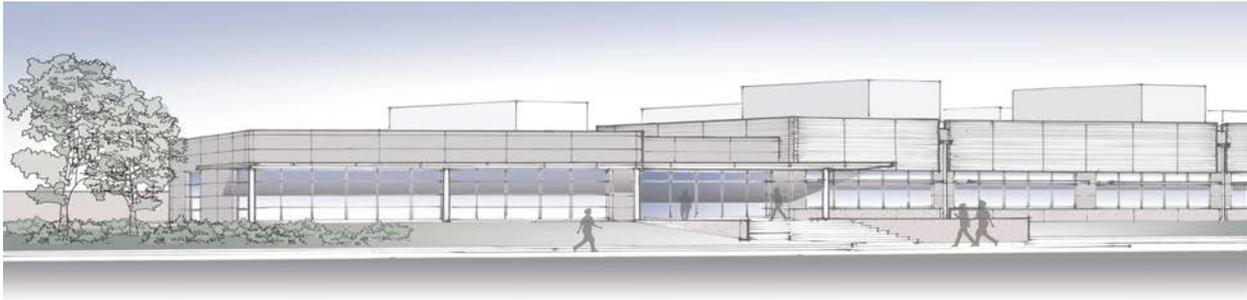
1. Backup for approximately 10 TB of Primary Data.
2. Backup for roughly 42 client machines.
4. Storage of mix of retentions between 28 days, 90 days, and 1 year.
5. Retain about 1.2TB of data for 1 years, with the rest split evenly between 28 days and 90 days.
6. Data stored at a secondary location (offsite) for DR protection.
8. City of Milwaukie staff will have the ability to execute restores.
9. 24x7x365 availability of CommVault web interface by authorized CITY OF MILWAUKIE staff to monitor CITY OF MILWAUKIE backups
10. Connectivity to be established through fiber optics already in place. The rate includes 50Mbps primary network connection, but CITY OF MILWAUKIE will be upgrading shortly to a 200Mbps connection.
11. The Window during which backups will occur is 6-pm – 6-am
12. The standard ETS maintenance window is every Thursday 3pm –7pm during which CITY OF MILWAUKIE understands access to Commvault will be unavailable.
13. Security: ETS staff will not use or share CITY OF MILWAUKIE data for any purpose besides backup administration purpose.

### 5.2.2 Enterprise Technology Services Technical Requirements for backup clients

1. Servers being backup up will need a minimum of 2GB of free disk space for the Commvault backup agent to be installed.
2. 7GB free disk space is recommended for client installs

### 5.2.3 Process

1. Obtaining Offsite data for restore
3. Commvault Client



- a. The Commvault client is a web based application and can be accessed from as many PC's as need.
- b. ETS can provide authentication to Commvault via Active Directory for clients integrated into the ETS Network that is managed by the clients. For clients who do not have integrated Active Directories, Commvault can be managed via local user accounts in the Commvault system. The ETS limits 10 user accounts per client for locally managed accounts.

#### 4. Commvault Roles

a. *The ETS provides three types of Commvault Roles for clients.*

- i. Client Backup Administrator Role has control to execute restores in original location of restore files, restore files to a new location and run reports.
- ii. Client Backup DBA Role has control to execute restores of data bases
- iii. Client Help Desk Backup Role has the ability to run reports and restore files to their original location.

5. Backup Schedule is managed by the ETS and will adjust the backup times provided by the client during the normal backup window which is 6pm to 6am.

#### **5.2.4 Pricing**

Rates for ETS services available at: [Rate Sheet](#)

**Effective July 1st, 2015**

**2015-17 Enterprise Technology Services**

Item	Billable Unit per Month	Rate	General Service Description
<b>IT Support Services</b>			
<b>Distributed Systems</b>			
<b>Appliance Hosting Services</b>	Per Physical Appliance	\$66.17	Appliance Hosting Services: Ongoing oversight of the operation of non-standard physical assets owned by others including coordination of subcontract for services such as specialized space, network connectivity, operator services, and Technologist services.
<b>Server Instance</b>	Server Instance	\$270.99	Virtual appliances will be assessed CPU, RAM and Storage only.
<b>System CPU Resource Allocation</b>	Server Core	\$36.86	Distributed Services Systems represents the Windows/Linux computer processing servers. The systems can be standalone or in a shared environment.
<b>System Memory Resource Allocation</b>	GB Server Memory	\$13.89	The distributed server rates for local and remote environments and by physical and virtual servers have been blended into one server instance rate. The definition of remote is any server under ETS's responsibility that is physically not in ETS managed Data Center floor space.
<b>Server Load Balancing Services</b>	Per Server, Load Balancing	\$60.50	-If the host (a server running VMWare) is local, then the charges for the host's dedicated operating system go to overhead, while the customer gets billed for the virtual operating system (guest), virtual CPUs, virtual RAM and storage.
<b>Server Clustering Services</b>	Per Server	\$38.50	-If the host (a server running VMWare) is remote, then the charges for the host's CPU and RAM, go to the customer, along with a charge for each virtual operating system (guest) and allocated storage.
<b>Midrange</b>			
<b>Virtual Operating System Service, iSeries</b>	iSeries Instance	\$2,194.57	Midrange Systems are systems that run in the UNIX ("AIX") or IBM System i ("iSeries") environment. Rates in Midrange Systems include those for hosted computing as well as for specific services including managed database environments, web application servers, and SFTP services. "UNIX/iSeries Resource per Month" is the rate for CPU or RAM. One resource unit is 0.1 CPU or 4 GB of RAM. These can be charged in fractional units. For instance: 2 GB of RAM is 1/2 unit.  Example:  .1 CPU + 4 GB RAM = 2 units
<b>Virtual Operating System Service, UNIX</b>	UNIX Instance	\$704.70	
<b>System Utilization, iSeries</b>	iSeries Resource Unit	\$621.80	
<b>System Utilization, UNIX</b>	UNIX Resource Unit	\$288.29	
<b>DBMS Service, DB2 on UNIX</b>	DB2 Resource Unit	\$845.74	
<b>DBMS Service, Oracle on UNIX</b>	Oracle Resource Unit	\$1,460.80	
<b>Application Server Service, WebSphere, ColdFusion on UNIX</b>	MB transferred, WebSphere, ColdFusion on UNIX	\$0.13	
<b>Application Server Service, WebLogic on UNIX</b>	MB Transferred WebLogic on UNIX	\$0.22	
<b>Secure File Transfer Service, UNIX</b>	Allocated SFT GB	\$7.19	
<b>Mainframe</b>			
<b>Batch Processing</b>	CPU Minute	\$28.68	The Mainframe system collects computer processing data every time a user logs into the computer, executes a job, runs reports, or does queries with online files. Usage information is assigned to an agency based on where the usage information resides, application name, or user name. The unit of measure for mainframe computing is the Computer Processing Unit (CPU) minute, usage data is reported daily.
<b>CICS Processing</b>	CPU Minute	\$37.19	
<b>DB2 Processing</b>	CPU Minute	\$65.73	
<b>TSO Processing</b>	CPU Minute	\$28.68	
<b>zVM Guest Instance (Not a current service offering)</b>	zVM Guest Instance	\$1,910.41	
<b>Disaster Recovery Test Environment</b>	Per Day	\$4,344.69	
<b>Data Storage</b>			
<b>Enterprise Storage</b>	Allocated Enterprise Storage GB	\$0.02	Tier 1, 2, & 3 storage has been blended into one Enterprise Storage rate due to increased usage of auto-tiering to manage the environment.
<b>Local Attached Storage</b>	Allocated Local Attached Storage GB	\$0.17	NAS (File Server Service) will be billed at the Enterprise Storage rate.

**Effective July 1st, 2015**

**2015-17 Enterprise Technology Services**

Item	Billable Unit per Month	Rate	General Service Description
<b>Mainframe Storage</b>	Allocated Mainframe Storage GB	\$0.35	
<b>Backup Services</b>	<b>Backup GB</b>	<b>\$0.02</b>	
<b>NAS Services</b>	TBD	TBD	
<b>Disaster Recovery</b>			
<b>Disaster Recovery Pass Through</b>		TBD	Enterprise Technology Services (ETS) uses a statewide price agreement for disaster recovery services. ETS worked with agencies to identify what services the agency requires. ETS coverage will be included in ETS administrative overhead and will include the ETS core charges, network connectivity charge and one (1) FTE. Agency specific charges will be charged back to the agency on a monthly pass through basis.
<b>Co-Location</b>			
<b>Data Center Floor Space (Not a current service offering)</b>	Square Foot, Data Center	\$6.19	
<b>Production Services</b>			
<b>Application Monitoring</b>	Coverage Unit	\$11.77	Production Services maintains a 24x7x365 physical presence at the State Data Center. Units are updated once a biennium unless a significant change occurs.
<b>Security</b>			
<b>End User VPN Service</b>	VPN bundle per 25	\$154.66	Network Encryption unit counts are measured at .5 per managed end, per device, per month.
<b>Network Encryption Service</b>	Per Managed End Point, 2pts=1 unit	\$438.86	
<b>Desktop Services</b>			
<b>Workstation Service</b>	Per Computing Workstation	\$246.54	Operational management of the customer's desktops, laptops, tablets, peripheral equipment (i.e. printers), and workplace tools such as email. Standard desktop software includes Microsoft Access, Excel, Outlook, PowerPoint, Publisher, Word, Visio, and Project. Management of the customer's internal network (Local Area Network) that allows sharing of resources such as data, files, printers and applications. Definition of Computing Workstation: A traditional PC or Laptop computer that is supported via ETS TAM Technology Support Center's (TSC) workstation management system, or other types of devices such as Mac's and Linux systems that are supported manually by the TSC. Location of the device is irrelevant (it could be at a person's desk, in conference room, in a shared area, or for use for remote access from the home).
<b>File &amp; Print Services</b>	Per Computing Workstation	\$122.57	
<b>Email and Calendaring - Enterprise</b>	Per Mailbox	\$2.95	
<b>Mail Hub Service</b>	Email Address per user	\$0.54	
<b>E-Government</b>			
<b>E-Gov E-commerce Contract Management</b>	Number of E-Gov E-commerce Transactions	\$0.03	
<b>E-Gov Intranet Contract Management</b>	Number of Intranet Sites Hosted, E-Gov	\$229.63	
<b>E-Gov Website Contract Management</b>	Number of Hosted Website Pages & Files	\$3.36	
<b>E-Gov Hosted Applications Contract Management</b>	Number of Hosted Applications	\$44.78	
<b>Silversky - Hosted E-mail Contract Management</b>	Number of Email Accounts	\$0.17	
<b>Silversky - Hosted Intranet Contract Management</b>	Number of Intranet Sites Hosted, SilverSky	\$43.21	
<b>LAN/WAN Services</b>			
<b>LAN/WLAN Services</b>	Per 12 Port Switch or 8 Port Wireless Access Point	\$101.92	Local Area Network (LAN) charges are based on the number of switches or wireless access points (WLAN) serving the agency. LAN services include the purchase, administration and management of the Local Area Networking switching. This provides network connectivity between the point of demarcation at the agency site to desktops, printers and other computing devices. This service does not include cabling.  Redundant Network Load Balancing is provided for each host connected on the backend.
<b>Network Load Balancing</b>	Per Server, Network	\$593.40	
<b>Special Fiberstrand (Not a current service offering)</b>	Per Strand	\$638.83	

**Effective July 1st, 2015**

**2015-17 Enterprise Technology Services**

Item	Billable Unit per Month	Rate	General Service Description
<b>Computer Lab</b>			
<b>Computer Lab, Half Day</b>	Computer Lab - Half Day	\$189.62	A charge of \$100 will be added to the Computer Lab Rates for special installs.
<b>Computer Lab, Full Day</b>	Computer Lab - Full Day	\$328.49	
<b>Voice Services</b>			
<b>Voice Support, ETS - 1st Year</b>	Voice Handset	\$25.43	Handset, Phone Service First Year
<b>Voice Support, ETS - 2nd Year</b>		TBD	Handset, Phone Service Second Year
<b>Provisioning Charge on Pass-Through Costs</b>			
<b>Charges on Pass-Through Costs</b>		Dollar-for-dollar plus 5% Provisioning fee for Network Services	Network Pass-Through. Network connectivity charges, includes transport costs, taxes, interlata charges, installation and domain registrations. These are charged by the telecommunications vendors and passed on to the customer. A five (5) percent charge is added on to cover the managing network telecommunications service contracts, attorney general fees associated with these contracts, and personal services to provision the services. Voice Pass-Through Charges: This rate is passed through dollar-for-dollar by the vendor on services ordered by the agency. Expenses include long distance, calling cards, TSOs, 800 numbers, repair tickets, and directory listings.
<b>IT Professional Services</b>			
<b>Billable Hours</b>			
<b>Base/Generalist</b>	Per Hour	\$108.00	Please see ETS Rate Methodology Document.
<b>Application Service and TSC</b>	Per Hour	\$140.00	
<b>Specialized</b>	Per Hour	\$148.00	
<b>Assessment Costs</b>			
<b>Administrative Support Costs</b>			
<b>Technical Professional Training</b>			
<b>Services</b>			
<b>System Monitoring</b>			
<b>Data Center Floor Space</b>			
<b>Data Center Floor Space, Montana</b>			
<b>Warehousing</b>			
<b>Wireless PTP Services</b>			
<b>Consumer Wireless</b>			
<b>State Network Access</b>			
<b>Basic Firewall Configurations</b>			

**RS 3. D.**

**July 5, 2016**

**[PENDING]**



**MILWAUKIE CITY COUNCIL  
STAFF REPORT**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **TriMet Property Triangle Site**

From: Alma Flores, Community Development Director

Date: June 28, 2016

**NOTICE:**

**The Staff Report referenced above is currently Pending and will be posted in this packet as soon as it is available.**



**Regular Session  
Agenda Item No.**

**6**

**Other Business**



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: **RS 6. A.**  
Meeting Date: **July 5, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Library Services Expansion Task Force**

From: Katie Newell, Library Director

Date: June 22, 2016

### **ACTION REQUESTED**

Dissolution of the Library Services Expansion Task Force

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

- Library Expansion Task Force (LETF) created by City Council March 15, 2011.
- LETF recommended a 35,000 sq ft expansion/renovation to City Council August 6, 2013; project tabled until better financial climate.
- LETF reconvened, February 4, 2015.
- LETF name changed to Library Services Expansion Task Force (LSETF), R52-2015, on May 19, 2015.
- LSETF made recommendation to City Council to hire Patinkin Research and ProspectPDX to poll voters to determine advisability of going out to bond for a library expansion/renovation and when to do so, August 19, 2015.
- Consultants Ben Patinkin (Patinkin Research) and Mike Selvaggio (ProspectPDX) met with City Council at their Study Session on January 21, 2016, to discuss the support for going to bond in May 2016 for a library expansion/renovation project.
- Troy Ainsworth of FFA Architecture + Interiors (FFA), Library Director Katie Newell, and LSETF Chair Scott Barbur met with Council on February 2, 2016, to recommend going out to bond for \$9.2 million and answer questions concerning cost estimates.
- Council voted unanimously on February 16, 2016, to go out for a bond measure in the amount of \$9.2 million for the upgrade to the Ledding Library.
- Bond Measure 3-477 asking '*Shall Milwaukie be authorized to issue up to \$9.2 million of General Obligation Bonds for library repairs, improvements and updated technology?*' was passed by the voters of Milwaukie on May 17, 2016.

### **BACKGROUND**

At its February 1, 2011 Work Session meeting, City Council met with the Ledding Library Board and discussed the space needs of the library as well as the process necessary to evaluate options for enlarging the Library. The availability of \$1 million of capital funds from the Library District of Clackamas County in 2012 requires the City undertake an analysis of how to use the funds and develop a plan to address space needs. The Council and Board discussion focused on the benefits of creating a task force to stimulate a broad based discussion of the community need for library facilities, the options available and the process needed to pursue locations and funding.

At its March 15, 2011 meeting, the Milwaukie City Council authorized the creation of the Library Expansion Task Force (LETF) to look into the issues surrounding the expansion of the Ledding Library. The first meeting of LETF was June 23, 2011, with representatives from City Council, Library Board, Library Foundation, Planning Commission, Budget Commission, Neighborhoods, Business, and Library staff. Scott Churchill, representing Neighborhood-West, was elected Chair.

LETF developed a preliminary design program that supported the need of an expansion. A progress report was presented to Council on October 16, 2012, with the recommendation that the task force be authorized to hire an outside consultant to complete an unbiased needs assessment/programming plan for the Ledding Library. Council agreed that the task force could move forward with this.

At the February 26, 2013 Work Session, LETF updated Council on the search for a firm to conduct the needs assessment/programming plan and recommended hiring the firm FFA to do this. Council directed staff to move forward with hiring FFA.

LETF met June 13, 2013, to review the preliminary findings of FFA. The majority of the task force favored the direction the report was going; their next meeting was scheduled for July 11, 2013, to discuss the final report and vote on their recommendation to Council.

Troy Ainsworth and Karl Refi, both of FFA, presented the finalized needs assessment for Council's review at the July 2, 2013 Work Session. The report reviewed the results of the public survey, staff interviews and public meetings, as well as diagrams illustrating the possibility of expanding the Library to a size up to 35,000 sq. ft. at its current site. This final report had not yet been presented to the LETF at the time of the 7/2 Work Session; however, LETF met July 11, 2013, and voted to recommend to Council an expansion of the Ledding Library up to 35,000 sq. ft. at its current site.

This recommendation was made to Council on August 6, 2013. At that time, Council decided to focus on passing a bond measure to pay off the Light Rail debt and LETF went on hiatus.

At the September 16, 2014 work session, Council approved updating the roster and reconvening LETF to move forward with an expansion plan of the Ledding Library. The task force resumed their meetings on February 4, 2015, electing Scott Barbur, representing the Planning Commission, as the Chair.

At its May 19, 2015 meeting, City Council approved the resolution to revise the name of the task force to the Library Services Expansion Task Force (LSETF) to emphasize the intent of the task force to encompass not just an expansion of the library building, but of library services to the community.

LSETF met with FFA to review a conceptual drawing/cost estimate of a smaller expansion, August 24, 2015. It made the recommendation to Council to hire a consultant to determine the support for going to bond in May 2016 for a library expansion/renovation project. After receiving the recommendation to move forward with a bond measure from consultant Patinkin Research, City Council unanimously voted on February 16, 2016, to go out for a \$9.2 million bond measure to upgrade the Ledding Library.

The task force was created with the duties and responsibilities to:

- a) Develop a scope of work to evaluate options to either expand the Ledding Library or to pursue additional library facilities within the City that deliver services in association with the Ledding Library
- b) Evaluate the impact of assuming responsibility for delivering services to the unincorporated areas of Clackamas County
- c) Cost out the options and present preliminary estimates to the City Council for direction
- d) Follow Council direction and obtain necessary consultant services to develop detailed plans to present to Council of the alternative funding options.

The task force has successfully completed its duties with the passing of the bond measure on May 17, 2016.

The following people have served on the task force since it was formed five years ago:

Nancy Avery  
 Scott Barbur  
 Lisa Batey  
 Fred Bruderlin  
 Greg Chaimov  
 Scott Churchill  
 Jerry Connelly  
 Mark Docken  
 Ryan Healy  
 Tom Hogan  
 Paul Klein  
 Melissa Perkins  
 Karin Power  
 Sara Proctor  
 Christie Schaeffer  
 Kathi Schroeder  
 Jon Stoll  
 Arianna Van Bergen  
 Ed Zumwalt

Staff: Bill Monahan  
 Katie Newell  
 Joe Sandfort  
 Grady Wheeler  
 Nancy Wittig

Library Board members Krista Downs, Erin Lee, Karol Miller, Jason Price, Anna Van Tyne attended meetings as advisors.

**CONCURRENCE**

The Library Director concurs that the Library Services Expansion Task Force dissolve with a heart-felt thank you to all the task force members that have served on this committee.

**FISCAL IMPACTS**

No fiscal impacts

**WORK LOAD IMPACTS**

No work load impacts

**ATTACHMENTS**

- 1. Resolution



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

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DISSOLVING THE LIBRARY SERVICES EXPANSION TASK FORCE (LSETF).**

**WHEREAS**, the Library Expansion Task Force (LETF) was created by the City Council on March 15, 2011, with the adoption of Resolution 35-2011; and

**WHEREAS**, the LETF was charged with assisting the Ledding Library Board and City Council by developing a scope of work to evaluate options to either expand the Ledding Library or to pursue additional library facilities within the City that deliver services in association with the Ledding Library, to evaluate the impact of assuming responsibility for delivering services to the unincorporated areas of Clackamas County, to cost out the options and present preliminary estimates to the City Council for direction, and to follow Council direction and obtain necessary consultant services to develop detailed plans to present to Council of the alternative funding options; and

**WHEREAS**, the LETF was renamed the Library Services Expansion Task Force (LSETF) by the City Council with the adoption of Resolution 52-2015; and

**WHEREAS**, the LSETF has successfully completed its duties with the passing of the Library Bond measure on May 17, 2016.

**Now, Therefore, be it Resolved** by the City Council of the City of Milwaukie, Oregon, that the LSETF is hereby dissolved and sincere appreciation is conveyed to the volunteers and staff who served on the LSETF.

Introduced and adopted by the City Council on **July 5, 2016**.

This resolution is effective on **July 5, 2016**.

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

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 6 B.**  
Meeting Date: **July 5, 2016**

**Revised June 30, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager  
Alma Flores, Community Development Director

Subject: **Visioning Advisory Committee Appointments**

From: David Levitan, Senior Planner  
Denny Egner, Planning Director

Date: June 27, for July 5, 2016, Regular Session

### **ACTION REQUESTED**

Review Steering Committee recommendations for the Visioning Advisory Committee (VAC) and appoint members.

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

**June 23, 2016:** The Council heard an update on the status of the Visioning Advisory Committee recruitment process.

**May 20, 2016:** Recruitment efforts were deployed. Online and print applications were made available to the public with a closing date of June 17.

**May 3, 2016:** The Council heard an update on the status of the Community Vision and Action Plan, including staff's proposal for a Visioning Advisory Committee.

### **BACKGROUND**

At the May 3 City Council meeting, staff provided Council with an update on the Community Vision and Action Plan. The primary topic of discussion at the meeting was the Visioning Advisory Committee (VAC). The Council emphasized the importance of attracting a committee that is broadly representative of the entire Milwaukie community without being entirely prescriptive in regards to representation from existing boards/commissions or individual neighborhoods. Council felt that the VAC should be made up of approximately 12 to 15 members and should have a Council liaison.

In response to input from Council at the May 3 meeting, staff from Community Development and the City Manager's Office developed an application which aimed to attract a diverse group of individuals that represent a variety of different neighborhoods, interests and perspectives in the Milwaukie community. The application was advertised via the City's website, social media accounts, the June edition of The Pilot, the May 22 Farmer's Market booth, and emails to the NDA and Boards and Commissions email lists. The closing date for VAC applications was June 17, and 52 people applied.

## **DISCUSSION**

At the June 23 City Council study session, staff gave a brief update on the VAC recruitment process. The 52 applications that were received by June 17 included:

- 44 City residents;
- At least 3 applicants from each of the city's 7 residential neighborhoods;
- 6 local business owners;
- 5 local employees; and
- 2 high school students

Staff asked the Council for volunteers to serve on the VAC and the Steering Committee. Mayor Gamba volunteered to serve as the VAC Chair, while Councilor Parks volunteered to serve on the Steering Committee. Councilor Batey was also interested in serving on the Steering Committee, if her schedule permitted.

Following the June 23 study session, Mayor Gamba and members of the Steering Committee (City staff and Councilor Parks) reviewed the 52 applications and met during the week of June 27 to develop a list of recommended members to be appointed by the City Council at its July 5 regular session. The list of recommended members is currently being finalized and will be submitted under separate cover. The Council has been provided with a packet of all 52 applications and will have the opportunity to recommend additional members during the July 5 meeting.

## **Questions for Council Consideration**

Staff is seeking Council direction on the following questions:

1. Does the Council agree with the Steering Committee's recommendations for VAC membership?
2. Do councilors wish to appoint anyone not included on the list of recommended members?
3. Are there any stakeholders that the Council feels aren't adequately represented on the list of recommended members? If so, should staff continue recruitment efforts?

## **CONCURRENCE**

No other departments have reviewed this report.

## **FISCAL IMPACTS**

N/A

## **WORK LOAD IMPACTS**

N/A

## **ATTACHMENTS**

1. *Packet of 52 VAC Applications*
2. *Summary Spreadsheet of 52 VAC Applicants*
3. *Steering Committee Recommended Members*

**Added June 30, 2016**

**Levitan, David**

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Wednesday, June 15, 2016 6:32 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Wednesday, June 15, 2016 - 9:31pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Aaron Keith Saari  
Date: 06/15/2016

Occupation: Business owner, Physical Therapist

--Are you...--

A resident of Milwaukie: No

If so, for how long: Technically no, but in Oak Grove 2.5yrs.

A business owner in Milwaukie: Yes

If so, which one and for how long: Beyond The Clinic, 7.5 yrs.

An employee in Milwaukie: Yes

If so, which one and for how long: Beyond The Clinic, 7.5 yrs.

Otherwise invested in Milwaukie: Yes

If so, in what context: As a business owner and homeowner in the area I am very invested in the future of Milwaukie. My wife and I love our home in Oak Grove and plan to live here for many, many years to come. In a short time we've developed great pride in our neighborhood and the city and see that there is real great potential for it to become even better than it already is. We appreciate the improvements we have seen in the past 2.5 years of living here and want them to continue.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: My wife and I plan to live out the rest of our lives in our current home in Oak Grove if we can. We are only in our early 40s/late 30s. We have much more energy to give to our world around us and there is no place more important than our immediate neighborhood and city. We hope that in 2040 we are still alive and well and living where we currently do. So, we are truly and deeply committed to the city of Milwaukie. I believe it is time to formalize this commitment by giving back to it with my time and energy.

Are there topic areas that you are especially interested in:

Attracting more small businesses to Milwaukie that make it a

better place for younger families to live; attracting sentinel local businesses like New Season's, for example, to the area; continuing the work done on improved transportation that has made great strides in recent years with better bike lanes, trolley trail upgrades, and the orange line for example; continued improvements along the waterfront and the the Willamette river; parks and rec.; more community events and gatherings; making Milwaukie the place to be in the greater Portland area, but make sure to do what we can to keep it affordable.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: To be honest, I've never held a community or civic position. I'm very active in my work and life and believe that I have a unique ability to understand that every opinion has some value and it is important to understand how varying opinions can be blended together for the greatest good. I'm a good listener. I come from a very small, rural, isolated area of northern Michigan but came of age at a large liberal university. In my 41 years of life, I grew up conservative and homogenous but have grown the be liberal and diverse in my life experiences and travel. I think I can understand varying opinions well.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: Similar to what I've stated above, I grew up in a small poor town with conservative values who have made me who I am. My parents did not go to college and my Dad worked in a mine. They raised 6 children who all went to college working hard to make it happen. I came from humble beginnings and still try to carry that humility but have since grown into a diverse and liberal minded person due to my travels over the years. My wife and I are first time homeowners who love this area and are committed to living In The Milwaukie area for the rest of our life if possible. We do not plan to have children but love our friend's children. I have owned a Milwaukie business for the past 7.5 yrs. We are active gardeners, stand up paddle boarders, runners, skiers, bikers, climbers, musicians, travelers who love diversity in foods and people from all walks of life and have a belief that all have the right to their unique place in this community.

How did you hear about the committee: Facebook/Twitter/Instagram

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 17, 2016 12:01 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 17, 2016 - 3:01pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Adam Argo  
Date: 06/17/2016



Occupation: Transportation Planner

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 2 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: I am currently serving on the Planning Commission. Furthermore, my son will be entering kindergarten this coming fall at Linwood Elementary.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: Yes

If so, which one(s): Planning Commission

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I see the Milwaukie All Aboard visioning process as an opportunity for a wide spectrum of Milwaukie residents to have a voice in shaping the community they want to see for the next generation and beyond. I expect that the Visioning Advisory Committee will be considering divergent perspectives and desires which will produce both challenges and opportunities in setting goals and achieving desired outcomes. I wish to lend my background experience in transportation and land use planning to this effort in order to be an information resource and to help ensure the community visioning process moves forward in a positive, productive way. From a personal perspective, I wish to be involved in this effort as an advocating voice for my young son and his generation; they deserve a community that places high importance on quality of life. What we do now through Milwaukie All Aboard and other planning efforts will make a difference in shaping a future where

Milwaukie is a highly livable, walkable and sustainable place.

Are there topic areas that you are especially interested in:

Transportation and land use issues (which includes integration of different transportation options), long range planning, public engagement, future technology

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I believe my experience in transportation and land use policy and program development lends well to the visioning process.

Currently I serve on the Planning Commission. Through the PC, I've gained understanding and insight on current land use regulations (e.g. zoning and development) and land use policy which potentially impacts everyone. Previous to joining the Planning Commission, I serve as Board of Directors Member/President of the Westside Transportation Alliance, the Transportation Management Association serving Washington County.

This organization worked with local businesses, public agencies, and advocacy groups to create programs and policies aimed at providing transportation choices for Washington County employees and residents.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I believe the perspective I bring as a parent of a young child and Linwood neighborhood resident helps fill out demographic and neighborhood representation on the committee.

How did you hear about the committee:

- City Website
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 17, 2016 2:46 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 17, 2016 - 5:46pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Adam C Sager  
Date: 06/17/2016

Occupation: Visual Effects Supervisor

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 2 years

A business owner in Milwaukie: Yes

If so, which one and for how long: Sagerdigital & Pumpkin Dream  
Films (2 years each, locally)

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: My wife and I have four  
children., and, although we are relatively new to the Milwaukie  
community, we foresee ourselves growing old in our home on Dove  
Street in the Island Station neighborhood. By 2040, we expect  
our home will be a 2nd home to our grandchildren, and want to do  
my part to help Milwaukie continue to evolve into a peaceful,  
loving and inspiring community for those future generations.

Are there topic areas that you are especially interested in: I  
work in the film, television and commercial industries as a  
visual effects supervisor and director. I think the arts and the  
various mediums of creative storytelling serve to inspire  
individuals towards greatness, and those individuals can then  
propel a community towards greatness. My interest would lie  
specifically in ways the Milwaukie community can continue to  
flourish in the arts, and continue to attract influential artists  
to make Milwaukie their home.

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience

would aid you in contributing to a community visioning process:  
At the age of 33, I honestly have no previous affiliation  
community organizations, but I am excited to start.  
Professionally, in addition to running my own VFX company and  
film production company, I also work as an adjunct professor at  
George Fox University, where I teach night courses on visual  
effects in film.

I am a member of the Visual Effects Society—a professional  
honorary society and the entertainment industry's only  
organization representing the full breadth of visual effects  
practitioners including artists, technologists, model makers,  
educators, studio executives, supervisors, PR/marketing  
specialists and producers. VES' over 3,300 members in more than  
30 countries worldwide contribute to all areas of entertainment  
– film, television, commercials, animation, music videos, games  
and new media.

Please describe how your background would help fulfill the City  
Council's objective to create a committee with a mix of  
homeowners, renters, business owners, employees, students and  
other stakeholders across a range of ages, incomes, and cultures:  
I am presently in a rent-to-own agreement with my father, who  
purchased our home for us June 2014. So, as a current renter,  
future owner, creative business owner, father of four young  
children, and an undergrad educator, I believe I would represent  
a wide demographic on the committee.

I apologize for any typos. I am composing this application  
quickly on my iPhone while waiting for a meeting. I did not  
previously realize today was the deadline for applications.

Thanks for your consideration.

How did you hear about the committee:

- Facebook/Twitter/Instagram
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 17, 2016 3:32 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 17, 2016 - 6:32pm Submitted by anonymous user: [130.77.191.21] Submitted values are:

Name: Adrianna Stanley  
Date: 06/17/2016



Occupation: Civil Engineer

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 1 year in August

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Full disclosure: I work for CH2M, a transportation consulting firm, as a transportation engineer. My company has been involved with planning and design projects in Milwaukie in the past and is currently involved with the Monroe bikeway project. I also worked for TriMet for one year as a small project design and construction manager-- not on the Portland-Milwaukie project but on rail crossing projects on the Blue Line on the east side of Portland and on projects at the Powell bus garage.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040:

I was born and raised in Oregon, left for 8 years, and came back to the community three years ago with a degree in transportation engineering, some good experience, and a desire to help shape the place I'm from in a positive, holistic way. I want my future children to live in a place that is economically inclusive, livable, sustainable, safe, and innovative. Defining those terms and setting a course to meeting them is something that interests me greatly.

I believe that my mix of skills, experience, and passion will be a great fit on a panel that should be as diverse and excellent as the people of Milwaukie are.

Are there topic areas that you are especially interested in: As a transportation engineer I am particularly interested in active transportation planning, roadway design and planning, and the balance of access versus mobility that challenges many suburban communities like Milwaukie. How do we maintain our quality of life, improve access to businesses and residential areas, create safe and enjoyable walking and cycling environments, and do all of this not only in the richest areas of our community but also in those places where facilities are lacking or don't even exist? How do we do this without displacing our most vulnerable? Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I am a licensed professional transportation engineer in the state of Oregon and have a host of design and planning experience in highways and interchanges, bike trails, bus rapid transit, bus maintenance facilities, and safe rail crossings. I have also conducted safety analysis of roadways including crash analysis and countermeasure selection. This breadth of experience gives me a solid technical perspective on transportation decisions that will impact the future development of the city.

I am new to Milwaukie but I'm trying to get involved with the community. Right now my main outlet outside of my job is going to the Warrior Room in downtown Milwaukie to work out. It's a fantastic community that I'm lucky to have found.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I am a new Milwaukie resident and a first-time condo owner who lives with my partner in the North Main complex in downtown Milwaukie. I'm proud to live in a transit-oriented, mixed-use, mixed-income development. I grew up on the west side of Portland, left and lived in Milwaukee, Wisconsin for five years while attending school, and then spent three years in Chicago during my early career. I am incredibly happy to be home and to have brought with me a diverse set of experiences gleaned from living in two very different cities.

I hope that by sitting on the committee I can offer a technical perspective as well as the perspective of a young working LGBT professional who wants to put down roots in this city for the long haul and (hopefully) be around to see the vision set forth in the coming months come to fruition in 2040.

How did you hear about the committee: Facebook/Twitter/Instagram

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Monday, May 23, 2016 12:15 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Monday, May 23, 2016 - 3:14pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Angelene Falconer  
Date: 05/23/2016



Occupation: Litigation Support Manager

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 8 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Mother of a soon-to-be Kindergartner

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: Yes

If so, which one(s): Public Safety Advisory Committee

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: With Milwaukie's proximity to  
Portland, growth is inevitable, and the decisions we make now  
will determine whether that change is positive or negative. I  
think Milwaukie has an opportunity to be a leader in addressing  
some of the issues we're facing in the region.

Are there topic areas that you are especially interested in:

Housing, transportation, the environment, education, jobs.

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process:

Transportation rep for Ardenwald-Johnson Creek NDA; Chair Public  
Safety Advisory Committee; member Milwaukie Baseball Task Force;  
stakeholder Tacoma Station Area Plan.

Please describe how your background would help fulfill the City  
Council's objective to create a committee with a mix of  
homeowners, renters, business owners, employees, students and  
other stakeholders across a range of ages, incomes, and cultures:  
As a homeowner and mother of a small child, I have a personal

stake in how Milwaukie plans for future growth. As the chair of the Public Safety Advisory Committee and Transportation rep for the AJC NDA, I have worked closely with neighbors, the police, engineering, and other city staff to address citizen concerns and help build community.

How did you hear about the committee: Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 17, 2016 3:03 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 17, 2016 - 6:03pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Arianna Van Bergen  
Date: 06/17/2016



Occupation: On call at the Ledding Library/ Student

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: Almost 20 years, my whole life

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: Yes

If so, which one and for how long: Ledding Library. Volunteered for years and hired 2 years ago

Otherwise invested in Milwaukie: Yes

If so, in what context: My family has lived in Milwaukie for generations, and I would love to contribute to this city as much as I can.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s): I was on The Library Expansion Task Force

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I have lived here my whole life. I love Milwaukie and am so excited to see all the growth it deserves. Even if I don't live in city limits when I'm older, I still see myself visiting and being a part of the community for a long time. My family has been large part of the community in the past, and I would love to continue the tradition.

Are there topic areas that you are especially interested in: I would love to see business grow in Milwaukie, as well as community outreach programs. I think there is so much potential in our town and it just needs a little help getting there. The library is very dear to my heart, especially for all of the ways it contributes to the community in free and easy ways. I would love to see more programs for the community. I would also love to see the expansion of things like the Farmers Market, First Friday, and the Daze festival.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I worked previously on the Library Expansion Task Force and found it so rewarding. The library is close to my heart, which is why I joined initially. While working on the task force, I found that I also loved helping the community and trying to make a difference. I volunteered at the library from around 2009 to 2014, then was hired as on call. I also went to school from kindergarten to graduating high school in Milwaukie and feel like I have a good grasp on the community and what it needs.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: The last time I was on a community board type project, I was the youngest by far. I feel like I bring a good perspective from my generation and age group that would help especially in future planning of the city. As I have stated, my family has lived in Milwaukie for generations, so I also feel like I could bring that perspective to the table.

How did you hear about the committee: Other



# MILWAUKIE ALL ABOARD

## VISIONING ADVISORY COMMITTEE APPLICATION

The City of Milwaukie is currently accepting applications for the Visioning Advisory Committee. The committee will aid the City in developing a long-range Community Vision Statement that describes what Milwaukie community members want the city to be like in the year 2040, and a 5-Year Action Plan that spell out how the community can achieve that vision and which will be periodically updated. Entitled **Milwaukie All Aboard**, the vision is anticipated to take approximately 9-12 months to complete and will feed into a complete update of the Comprehensive Plan. **Applications are due on June 17, and can also be filled out online at <http://www.milwaukieoregon.gov/planning/vision>.**

Name: Austin Stewart Date: June 17, 2016

Home address: [REDACTED]

Mailing address (if different): \_\_\_\_\_

Best contact phone: [REDACTED]

E-mail address: [REDACTED]

Occupation: Public Relations Company/Organization: Waggener Edstrom (WE Comms)

Are you: A **resident** of Milwaukie?  If so, for how long? 1.5 years

A **business owner** in Milwaukie?  If so, which one and for how long? \_\_\_\_\_

An **employee** in Milwaukie?  If so, which one and for how long? \_\_\_\_\_

**Otherwise invested** in Milwaukie?  If so, in what context? Homeowner and parent

Are you currently serving on a City of Milwaukie Advisory Board or Commission? No

If so, which one(s)? \_\_\_\_\_

*For the following questions, please limit each response to 200 words. Attach additional pages as needed.*

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040? Are there specific topic areas that you are especially interested in? As a nee homeo ner and o n parent mo ed to Mil a ie last ear and am interested in the f t re s ccess of the cit As a p blic relations and p blic affairs cons ltant for Microsoft for 11 ears e also or ed on lobal national and metro initiati es to stren then cities ith ad ancements in ed cation technolo and access to ci ic ser ices that can transform comm nities belie e Mil a ie is poised for ro th b t needs a strate ic ision Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process. e pro ided pro-bono s pport for se eral local nonprofits incl din Merc Corps M Voice M sic Monta illa a esti al and the re on Cr saders r m le Corps At or s pport se eral areas of Microsoft s b siness incl din Le al and Corporate Affairs Microsoft hilanthrop and echnolo and Ci ic n a ement o ld li e to appl m e perience de elopin strate ic plans to the Cit of Mil a ie The City Council is interested in creating a committee that is representative of the entire Milwaukie community, and is seeking a mix of homeowners, renters, business owners, employees, youth/students, and other stakeholders that cover a broad range of age groups, incomes, and cultural and educational backgrounds. Please describe how your background would help fulfill this City Council objective. As a homeo ner and parent feel connected to the ne t generation of citi ens ith insi ht into the f t re of the ortland Metro area n m mid-3 s ha ea ni e mi of e perience and enth siasm for shapin the f t re of o r comm nit ith an e tensi e bac ro nd in comm nications strate ic plannin and problem- sol in feel there is a lot can offer the committee and o ld li e to contrib te to the de elopment of the 2 ision

How did you hear about the committee?

Facebook/Twitter/Instagram:  City Website:  Friend/Neighbor:

Newspaper/Pilot:  Employer:  Other (please list): \_\_\_\_\_

Please complete this form fully **by June 17** for your application to be considered. Applications can be returned to Project Manager David Levitan via email ([levitand@milwaukieoregon.gov](mailto:levitand@milwaukieoregon.gov)) or mail (6101 SE Johnson Creek Blvd, Milwaukie, OR 97206), or submitted online via the link above. For additional information, please call 503-786-7627.



## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Monday, June 13, 2016 10:06 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, June 14, 2016 - 1:06am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Barbara Eiswerth  
Date: 06/13/2016



Occupation: Artist/designer

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: Since 1995

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: Yes

If so, which one and for how long: Assistant of the Milwaukie farmers market

Otherwise invested in Milwaukie: Yes

If so, in what context: I own a house and I have family in Milwaukie.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: Because I have been here for 21 years and I want to help shape the future of our city?

Are there topic areas that you are especially interested in:

Smart development

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have been on the Beaverton Arts committee choosing artists for the library there. I was also involved in a selection committee for art at the Portland airport. I was on the planning commission for Milwaukie 20 years ago. I have worked closely with engineers and architects for the central library in Portland when it was renovated. I worked with Larry Kirkland for many years, interacting with architects and engineers for public art pieces all over the world.

Please describe how your background would help fulfill the City

Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I have been in Milwaukie for 20 plus years, I am a homeowner, artist, designer. I have managed businesses. I have taught students, and I am a world traveler. I have been to countless cities in United States, Europe, and Asia. I know what works in cities accross the world. I have been interacting with various cultures my whole life. I know what good design and aesthetics are.

How did you hear about the committee: Friend/Neighbor

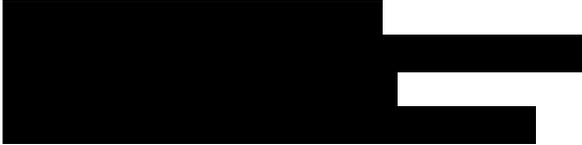
## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Saturday, June 04, 2016 2:23 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Saturday, June 4, 2016 - 5:22pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Ben Rousseau  
Date: 06/04/2016



Occupation: Systems Analyst

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 5 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: Yes

If so, which one(s): PSAC

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I am a father of two teenage daughters. We all love the City of Milwaukie, and can see spending the rest of our lives here. I appreciate many things about the community as it is. I would like to be a part of ensuring that as the city grows, and responds to various changes that may come, we take appropriate actions to maintain and improve the quality of life within the city.

Are there topic areas that you are especially interested in:

- Promoting local businesses and strengthening the local economy and employment options
- Creating opportunities for building stronger community
- Improving access to healthy food and active transportation

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process:

- I work as a Systems Analyst, collaborating with various stakeholders in the design and implementation of process and system improvements

- I am the Chair of my company's internal B Corp committee where I work with people throughout the company, and representatives from other B Corps to "Use Business as a Force for Good"
- I volunteer with Meals on Wheels to fundraise and deliver food to homebound seniors.
- I am currently the Lake Rd NDA rep for PSAC where I actively address my neighbors' safety concerns and work with the committee to improve access to active transportation throughout the city

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I am a homeowner who regularly engages with the local business community, and have daughters going to school in Milwaukee. I regularly work on initiatives for future planning and growth, and approach all of my efforts in a collaborative manner, attempting to bring all voices to the table. I would be excited to be a part of this process.

How did you hear about the committee:

- Friend/Neighbor
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Monday, June 06, 2016 10:08 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, June 7, 2016 - 1:07am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Brendan Elswerth  
Date: 06/06/2016

Occupation: Facilities Manager- Waldorf School & Farmers Market Manager

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 18 yrs

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: Yes

If so, which one and for how long: Portland Waldorf School 10

yrs, Milwaukie Farmers Market 18yrs.

Otherwise invested in Milwaukie: Yes

If so, in what context: Own 1 house and own 1 rental property.

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: When I purchased a property in Milwaukie 18 yrs ago the first thing I did was take out the front lawn and put in raised beds. I figuratively and literally put down roots in this community. The first thing I did after working on my house and yard was work with members of Milwaukie Downtown Development Association to found the Milwaukie Sunday Farmers Market. My plan has always been to make this a place that I can raise my kids and that other families can feel comfortable here doing the same thing.

Are there topic areas that you are especially interested in:

Connecting with the river and local waterways. Spring Creek runs along my property and through the school that I work at.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process:

As mentioned before I co-founded and have been the market manager of the Milwaukie Farmers Market for the past 18 yrs. I have talked to hundreds of members of our community and others that

come from outside our community to visit the market each week. I have worked with hundreds of micro-entrepreneurs that have been vendors at our market over the years.

My work at the Portland Waldorf School has put me in contact with countless families over the years that send their kids to go to school here. Some live here and some decide to move here depending on what they see as they take their kids to and from school.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I think my background spans a wide range what the committee is looking for. I am a homeowner, landlord, employee at two Milwaukie businesses, am currently raising my family here, and plan to be here for a long time. The roots I put down 18 yrs ago are strong and deep.

How did you hear about the committee: Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Saturday, June 04, 2016 8:48 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Saturday, June 4, 2016 - 11:48pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Bryce Magorian  
Date: 06/06/2016

Occupation: Administrative Assistant

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 26 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: Yes

If so, which one and for how long: 5 years

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: Having lived here my whole life, through all its stages, I am aware of the ways in which this community is precious to both children, adolescents, and adults. I want to invest my time now to set a good course for our city's future, as it is so much harder to fix mistakes in the future caused by bad decisions than it is to spot them early. I want to help see Milwaukie set on the most sustainable, responsible, and equitable path for its future development as the population balloons.

Are there topic areas that you are especially interested in:

Transportation, affordable housing, and sustainability interest me most. I think that these crucial elements of infrastructure form the foundation of a healthy city, and building in capacity for our future growth now is paramount.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I am currently employed in the North Clackamas School District, which teaches and employs a significant percentage of the city's

population. My work involves community relations, so I am well versed in communicating with the citizens of Milwaukie about the sensitive issue of how their children are educated and cared for. As such, I think I can give a valuable perspective on how the vision statement ought to be phrased in order to be both informative and intelligible to a varied audience.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: Having lived my entire life in this city and being a second generation graduate of the North Clackamas school system (Go Mustangs!) my roots go deep here. I am currently housed at North Main apartments, so I can speak to both the issue of renting housing in the city as well as the importance of having affordable housing available. At 26 years old I can speak to the young professional demographic's experience with living and working in this city as it grows.

How did you hear about the committee:

- Facebook/Twitter/Instagram
- City Website
- Friend/Neighbor
- Newspaper/Pilot

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Thursday, June 09, 2016 5:23 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Thursday, June 9, 2016 - 8:22pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Chris Davis  
Date: 06/09/2016



Occupation: artist

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 23 years

A business owner in Milwaukie: Yes

If so, which one and for how long: Davis Consulting and Davis  
Graveyard Productions (around 10 years each)

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: I am part of artMOB, Jeff Davis was one  
of the founding members of artMOB and is now on the school board  
for MAA. I have been treasure of the Ardenwald/JCB NDA for  
forever :) We own the property that has the Davis Graveyard a  
main attraction in Milwaukie for the month of October. We work  
with the police cadets and the the students from Milwaukie High  
School during October with the graveyard also to involved the  
community.

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: Yes

If so, which one(s): artMOB

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: Living in this city for 23  
years I love seeing all the changes in the city and look forward  
to more progress in the future.

Are there topic areas that you are especially interested in:  
Encouraging growth in downtown, especially the main street area.  
Have more community events in downtown.

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process: I  
have been and am the treasurer of several committees. I am

project manager of West Coast Haunters Convention, a non profit event on the West Coast that raises money for teachers of deaf and/or autistic children. I have experience working with board and volunteers to communicate all aspects of events. I have been part of our neighborhood association because I believe in my city.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: Besides being part of our city committees, I am also on the board of a non profit fundraiser event. I have lots of experience in project management and organizing events and volunteers. I have worked on many projects with a diverse group of people and supporters.

How did you hear about the committee: City Website

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Monday, June 13, 2016 9:55 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Monday, June 13, 2016 - 12:54pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Christina Johnson  
Date: 06/13/2016

Occupation: Small Claims Lead Worker-Multnomah County Circuit Court

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 1 month

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I am interested in helping Milwaukie develop a community vision because I think it is important to take part in the advisory and planning process of the community we live, work and play in. As a millennial and someone who wants to see my city thrive, I think that taking action and having a voice and hand in community decisions matters. Without a vision it's hard to meet any goals. I want my family to be part of a community that we have a way of helping shape and develop. There a different wants and needs by residents and it is important to me that the city give everyone a chance to be heard. This supports community value and pride and helps to foster a city I want to be a part of for years to come.

Are there topic areas that you are especially interested in: I am interested in the planning involved in design and development. I am interested in community engagement. I enjoy working public events, listening to residents, drafting goals, and taking action. I enjoy working with social media to capture attention of all ages and with other members of the city to create dialogue,

spark influence and

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I served as a Board member of the Beaverton Arts Commission in helping to capture residents views and plan the vision for Beaverton's future Arts and Culture center to revitalize downtown. Additionally, I have served as a Chair to my past Neighbors Southwest Neighborhood Association of Beaverton in which I organized a Neighbor's Night Out Event. I have volunteered at many community events, attended meetings and been an active community supporter since college. Furthermore, I served in a work-related committee to promote Court Morale called PERK Positive Employee Recognition Kicker. In this group, I helped organize 2 quarterly award ceremonies and celebrations for 300 court staff.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: As a renter, millennial, full-time worker, and graduate student myself, I believe I represent and may help speak for a demographic that should be heard and involved more. I would like more people to have an active voice in their community, to understand that their opinions matter and to help engage people from the variety of backgrounds Milwaukie has. To be a sustainable community, to keep thriving and to continue growth it is important to hear from a diverse group. Growing up I lived in 7 states and Japan, moved over 20 times and went to 11 different schools. It's important for me to share my experience in making each place you live regardless of income, culture or background a place to consider home.

How did you hear about the committee:

- City Website
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Wednesday, June 15, 2016 10:09 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Thursday, June 16, 2016 - 1:08am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: David Burdick  
Date: 06/15/2016



Occupation: Consultant in environmental and quality management systems

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 17 years

A business owner in Milwaukie: Yes

If so, which one and for how long: Sustainable Steps. 16 years

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040:

Milwaukie is a town that I have come to cherish. A community  
located near the heart of Portland, Milwaukie is poised, with the  
new light rail, to increase its popularity and population even  
further. This is achieved through smart planning. The visioning  
advisory committee responsibilities include making  
recommendations to the City Council regarding zoning and any long  
range planning activities that require Council approval. The  
Commission is also the decision making authority on Type III  
review land use proposals, including Variance and Conditional Use  
requests.

With proper leadership, Milwaukie can make a positive impact in  
the metro area. The composition of leadership is crucial  
however. There are many communities, such as Beaverton, which  
has been lead in a direction that many would say is less than  
ideal. Car dependent, gridlocked in traffic, and void of  
community-lead by those whose prime interest is in real estate

([http://en.wikipedia.org/wiki/Beaverton,\\_Oregon](http://en.wikipedia.org/wiki/Beaverton,_Oregon)). On the other hand, there are examples, such as Multnomah village and Lake Oswego, where communities have lead from a perspective of sustainable neighborhoods and business development.

I am interested in volunteering for this committee because I would like to see Milwaukie develop with thoughtful inclusion of both sustainable neighborhoods and sustainable businesses. A community cannot exist if it is void of a means to earn a living. Nor can it exist when there is little cultural or recreational infrastructure, such as parks, bikeways, walkable neighborhoods.

Are there topic areas that you are especially interested in:

I am particularly interested in representing the voice of sustainable development and living within an equitable share of earth's carrying capacity.

I also hope to promote the measuring of planned development against sustainable imperatives, such as the preservation of the commons-land, fresh air and water, in which we all (present and future generations) depend on. Other metrics I hope to promote are increase density of development; public transportation that is fast, efficient and joyful, public spaces, and a vibrant community.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: My personal vision is to foster human activities that flourish within earth's carrying capacity. I am involved in developing communities that meet the imperatives of sustainability and live in harmony with nature's resources.

One of my businesses is Four Elements Engineering, where I utilize my experience and education as a consultant to architects and builders to create not only comfortable and beautiful buildings, but also buildings that are self-sufficient in energy, water and recycling nutrients. This knowledge and education will be helpful in helping Milwaukie flourish on a low carbon "diet"

Another of my offerings is Earth Harmony Habitats, a four unit intentional cohousing community designed to foster a restorative life with living, vibrant and connected spaces. Developed with today's eco-conscious urban families, couples, or individuals in mind, these units are net neutral in resources such as water and energy. They are net positive in developing community and growing food. The pursuit of this living building challenge has taught me much with regard to a community's ability to live in harmony with nature, harvesting rainwater, solar energy and

creating a community not dependent on limited resources of energy and water, but on collaboration, and shared values that benefit all.

I have lived in Denmark for 5 years, experience in community decision making that I would like to emulate here in Milwaukie. A community that pools resources and shares its wealth for the common good of all.

I have two degrees in Engineering (Mechanical and Industrial), and a Master's degree in Sustainability from the Open University in the UK.

My life experiences, education and certifications have helped me think logically and realistically about our ability to flourish in harmony with nature –focusing on sustainable business development which promotes resource efficiency and products and services that are ecologically responsible.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: Sitting on the visioning advisory committee, representing that vision, requires a highly developed skill in diplomacy: listening to all sides of an argument and being able to decide fairly and without bias, in a manner that gains the respect of the winners and losers of a position. I have over 20 years of experience auditing management systems and reporting on the results, often times making conclusions that are counter to the client's wishes. This experience has giving me the diplomacy needed to assess a situation, listen to all sides, and make fair decisions that remain consistent with the intent of the standard I am assessing, in a manner that garners the respect and engagement by management.

I look forward to helping to create a vision for a culturally and economically diverse City that capitalizes on its role as a transportation and economic hub in the region. A vision that includes established and stable Neighborhoods connected to an expanded civic, commercial and cultural center. A vision which pursues a mix of employment opportunities that incorporates new technology and efficiently uses the City's human and natural resources. A future where the riverfront, the City center, and other neighborhood and employment centers that are connected by a green space network, one that is easily walkable. A City where residents and visitors alike enjoy the vibrancy of healthy commercial districts, high quality schools, innovative urban design, and safe attractive spaces.

How did you hear about the committee: Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Thursday, June 16, 2016 11:13 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 17, 2016 - 2:12am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Dillon Coville  
Date: 06/16/2016

Occupation: High School Student

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: Four years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: It is our duty as leaders of  
our generation and the next, and as inhabitants of a sensitive  
environment, to prepare and preserve the important communities  
that are taken for granted.

Are there topic areas that you are especially interested in: None  
that I know of.

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process:  
In being apart of Milwaukie High School's National Honor Society,  
I have plenty experience with the community and may in turn have  
valuable insights for this visioning process.

Please describe how your background would help fulfill the City  
Council's objective to create a committee with a mix of  
homeowners, renters, business owners, employees, students and  
other stakeholders across a range of ages, incomes, and cultures:  
As a high school student approaching an important decision-making  
time in my life, I have a key perspective as a member of the  
upcoming generation. Additionally, I have the experience of

divorced parents with two quite different incomes, giving insights into separate lifestyles.

How did you hear about the committee: Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Wednesday, June 08, 2016 7:24 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Wednesday, June 8, 2016 - 10:23pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Dillon Daniel-Hoffman  
Date: 06/08/2016

Occupation: High School Math Teacher

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: We bought our house in February of 2015 after 4 years living in the area. My wife was raised here and went to school in the area

A business owner in Milwaukie: No

If so, which one and for how long: N/A

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: We bought our house in Milwaukie because we not only loved the area but we are confident in its bright future and so glad to be a part of it.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I am so incredibly interested and excited about the potential of being on this committee. As I said above, my wife and I fully plan on raising a family in the area and being here long term. Given its central location, my wife and I are able to work with reasonable commutes to Oregon City and Beaverton where we work as a high school teacher and school social worker. She takes the Orange Line every day to and from work and absolutely loves it. I have worked on many committees through my school, and school district, and yet I have never had the pleasure of doing so in and for my community neighborhood. It is my belief that if developed and cared for in the right way, Milwaukie can surpass Sellwood, Hawthorne, and every other Portland area neighborhood as the universally recognized best location to live and work in the Portland area.

We have the Willamette river proximity. We have the central location. Now we just need to continue to develop the area, especially downtown Milwaukie and the surrounding downtown area. With this innovation will come continued improvement of schools, government, and every other local Milwaukie structure.

Are there topic areas that you are especially interested in:

Downtown Milwaukie development and growth and education.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I

have had the pleasure of participating with community organizations for the majority of my life. In high school I fought condo developers to try and preserve a local historic miniature golf course while participating in various high school service groups and community organizations to work together to improve our local community and its relationship with our school. In college I worked with the board of trustees on various committees to create a strategic action plan, and I did the same for my graduate education program. In my five years as a teacher, I have worked with the local school board, school administration, and school district staff in a variety of capacities including as a teacher's union collective bargaining committee member to help negotiate teachers' contracts. This experience working with my local community and planning for the future will set me up to contribute on a community vision planning committee. I know how to not only contribute individually, but how to also listen to the committee as a whole and work with the collective community to ensure that the process is smooth, productive, equitable, and efficient, and leads to the desired outcome that the community and committee both desire.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: Because my wife and I planned far into the future (with Milwaukie in mind the whole time) and saved accordingly, we were able to become home owners at just twenty-seven years old. Thus, I am able to be in a unique position to bring the energy and excitement of someone in their twenties while also being mature enough to be a home owner who has already worked in the public sector as a teacher for five years. Because I am invested long term, I will see this process through and give everything I can to help Milwaukie now and for many years to come. Thank you so much for taking the time to read my application and whether on the committee or not, I look forward to helping the process and initiative and am greatly excited about the future of Milwaukie.

How did you hear about the committee: Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 10, 2016 10:35 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 10, 2016 - 1:34pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Douglas Craig  
Date: 06/10/2016



Occupation: High school Student

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 4 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: Yes

If so, which one and for how long: 4 years

Otherwise invested in Milwaukie: Yes

If so, in what context: I'm a student and resident, and I'd love to see this city grow, develop, and flourish.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: Milwaukie is significantly suffering from low retail space and housing within downtown. Dark Horse is a source of this problem, and I'd like to see this issue after as Milwaukie isn't a destination people wish to be in, but it could be.

Are there topic areas that you are especially interested in: I'm interested in bringing consumers and people of all types into Milwaukie to contribute to the economy inside the city and help the city become something like Oregon City is today. If proper measures are taken Milwaukie can be a destination location, and I'd like to help take those steps to make Milwaukie into a place people wish to visit. Instead of the dilapidated mess the downtown is currently.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I'm currently the treasurer of the MHS National Honors Society,

so I am invested into this community and want to see it become something great. I've given my time to organizations all around our community and I've helped them in the ventures they've taken in helping our community become a better place. I believe this experience will help this committee in recognizing the communities needs and helping this community prosper.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I'm from a middle class background and I'm from a household that owns the house we live in, and I'm a student who is currently 17 years of age. I believe my background will bring a youthful view and thoughts to the visioning process of our community.

How did you hear about the committee:

- Employer
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 17, 2016 10:56 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 17, 2016 - 1:55pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Ela Rasmussen  
Date: 06/17/2016



Occupation: Administrator

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 4 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Home owner and raising two very young children near historic downtown. We Frequently access restaurants, parks, and other services. My husband had been involved in our neighborhood association and a volunteer for the Elk Rock association.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: Milwaukie is evolving and has many opportunities to develop and/or enhance in and outside of historic downtown. It was recently rated one of the 10 safest cities in Oregon and has a walkable downtown with opportunity to create more commerce as well as more "play" space for families and individuals. Urban planning is also a love of mine and was required for my BS degree.

Are there topic areas that you are especially interested in:

Very interested in vacant area development near historic Milwaukie, but also interested in helping redefine and enhance the areas surrounding historic Milwaukie. I have a degree in architecture and project management and I love urban planning. I studied both art history as well as years of painting, drawing, design, and model construction. Would love to be able to use my

education and skills to create a unique and vibrant feel for my community.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I haven't had time until recently to participate in these activities having been an executive in a community based Healthcare system, but since deciding to take time off my career to spend with my very young children I do have time now. I also have a different lense as I access and utilize the community differently and more frequently in this new role. In the past I've been a volunteer for a Habitat for Humanity. I helped with both labor and project management. I also was expressed to Lean and since become well versed in this methodology. Professionally I was part of leadership team that presented to the Board of Directors several times per month. This board was comprised of low income/high needs patients as well as local professionals and through this mixed audience I learned how to communicate and partner with team members from all backgrounds in a productive, enjoyable, and outcome driven way.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I am a home owner, a mom, and a spouse. I was born in Oregon and I've lived here most of my life with the exception of around 7 years out of state and abroad. Most recently I was a director and will be returning to grad school in fall.

How did you hear about the committee: Friend/Neighbor

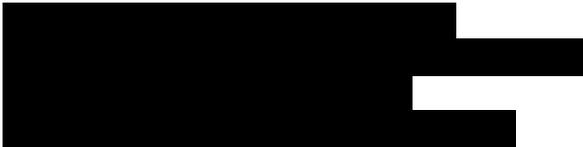
## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Wednesday, June 08, 2016 9:23 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Wednesday, June 8, 2016 - 12:23pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Greg Baartz-Bowman  
Date: 06/07/2016



Occupation: Video Producer

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 10 years

A business owner in Milwaukie: Yes

If so, which one and for how long: Straw Bale Films

An employee in Milwaukie: Yes

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Community Volunteer with the Waldorf School, Bike Milwaukie, Milwaukie Film Series, Free Kellogg Creek, and Clackamas Little League.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: Yes

If so, which one(s): Sunday Parkways Steering Cmt.

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: The efforts is the last 10 years to improve Milwaukie as a sustainable, equitable, and forward thinking community has been incredible. I have been honored to be involved with the positive movement of the city since I've moved here and I want to make sure it continues.

Are there topic areas that you are especially interested in:

Transportation and community events.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process:

When I moved here 10 years ago the city looked a lot different.

The Riverfront was a mess, downtown was a ghost town, and citizen engagement was unhealthy. Knowing I would be in Milwaukie for the foreseeable future I set out to change what I could. I co-founded Bike Milwaukie to encourage community togetherness and bicycle

advocacy and awareness. I founded the Milwaukie Film Series to add a cultural element that was non-existent when I started. Five years later the film series is one of Milwaukie's anticipated events. Seven years ago I helped lead the effort to save the 3-Creeks Natural Area from development. Prior to my arrival the 3-Creeks volunteers were unorganized and out-manned. Within 18 months of my arrival the 3-Creeks development plans were put on the shelf as the community action swayed the opinion for the best use for 3-Creeks. Today a similar effort is underway to remove Kellogg Dam and Free Kellogg Creek.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I believe I'm a good representative of Milwaukie. Homeowner, Business Owner, Volunteer, and Community Activist. Milwaukie residents and visitors support my community activities in large numbers. My ideas and vision for the city match well with the residents.

How did you hear about the committee: Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 17, 2016 11:58 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 17, 2016 - 2:57pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Howie Oakes  
Date: 06/16/2016



Occupation: engineer/designer

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 9 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: My family has put down deep roots in Milwaukie. Over the past 9 years we have focused on building a small community of homes sharing one of the last farms left along Johnson Creek. While this work will never be done, I would like to focus more on our surrounding community and City. I see many issues in our neighborhood (Lewelling) that are common across the City. It is clear that in many areas, development (or lack of development) has occurred because there has not been a community vision. I and my neighbors have dreams of our neighborhood being a vibrant, walk-able and safe place to live. Instead of simply hoping these changes will happen someday I would like to do what I can to make these changes reality.

Are there topic areas that you are especially interested in:

- Walk-able neighborhood services for everyone in the city
- addressing the lack of city/neighborhood identity
- better connecting outlying neighborhoods to city center
- encouraging more durable/sustainable/energy efficient building
- design and net-zero energy developments

-smart zoning/design standard changes to address coming increase in population

-addressing pollution from Milwaukie industries to allow mixed use areas that truly work

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process:

I have been involved with our NDA for a few years now. This has given me a much deeper insight into the issues around our neighborhood. While our small group of neighbors has thought about ways to encourage thoughtful development we have come to the realization that these changes will never happen without support and a plan from the City.

My experience helping design and develop Lovena Farm has given me a unique perspective that I feel would be valuable in a larger design process. With no previous development experience we implemented our vision of a community of 4 homes sharing a common farm and open space. This very challenging experience has taught me much.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures:

My wife and I have decided to live out our days here in Milwaukie. In the near decade we have lived here we have embraced the diversity in our neighborhood. Our small community has had a large mix of people of varying ages, incomes, cultures, renters and owners. If given the opportunity to serve on this committee, I would strive to address the issues that are common to everyone who lives in Milwaukie.

How did you hear about the committee:

- City Website
- Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Wednesday, June 15, 2016 5:47 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Wednesday, June 15, 2016 - 8:46am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: James Cronin  
Date: 06/15/2016

Occupation: Journalist

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: Seven months

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Since moving into our apartment complex, my wife and I have already found and helped create community here. Our complex has a very large garden, and we've met more neighbors there than anywhere else in Milwaukie. We've become close with elderly neighbors who feel like surrogate family for us, who both grew up on the East Coast. Milwaukie feels like home, and we hope to stay, but are very concerned with the ballooning costs for new homebuyers and what that could mean for Milwaukie's fabric of life. I hope to help guide the city toward a sustainable future.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: As mentioned above, I want to work for a sustainable future for Milwaukie. That includes efforts to keep homeownership a reality for new and longtime residents. I've only lived here a short time, but I'm also interested in ecological restoration, especially of Johnson and Kellogg creeks, the latter which runs directly behind our apartment complex. The idea of a free-flowing, clean Kellogg Creek is very exciting to me. I'm also very concerned with potential environmental degradation and health impacts resulting from pollution from Precision Castparts facilities.

Are there topic areas that you are especially interested in: The Kellogg Creek dam and Johnson Creek watershed; elderly services; homebuyer assistance; environmental health; retaining residents as costs rise; city services.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process:

I'm a longtime journalist and, especially recently, have had a front-row view of meetings with Precision Castparts about pollution of the air we breathe and the water we drink, particularly in Milwaukie. Through countless nights attending and reporting on city and other municipal meetings, I understand how committees work, and will put that knowledge to work to help guide Milwaukie's visioning process.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: Though I've only been here seven months, I represent well the wave of new residents moving into the area. My wife and I are thinking of buying a home, but could never do it in Portland, and we wouldn't want to. Milwaukie feels more like home than many places we've been, and we hope to stay. I'm 35, she's 31, and we are very plugged into the thoughts and concerns of our peers. I hope this experience and perspective will be seen as a benefit to the city's visioning process.

How did you hear about the committee: Facebook/Twitter/Instagram



# MILWAUKIE ALL ABOARD

## VISIONING ADVISORY COMMITTEE APPLICATION

The City of Milwaukie is currently accepting applications for the Visioning Advisory Committee. The committee will aid the City in developing a long-range Community Vision Statement that describes what Milwaukie community members want the city to be like in the year 2040, and a 5-Year Action Plan that spell out how the community can achieve that vision and which will be periodically updated. Entitled **Milwaukie All Aboard**, the vision is anticipated to take approximately 9-12 months to complete and will feed into a complete update of the Comprehensive Plan. **Applications are due on June 17, and can also be filled out online at <http://www.milwaukieoregon.gov/planning/vision>.**

Name: Jason Romandell Brown Date: 13 June 2016

Home address: [REDACTED]

Mailing address (if different): [REDACTED]

Best contact phone: [REDACTED]

E-mail address: [REDACTED]

Occupation: Business Owner Company/Organization: Swordguild Portland

- Are you: A **resident** of Milwaukie?  If so, for how long? 10 years
- A **business owner** in Milwaukie?  If so, which one and for how long? 3 years
- An **employee** in Milwaukie?  If so, which one and for how long?
- Otherwise invested** in Milwaukie?  If so, in what context?

Are you currently serving on a City of Milwaukie Advisory Board or Commission? Yes  
If so, which one(s)? Not sure what the exact name is, but it was initially Called the Committee for Equability/Sustainability/livability.

*For the following questions, please limit each response to 200 words. Attach additional pages as needed.*

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040? Are there specific topic areas that you are especially interested in? This is the town my wife is from, the town my stepdaughter and first son grew up in and the town that my new son will be from. If there is a chance to dive in and put my talents to the greater good for Milwaukie, then I am going to take it.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process. You only gave me three lines. I have been on the Board for Ascending the Giants for nine years, a ground floor organizer of PDX Longsword, and a respected member of the PNW HEMA community. I understand how to take diverse thoughts and form them into a central idea.

The City Council is interested in creating a committee that is representative of the entire Milwaukie community, and is seeking a mix of homeowners, renters, business owners, employees, youth/students, and other stakeholders that cover a broad range of age groups, incomes, and cultural and educational backgrounds. Please describe how your background would help fulfill this City Council objective. I am a Veteran of the US Coast Guard, home owner, and local business person. I was also a Certified Arborist and worked managing crews for a long time in the Portland Metro area. I get trees, and if we are going to continue to grow this city, its something we need to be mindful of and foster.

How did you hear about the committee?

- Facebook/Twitter/Instagram:  City Website:  Friend/Neighbor:
- Newspaper/Pilot:  Employer:  Other (please list): Mayor Mark Gamba

Please complete this form fully **by June 17** for your application to be considered. Applications can be returned to Project Manager David Levitan via email ([levitand@milwaukieoregon.gov](mailto:levitand@milwaukieoregon.gov)) or mail (6101 SE Johnson Creek Blvd, Milwaukie, OR 97206), or submitted online via the link above. For additional information, please call 503-786-7627.



## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Tuesday, May 31, 2016 10:12 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, May 31, 2016 - 1:12pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Jeff Mitchell  
Date: 05/31/2016



Occupation: Distribution Services Tech

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 1 year currently but lived here for a 2 years about 6 years ago

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: I plan on living here and raising my 2 children (2 & 4 years old) here and hopefully going into business for myself.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I want a place for my children to grow up and maybe start their own families that is not only a beautiful place to live but a sustainable one that can be a model and leader for other communities to follow.

Are there topic areas that you are especially interested in:

Green space, sustainability, environmental quality, parks, parks and more parks, as well as much more walkable communities.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process:

None currently but everyone has to get their foot in the door somewhere.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and

other stakeholders across a range of ages, incomes, and cultures:  
We just purchased our house a little over of year ago, Milwaukie  
was pretty much the only town we wanted to live since this was  
where my wife and I first lived together and where we got  
married. This is where we plan on raising our children.

How did you hear about the committee: Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Thursday, June 16, 2016 1:54 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Thursday, June 16, 2016 - 4:53pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Jesse Tremblay  
Date: 06/16/2016



Occupation: Realtor

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 3 years

A business owner in Milwaukie: Yes

If so, which one and for how long: Just starting this month

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: My wife and I are homeowners in Milwaukie.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: Yes

If so, which one(s): Linwood NDA- Land Use Chair

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I have always been a forward thinking person, and want to do my part to make sure the City my 5 year old daughter is growing up in continues to be a good one.

Are there topic areas that you are especially interested in: As a Realtor and as the Linwood NDA Land Use Chair, I'm usually most interested in topics surrounding real property, its value, and uses. Education is also a major concern for my family.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I've done community based volunteer work before, mostly helping my mother who was involved in community park projects and events in my hometown of Topsfield, MA. I have been attending Linwood NDA meetings in 2016 and was elected Land Use Chair. I have managed both people and property by trade, but understand that everyone can't all drive the bus at the same time, and can work with others to help build to goals that aren't necessarily "mine"

in origination or control. In return I see the opportunity to represent, shape, or lead on goals I'm more passionate about within the scope of the committee.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: My background presents each of those within the last 5 years. I was employed leasing to renters (mostly Portland city) from 2014-2015, was renter in Milwaukie until 2013, and am now a homeowner. I'm starting my own RE business here this year and talk to Milwaukie homeowners about being homeowners in the normal course of my business. I am university educated (BA, History, Princeton 1997), married, and my daughter will begin kindergarten in the Milwaukie Public School system this fall, so education is also very important to me on a community level. I enjoy different perspectives, and am not old enough yet to have forgotten when mine were different, nor arrogant enough already to believe that that my perspective may not change again as I live longer.

How did you hear about the committee:

- City Website
- Friend/Neighbor
- Newspaper/Pilot

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 17, 2016 2:26 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 17, 2016 - 5:25pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Jessica Neu  
Date: 06/17/2016

Occupation: Human Resources Consultant

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 2.5 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: Yes

If so, which one and for how long: Aerotek - 2 years

Otherwise invested in Milwaukie: Yes

If so, in what context: Prospective Milwaukie home-owner, plan to be a Milwaukie resident for the foreseeable future.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I moved to Milwaukie about two years ago with my husband and we both absolutely fell in love with the community. We decided to make this area our home because of the people, Milwaukie's inherent charm, and the town's rich history. I am interested in aiding the community in developing its vision because I believe Milwaukie has much room for growth and modernization. I would like to see our city further revitalize its downtown area and expand its inventory of local businesses.

Are there topic areas that you are especially interested in: I am interested in attracting more small businesses to Milwaukie as well as creating more local opportunities for non-profit groups. Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have countless client contacts with local businesses surrounding the Milwaukie area as well as the Portland/Clackamas region due to my employer. I am a Human Resources Consultant for a local

staffing firm, this role has lead me to become very active and familiar with the culture of the community. I also have extensive experience working in local government – in early 2013 I worked at the California State Assembly under the Chair of the Budget Committee and have served on other small community committee’s in the Sacramento, CA region. I am familiar with public planning and policy due in large part to my studies at CSUS where I graduated with my Bachelors of Arts degree in Political Science with an emphasis on Public Policy in 2013.

Please describe how your background would help fulfill the City Council’s objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: My background would help fulfill this committees objectives because I have, at one point or another, subscribed to many of the listed groups. I have a deep passion for local non-profits, which has exposed me to people/situations that span numerous socio-economic groups. My human resources role also keeps me constantly connected and engaged with our diverse community, which I believe could be beneficial. Additionally, I am a military spouse which has granted me the experience of being a part of a few different communities with generally a wide mix of people and backgrounds – I feel that I have the ability to harness those experience and use them here.

How did you hear about the committee:

- Facebook/Twitter/Instagram
- City Website

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Saturday, May 21, 2016 6:53 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Saturday, May 21, 2016 - 9:53am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Joel Bergman  
Date: 05/21/2016

Occupation: Operations Manager

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 8 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: Yes

If so, which one(s): Citizens Utility Advisory Board

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: My wife & I are raising our  
family in this community and I have an active interest in the  
area I live.

Are there topic areas that you are especially interested in:

Urban Renewal/business development

Safe routes to schools/Sidewalk enhancements

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process:

As a homeowner, active member in the Linwood NDA, member of the  
Rotary Club of Milwaukie, member of the Milwaukie-Portland Elks  
Club, and member of a few other advisory boards that serve  
Milwaukie & the rest of Clackamas County, I am a vested member of  
the community and have a genuine interest in the city my family &  
I call home.

Please describe how your background would help fulfill the City  
Council's objective to create a committee with a mix of  
homeowners, renters, business owners, employees, students and

other stakeholders across a range of ages, incomes, and cultures:  
I manage a small business. I am a homeowner. I am a parent.

I have rented before. I have been a full time college student &  
full time employee simultaneously.

How did you hear about the committee: Facebook/Twitter/Instagram

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Monday, June 13, 2016 11:56 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, June 14, 2016 - 2:55am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: John Balzer  
Date: 06/13/2016



Occupation: Retired teacher/artist

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 3 yrs

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: Milwaukie is and will change rapidly. That change needs to enhance the quality of life for the people in the city. Intelligent planning is essential to promote wise growth that results in a place that residents are proud of and where they feel at home. A city with a sense of community. I would like to help create that.

Are there topic areas that you are especially interested in:

Creating a vibrant, livable downtown and Historic Milwaukie.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I taught in the public schools for 25 yrs on the coast of Maine. There I served as Vice President of the teachers union, chair of the district curriculum steering committee, served on countless committees and wrote grants. Had a lakeside camp business, president of the Belfast Food Coop and was part of a community radio station.

Please describe how your background would help fulfill the City

Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I've lived in Virginia, Maine, NYC and now Milwaukie, with short stints in other places. From the end of the road(literally), to the upper west side of Manhattan, I've gained a lot of perspective on what works and what doesn't.

How did you hear about the committee: Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Thursday, June 16, 2016 11:17 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Thursday, June 16, 2016 - 2:16pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: John Henry Burns



Occupation: Engineer

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 2 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Lived in the Ardenwald-Johnson Creek neighborhood (City of Portland side) for 6 years prior to moving within Milwaukie city limits.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: Yes

If so, which one(s): Kellogg Good Neighbor Committee

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I intend to raise my children in Milwaukie over the next 2 decades, and want to see the community grow to support healthy lifestyles and provide opportunities for the next generations. Milwaukie is a great place, but there are many amenities lacking, such as sidewalk connectivity and walkable destinations.

Are there topic areas that you are especially interested in:

Sidewalk and transportation safety improvements

Better connectivity between neighborhoods and across highways  
Making

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have begun to develop a window in to city decision making and infrastructure needs as a member of the Kellogg Good Neighbor Committee. Serving on this board has helped me understand how

decisions are made within Milwaukie.

Additionally, I have previously worked for in municipal government as a planner and engineer. I have detailed understanding of project development and infrastructure needs, and know how to balance competing needs given limited resources.

Lastly, I have experience collaborating with diverse stakeholders and synthesizing ideas. When developing a vision that incorporates the vision of many stakeholders it is important to listen as much as speak, and thereby work to develop a plan that balances interests of all stakeholders. I will this collaborative approach to the visioning committee.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I believe I could well represent the next generation of citizens moving to Milwaukie. I've observed many homes in the city that have been owned by the same families for 20 years or more, and are beginning to turn over to new generation of young families. As a new father, I feel well positioned to represent the needs of both young homeowners, and will represent the needs of children to ensure my son has a safe, happy, connected community to grow up in.

How did you hear about the committee: City Website

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Tuesday, May 24, 2016 11:39 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, May 24, 2016 - 2:38pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Kayla Walker  
Date: 05/24/2016



Occupation: Senior Sustainability Solutions Specialist

--Are you...--

A resident of Milwaukie: No

If so, for how long:

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: I live just outside the city limits  
(hence my Milwaukie address) and consider it myself a  
constituent.

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: I consider myself to be a  
resident of Milwaukie (even though I live just outside the city  
limits) since I bought my house last summer. I enjoy the sense of  
community that Milwaukie and its residents have, the smaller town  
feel, as well as its accessibility to greater Portland. I'd like  
to move into Milwaukie proper one day and hope that it remains an  
affordable, livable option. I hope Milwaukie can be a truly  
sustainable and equitable city and I'd like to be part of the  
process.

Are there topic areas that you are especially interested in:

Renewable energy (community solar, solarize, community choice  
aggregates), carbon reduction, freshwater stewardship and equity.

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process:

I've spent the last 8 years working for an environmental

nonprofit focused on renewable energy, carbon reduction and freshwater stewardship. I have a solid network that crosses utilities, municipality, corporate and NGOs all working on similar sustainability goals.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I'm a middle-wage homeowner who has called Oregon home nearly my whole life (save for the four years I spent getting my undergraduate degree in New York and Washington, DC).

How did you hear about the committee:

- City Website
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Thursday, June 16, 2016 4:51 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Thursday, June 16, 2016 - 7:50pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Lauren Loosveldt  
Date: 06/16/2016



Occupation: Architect

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 3

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: Yes

If so, which one(s): Milwaukie Design and Landmarks Committee.

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: I am a new addition to the  
city (3+ years) and I choose to live in Milwaukie because I see  
clearly the great potential the city has. I believe the City of  
Milwaukie is on the cusp of great growth and with a number of  
interesting challenges facing the city, I would like to be a part  
of the visioning for it's future. My family and I have planted  
ourselves near the heart of downtown and thrive in it's many  
assets and the surrounding natural resources. I would appreciate  
the opportunity to contribute the to success of the City's  
growth.

Are there topic areas that you are especially interested in:

Sustainability + Transportation

Downtown Development

Parks

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process: I  
have recently joined the Milwaukie Design and Landmarks Committee

this Spring. I have enjoyed the process of reviewing and improving upon the City's guidelines. Prior to my position with the City, I have been a part of the Portland branch of the American Institute of Architects, AIA , in a variety of ways. This past year I served as the Chair of the Committee on the Environment for the Portland AIA and for the 3 years prior, I was a committee member. Additionally, I served the AIA Oregon Board of Architects for 2 years and continue to serve the Oregon branch of the AIA Legislative Affairs Committee. My combined years of volunteering with the AIA has given me a broad base insight into issues surrounding the built world and our environment. Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: Beyond my professional background I am also a mother of two, homeowner, and landlord. I have come to Milwaukie as a young adult and have the perspective of family focused professional woman to bring to this discussion.

How did you hear about the committee:

- City Website
- Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Saturday, May 21, 2016 11:02 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Saturday, May 21, 2016 - 2:02pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Lindsey Duncan  
Date: 05/21/2016

Occupation: Marketing Coordinator

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 2 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: Yes

If so, which one and for how long: Bob's Red Mill Natural Foods,  
2 years

Otherwise invested in Milwaukie: Yes

If so, in what context: Milwaukie is home to my Toastmasters  
group, the Milwaukie Talkies.

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I am a passionate resident of Milwaukie who celebrates the successes of the town with my friends, family, and social networks [REDACTED]. I'm active in Milwaukie City events such as the tree lighting ceremony, Christmas ships (when weather doesn't keep them away!), the farmer's market, First Fridays, and the new Dogwood Dash. I see Milwaukie as a welcoming city with many treasures to explore, but I also see potential for improving its livability. The greater Portland area is expanding rapidly (and I am a transplant myself, having moved here from Chicago proper in 2013) and that influx will bring many changes in population and demographics to Milwaukie. There's so much to love about The Dogwood City of the West as it is, so it will be very important to balance the personality of the city with growth and improvements to meet the demands of the growing and changing population in the next 24 years.

Are there topic areas that you are especially interested in: Yes!

I live an active lifestyle and as the Chair of the Wellness Committee at Bob's Red Mill, I am passionate about encouraging others to live active lifestyles as well. Milwaukie is in dire need of sidewalks on busy roads, which are often winding or hilly, including roads like Aldercrest, Oatfield, and Hill. I see kids walking to or from home on school nights and I worry for them. With winding or hilly roads, drivers' visibility is low and folks walking on the street shoulders (where there is one!) are at risk. Neighborhoods are disappointingly lacking sidewalks as well, but improving walkability of major roads should be priority to help people get to work and school safely. I am a cyclist and triathlete and sometimes ride my bike to work. I see a need for more bike lanes on major roads and there is a definite need for street sweeping to keep existing bike lanes free of debris so cyclists aren't forced to ride in the street even where there is a bike lane. With the new Orange line stops, biking and walking will become even more common and we need to make sure our citizens are safe when they choose public transportation. Lastly, I'm particularly passionate about incentivizing restaurants, brewpubs, and shops to operate in Milwaukie. Downtown Milwaukie has so much potential but my experience as a resident is that there are few places to just pop in and browse or enjoy a drink at any time. This is changing with places like Wine 30 and Beer Store, but I'd like to see business owners rewarded for staying open later and for new business owners to take up shop downtown. I see Milwaukie as having a potential for a street like Hawthorne, where endless hours can be spent simply walking the street and popping in to various businesses.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I am the President of the Milwaukie Talkies Toastmasters club, where I have learned leadership and communication skills that will aid in holding this position. I am also the Chair of the Wellness Committee at Bob's Red Mill, where I have seen plans go from idea to planning to execution. I am a member of East Side Athletic Club where opportunities for reaching citizens abound. Through my affiliations, I have a strong network of residents of Milwaukie. I'm comfortable speaking to people one-on-one and in large groups. I have experience with leading groups, vetting proposals, working within given budgets, and delegating tasks for the greater good. I am experienced in soliciting opinions, ideas, and suggestions, then presenting them to groups in meaningful ways that result in action and change.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I'm proud to have a diverse set of lived experiences and I believe that will offer me relatability with people across many types of circumstances. I grew up in suburban southwestern Ohio, then moved to downtown Chicago for six years before moving to

Clackamas County in 2013. I've never been a business or homeowner, so that will be an area of weakness for me. I have been employed by several small businesses though and I feel that small businesses are the key to a successful, vibrant city life in downtown. Although I have a car now, I did live 7 years without one, relying solely on my feet, my bicycle, or public transportation to get around. I lived a somewhat alternative lifestyle, choosing serving tables despite my education for over a decade. That experience affords me understanding of paycheck-to-paycheck lifestyles. I've ditched that life for more of a mainstream life, in which I now have a better understanding of lifestyles of disposable income. Although Milwaukie is not a very diverse town, Chicago absolutely is, and I appreciate my experience being the minority in my City Colleges of Chicago classes. Being surrounded by a very diverse population for many years puts me in a solid place to welcome culturally and ethnically diverse people as the city grows over the next 24 years and to incorporate those cultures into the 2040 vision. Having volunteered as a visitor of hospice patients, I'm comfortable with older folks and I easily befriend elders at the gym, at Toastmasters, and in the community. They are much wiser than I!

How did you hear about the committee: Friend/Neighbor





# MILWAUKIE ALL ABOARD

## VISIONING ADVISORY COMMITTEE APPLICATION

The City of Milwaukie is currently accepting applications for the Visioning Advisory Committee. The committee will aid the City in developing a long-range Community Vision Statement that describes what Milwaukie community members want the city to be like in the year 2040, and a 5-Year Action Plan that spell out how the community can achieve that vision and which will be periodically updated. Entitled **Milwaukie All Aboard**, the vision is anticipated to take approximately 9-12 months to complete and will feed into a complete update of the Comprehensive Plan. **Applications are due on June 17, and can also be filled out online at <http://www.milwaukieoregon.gov/planning/vision>.**

Name: Lucy Becker Date: \_\_\_\_\_

Home address: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Best contact phone: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Occupation: \_\_\_\_\_ Company/Organization: \_\_\_\_\_

Are you: A resident of Milwaukie?  If so, for how long? \_\_\_\_\_

A business owner in Milwaukie?  If so, which one and for how long? \_\_\_\_\_

An employee in Milwaukie?  If so, which one and for how long? \_\_\_\_\_

Otherwise invested in Milwaukie?  If so, in what context? \_\_\_\_\_

Are you currently serving on a City of Milwaukie Advisory Board or Commission? \_\_\_\_\_

If so, which one(s)? \_\_\_\_\_

For the following questions, please limit each response to 200 words. Attach additional pages as needed.

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040? Are there specific topic areas that you are especially interested in? \_\_\_\_\_

To build a united  
community

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process. \_\_\_\_\_

Planner, organizer,

The City Council is interested in creating a committee that is representative of the entire Milwaukie community, and is seeking a mix of homeowners, renters, business owners, employees, youth/students, and other stakeholders that cover a broad range of age groups, incomes, and cultural and educational backgrounds. Please describe how your background would help fulfill this City Council objective. \_\_\_\_\_

retired executive for NBC

How did you hear about the committee?

Facebook/Twitter/Instagram:  City Website:  Friend/Neighbor:

Newspaper/Pilot:  Employer:  Other (please list): Market

Please complete this form fully by **June 17** for your application to be considered. Applications can be returned to Project Manager David Levitan via email ([levitand@milwaukieoregon.gov](mailto:levitand@milwaukieoregon.gov)) or mail (6101 SE Johnson Creek Blvd, Milwaukie, OR 97206), or submitted online via the link above. For additional information, please call 503-786-7627.



## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Tuesday, June 14, 2016 7:16 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, June 14, 2016 - 10:16pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Maitri Dirmeyer  
Date: 06/14/2016

Occupation: Program Coordinator

--Are you...--

A resident of Milwaukie: No

If so, for how long: I'm a resident of Oak Grove and have been for 6 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context: Not in the traditional sense, but I am personally invested in the future of Milwaukie and will continue to do my part to support the city by patronizing local businesses and volunteering for community events.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: Yes

If so, which one(s): I currently serve on the ArtMOB committee and have been an active member of the committee for over two years.

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: As a long term resident of Oak Grove I am committed to continuing the great work (that is already taking place) by the City of Milwaukie and it's multiple boards, committees, and commissions to make Milwaukie and the surrounding area a sustainable, vibrant, and welcoming community.

Are there topic areas that you are especially interested in: Yes, I am particularly interested in alternative transportation infrastructure including greenways, bike lanes, and sidewalks. I am also very interested in the planning and development of more city parks and the future community center and expanded library.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have volunteered/ worked with various community, civic, and

professional organizations in the Portland area including the Northwest Power and Conservation Council, Oregon Department of Environmental Quality, Portland State University, City Club of Portland, Energy Trust of Oregon, Oregon Environmental Council, Cascadia Green Building Council, and ArtMOB.

I have gained valuable experience and insight about the intergovernmental relationships between the local, state, non profit, and public sector and how those relationships work to shape and mold the present and future everyday life for everyone living in this region. These experiences have provided me with the tools to make objective and informed decisions about the regions future.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I am a mid thirties full time professional in the energy management sector. I currently rent, but hope to purchase a home in the Milwaukie area in the near future. I grew up in Spokane, but was born in Beaverton. I visited family in Portland throughout my childhood and have called Portland my home for the past 13 plus years.

How did you hear about the committee:

- City Website
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Thursday, June 09, 2016 5:05 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Thursday, June 9, 2016 - 8:04am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Maribeth M. Wester  
Date: 06/09/2016



Occupation: Operations Analyst-Program Mgr

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 15 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Just as a concerned resident.

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: Various reasons. Safety. I  
live 1 house off Railroad Av, and have concerns about the trains.

Quality of life in Milwaukie.

Are there topic areas that you are especially interested in:

PLEASE REPAVE 42nd Avenue, between Monroe and Railroad!!!!

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process:  
Degree from Marylhurst in 2005 in Organizational Communication.  
Professional Program and Project Manager.

Please describe how your background would help fulfill the City  
Council's objective to create a committee with a mix of  
homeowners, renters, business owners, employees, students and  
other stakeholders across a range of ages, incomes, and cultures:  
no comment for now.

How did you hear about the committee:

- City Website
- Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Wednesday, June 15, 2016 8:25 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Wednesday, June 15, 2016 - 11:25am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Martha Germany  
Date: 06/15/2016

Occupation: Legal Assistant - retired

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 18 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Property owner

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: As a long time resident I really love Milwaukie and believe in paying it forward in order to assure that the future of this community remains an amazing place to live and raise a family.

Are there topic areas that you are especially interested in: I'm particularly interested in parks, city beautification, and growing and maintaining the community in such a way to protect the charm and history.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I'm a Linwood neighborhood resident and in 2003 was instrumental in the planting of 100 dogwood trees for the Centennial. I've been a volunteer for the Oregon Humane Society for the past 17 years, most recently in Corporate Relations and secretary to the Corporate Council Board. My career was as a legal assistant for 38 years. and was a business co-owner of a large wholesale nursery in Canby.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: Working in the legal community I've got the ability to prioritize, organize and meet deadlines. My nursery background gives me the vision of what the beauty of plants and trees can bring to our everyday lives -- something those of us in Oregon are so fortunate to have plenty of. I'm retired, a homeowner, and invested in life here in Milwaukie.

How did you hear about the committee:

- Friend/Neighbor
- Newspaper/Pilot
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Monday, June 06, 2016 7:58 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Monday, June 6, 2016 - 10:57pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Matt Dake  
Date: 06/06/2016



Occupation: Internal Auditor

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 3.5 months

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: My wife have lived in  
Portland since 2011 and moved to Milwaukie when we purchased our  
home in Lewelling a few months ago. We both grew up in small  
towns, out of state. We appreciate the small town atmosphere but  
having lived in Portland for the last four years we also  
appreciate the character and spirit of the Portland area.

Are there topic areas that you are especially interested in: No.

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process:

For 2 years, I participated within the Emerging Professionals of  
Portland (EPOP) within the Portland Business Alliance as a  
committee member and for a short time was a board member. I've  
also volunteered with Big Brothers Big Sisters and the Oregon  
Food Bank. Before working in Audit, I was a small business  
banker and my parent's are small business owners. The  
experiences I've had related to these entities have shown me the  
benefit of community engagement.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: In addition to the comments above, my time as an Internal Auditor has given me an understanding and appreciation for governance. I'm a recent first time home buyer who is married, has pets, likes to stay active, went to graduate school and have lived all over the west coast in several different cities. We hope to plant roots in Milwaukie. I have a pretty well rounded background that can be an asset to the committee.

How did you hear about the committee: Newspaper/Pilot

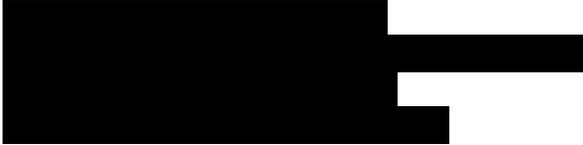
## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Monday, June 13, 2016 9:16 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, June 14, 2016 - 12:15am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Michael Wiebe  
Date: 06/13/2016



Occupation: Manager of Security and Investigations

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 7 Months

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: My wife and I purchased our first home in December of 2015. When we were looking for houses we recalled the change and development that our life long neighborhood, the Alberta Arts District, went through during the late 90's and early 2000's. As we narrowed our search we saw many of the signs of development that we recognized from Alberta Arts. We decided to plant our roots in Milwaukie and have quickly found that it is a great community and a place that we hope to call home for many years to come. Due to this we want to support its growth, its businesses and residents so that our neighbors, our family and the children we will some day have can thrive in Milwaukie.

Are there topic areas that you are especially interested in:

Small business development, bike/recreational mixed use areas, and community engagement.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I

have participated in community organizing through non-profit outreach process, specifically through Susan G Komen, for engaging my community and providing educational outreach. This, along with taking courses through Portland State University related to community development and sociology, being a life long metro area resident, and having a passion for influencing change are a few of the ways that I would aid in contributing to a community visioning process.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: My wife and I are both college educated first time home buyers in our 30's with out children who have non-profit experience, are engaged in our many communities and are champions for equality and social justice.

How did you hear about the committee: Facebook/Twitter/Instagram

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 03, 2016 10:49 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Saturday, June 4, 2016 - 1:29am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Mike Schneider  
Date: 06/03/2016

Occupation: general contractor

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 2 years 9 months

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: rental property

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: I believe our city is a gem  
in the rough and with a little guidance and planning can be a  
place where "local community" means something again. A place  
where living, working and recreating becomes the standard.

Are there topic areas that you are especially interested in:

Downtown development, river frontage development, bike commuting

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process:

This will be my first attempt to get truly involved in the city I  
live in. I see great potential for the Milwaukie and would like  
to be a part of its evolution.

Please describe how your background would help fulfill the City  
Council's objective to create a committee with a mix of  
homeowners, renters, business owners, employees, students and  
other stakeholders across a range of ages, incomes, and cultures:

I owned an engineering company for many years that developed  
extensively in California, Arizona and Utah. I've seen the  
growing pains that occur when development is rushed through. I've

also seen the negative impact that poorly thought out zoning can have on property values, quality of life and ultimately a dying retail industry. I recognize the need for sustainable responsible growth that affords people from all walks of life the ability to enjoy the community they live in.

How did you hear about the committee: Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 17, 2016 12:09 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 17, 2016 - 3:09pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Milo Denham  
Date: 06/17/2016



Occupation: Sr Financial Analyst, Kettle Foods, Salem, OR

--Are you...--

A resident of Milwaukie: Yes  
If so, for how long: 3 years  
A business owner in Milwaukie: No  
If so, which one and for how long:  
An employee in Milwaukie: No  
If so, which one and for how long:  
Otherwise invested in Milwaukie: Yes  
If so, in what context: I invest my time volunteering at 1)  
Spring Park Natural Area; 2) ISNDA; 3) GNC; 4) Budget Committee.  
Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: Yes  
If so, which one(s): Budget Committee

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: A key component to a good budget process is a vision. Working on the 2017-18 biennium budget was frustrating because of the lack of a vision to use when allocating scarce resources. A well thought out city vision can help direct the budget committee in the budget processes. I would like to help create that vision to ensure that it will be useful for many years to come.

Are there topic areas that you are especially interested in:

- How can we make the City more livable?
- What actions can be taken over the next 20-40 years that will improve the fiscal health of the City?
- How can the City utilize creative solutions to some of the issues it faces each year?
- How can we improve communication between the citizens and the City and the City Council?

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience

would aid you in contributing to a community visioning process:

- Board member of the Island Station NDA for 2+ years, serving as Secretary and now as Vice-Chair.
- Attended many GNC meetings over the past 2+ years as an "interested community member."
- Worked with City to expand and enhance the City Code and TSP to include a street design that does not require a sidewalk, or requires just one sidewalk.
- Participated in multiple "work parties" at Spring Park Natural Area.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: As one who went back to school after 20 years of work experience to earn my MBA I can bring a view point of someone who continuously seeks to learn. My work experience includes learning and using the "SCRAPS" problem solving methodology— review a problem's symptoms, search for the true cause of the problem, examine multiple remedies to the problem, and then development of an action plan (SCRAPS = symptom, cause, remedy, action, problem solving). Use of a systematic process has shown me that assumptions surrounding a problem are often only partially true, and that the true solution is often very different than one I originally thought of. I think that a visioning process will utilize many of the processes used in problem solving, and that by working with people of different backgrounds will point me to a vision that is different, but much better, than the vision I currently have for the City.

How did you hear about the committee:

- City Website
- Newspaper/Pilot
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Sunday, June 19, 2016 8:11 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Sunday, June 19, 2016 - 11:11pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Misty Collard  
Date: 06/20/2016



Occupation: Housing Specialist Low income

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 6

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I have invested in raising my family in the beautiful city of Milwaukie. I believe as the Portland metro continues to grow, our city has an amazing opportunity capitalize on improvement the quality of life we can offer the families and local business. I would love an opportunity to sit on a board were I can assist with the development of this great city.

Are there topic areas that you are especially interested in: The importance of Urban renewal in a sustainable, attractive way that invites people to enjoy our city. To focus low income families needs that make them a part of the community but not concentrated in on area. To improve our education opportunities so our future generations are given the skills to build upon the foundation we establish.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have volunteered 2 years of my life with Amricorps on serving in

various areas from disaster relief to rehabilitation of old city structures and with Habitat for Humanity in Redmond, WA. I have been a teacher and now work with low income families. Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I have worked with a mix of landlords and renters on a daily basis at work. This requires flexibility and a ear for listening to different view points. I seek to understand all sides and look for a way to find commonality. I believe I would be a valuable asset on this committee.

How did you hear about the committee: Facebook/Twitter/Instagram

**Levitan, David**

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Wednesday, June 15, 2016 12:09 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Wednesday, June 15, 2016 - 3:09am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Monica Nelson  
Date: 06/15/2016

[REDACTED]

Occupation: Musician

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 4 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Im an Oregon native relocated back to the NW. My 13 year old son [REDACTED] attends Rowe Middle School, I've been a renter in the Ardenwald neighborhood for 3 and a half years and we now since Dec 2015 own our own home in this neighborhood we have come to love.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: Continued safety for residents, a continuing growth regarding public school education and services for students with disabilities. A continued blossoming regarding the arts and literature here in Milwaukie.

Are there topic areas that you are especially interested in: See above answer.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I've been an active musician in the Portland Oregon and NYC music community for 30 years as well as a mother of a child [REDACTED]

[REDACTED] have networked with other [REDACTED]  
[REDACTED]

Please describe how your background would help fulfill the City

Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: Though a longtime active musician I do not want to live amongst or near nightclubs, bars and raucous night life.

As the parent of a special needs child I've seen what works in the N. Clackamas school district and have thoughts on what could be strengthened as well as having witnessed what hasn't worked in the NYC public school system when there are no real special needs services available.

I suffer from arthritis so the recent transportation changes regarding local buses as well as max line have been life changing to me. I want to help make sure the transportation issue is one that we will still all be proud of rather than wind up eventually complaining about

How did you hear about the committee:

- City Website
- Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Sunday, May 29, 2016 9:00 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Sunday, May 29, 2016 - 11:59pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Naoki Yoneyama  
Date: 05/29/2016

Occupation: FINANCIAL ANALYST

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 8 MONTHS

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: No

If so, in what context:

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: I moved to Milwaukie in October 2015 from abroad and I love living here. The city is so alive with the downtown events (First Friday, Farmers market, Art Mob...) and is an affordable alternative to the Portland area. I'm involved with the Historic Milwaukie NDA and I would love to have the opportunity to take my engagement a step further by taking part in developing a vision for Milwaukie 2040.

Are there topic areas that you are especially interested in: I want to make sure we create a vision that allows for people with different incomes, backgrounds and capabilities to enjoy our city in 2040. So I'm really interested in working in the following areas: affordable housing, safe and sustainable transportation and economic development.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I joined the Historic Milwaukie NDA at the end of last year and I'm now more and more active, which allows me to better understand the culture and background of Milwaukie. Also in my

previous employment, I took part in the early stages of a visioning process of what our company would be in 2030. I'm sure that this experience will be helpful in shaping Milwaukie vision. Finally, I was a city councilor in France for 6 years where I learned how a city runs.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures:

My background would help fulfill the City Council's objective to have a diverse committee because:

I'm a youth (28 years old) and not enough people in my age group are involved in local governments.

I'm an immigrant with a French and Japanese background.

I rent and I would like in the next 10 years to buy a home in Milwaukie.

How did you hear about the committee: Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Tuesday, June 14, 2016 3:20 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, June 14, 2016 - 6:20pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Nathaniel Taylor  
Date: 06/13/2016

Occupation: engineer/artist/teacher

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 4months

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Attending neighborhood meetings and sending kids to school. I own part of spring creek... which I see as a stewardship position.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: because Milwaukie needs input! and I have a broad spectrum of talent, knowledge, and creativity. As a former Business owner, Engineer, and Professor of Art. I believe I have balanced and creative perspective that is constantly having to consider immediate needs with a far in the future idealism that creates actionable plans.

Are there topic areas that you are especially interested in: Business development. The environment. Downtown Planning. A future and environment worth living for my children and fellow citizens.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I work in many collaborative teams for my own work. This includes large monumental civic art works and engineering projects.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of

homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I have lived and traveled in most of the world and as well enjoy a very creative and dynamic life. I am well trained in creative endeavors and as well often see the visionary path alongside the more mundane practical. It has been my passion to ignite not only the minds of those that I teach, (California College of Art, University of Berkeley, The Crucible) but also those that I have been fortunate to work with in both the engineering, (The Exploratorium Science Museum, All Power laboratories, Voga Coffee) and artistic realms (Raygunthic Rocketship, Steampunk Treehouse, and Five Ton Crane Arts collective)). I think I would add a very balanced, insightful, and unique perspective and help bring about a solid visionary plan for Milwaukee future.

I might also mention that I ran my own fabrication business and CNC manufacturing unit alongside much of my other work so I have a rare business experience that is sympathetic towards manufacturing and industry. And because of this experience. I can see that the need to culturally transform our industries towards a greener and more sustainable enterprise that embraces newer modalities of thought and technology that also create a broad spectrum of jobs and quality of life for all.

How did you hear about the committee:

- Friend/Neighbor
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Tuesday, May 31, 2016 12:40 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, May 31, 2016 - 3:39pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Oliver Roller  
Date: 05/31/2016



Occupation: Business Owner

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 1 year

A business owner in Milwaukie: Yes

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: I'm a Portland business owner that owns a home in Milwaukie... Not sure if my above answer stated otherwise.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040:

I'm a new resident to the Milwaukie area, love it and want to get involved in it's development. My brother and his wife have worked for the city for years and conversing with them has peaked my curiosity. I've lived in close-in Portland the last 8 years and have seen first hand the good and not so good of development. I think Milwaukie is in a unique position to develop a city plan that very much focuses on Milwaukie itself and it's unique history versus as a 'suburb city of Portland'.

I think this is a great program as the true challenge Milwaukie faces is how to manage growth while attempting to maintain what Milwaukie truly is, a community.

Are there topic areas that you are especially interested in:

Entertainment, food, and non-automotive accessibility are things i find interesting and see great areas of improvement in the Milwaukie area.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have a history of involvement in student government from grade school to undergrad education and find the process stimulating. Being a first time homeowner in Milwaukie I feel my invested commitment to community is as strong as it's ever been. I'm a founder of a start-up that has seen some great growth over the last two years. Being part of such an organization has honed my abilities to strategically plan and execute said plan while focusing on a quality of life for all employees involved. Growth in Milwaukie would benefit from an entrepreneurial perspective as the community grows.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I spent my first 20 years of life in a small town, where my father started his own dental. I truly admire the upbringing I had and wouldn't change it for anything. From living in NE Portland the last 8 years, during a VERY dynamic time, I've seen the benefit growth can provide but also felt the pain of souring rental rates. Portland is becoming an environment of either you own a home or you are a perpetual renter.

My brother is expecting his first child and part of my motivation for moving to Milwaukie was to be closer to him/family. I'd like Milwaukie to be a place that I start my family.

I've traveled to over 35 countries, been involved in the arts my entire life, produced films that bring awareness to child poverty in South America, volunteered at orphanages... My background is diverse and I will bring in a storied background to the great city of Milwaukie!

How did you hear about the committee:

- City Website
- Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Monday, June 13, 2016 10:16 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Monday, June 13, 2016 - 1:15pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Rochelle MacDonald  
Date: 06/13/2016



Occupation: Rideshare operator/Realtor

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 2 years

A business owner in Milwaukie: Yes

If so, which one and for how long: Rideshare operator/ 4 months

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: I'm building my real estate business in Milwaukie.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: Milwaukie is my home and I wish to give back to this lovely city. I may be new to the area, but intend to live and work in Milwaukie for the foreseeable future.

Are there topic areas that you are especially interested in:

Transportation and zoning

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have no civic participation experience. Former member of the Lane County HBA. Served on the Government affairs committee. I've volunteered for Habitat for Humanity in Lane County and at The ReStore in Portland. I've worked directly with political lobbies to get legislation passed in Oregon in 2015, providing worker protections from human trafficking abuses.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of

homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: It is predicted that by 2020 40% of the American labor force will be self employed. I've been self employed continuously since 1998, and have discovered a lot of holes in our systems that self employed persons can fall into. Other issues that need to be addressed in the coming years: Housing and homelessness, transportation infrastructure and infill development as the region continues to grow and attract new residents from all over the world.

I'd also like to work to attract new businesses to shopping centers where the Safeway/Albertson's/Haagen debacle left neighborhoods without grocery retailers and left shopping centers with a high number of vacancies.

How did you hear about the committee: Facebook/Twitter/Instagram

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Tuesday, May 24, 2016 5:12 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, May 24, 2016 - 8:11pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Scott R. Jones  
Date: 05/24/2016

Occupation: Architectural Project Manager

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 3 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Active advocate for responsible growth and development in Milwaukie.

Are you currently serving on a City of Milwaukie Advisory Board or Commission: Yes

If so, which one(s): Design and Landmarks Commission

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: Milwaukie is on the brink of catalyzed change based on the success of the lightrail/waterfront, urban expansion and general development climate and I would like to help ensure that growth occurs responsibly. I would like to raise my family here, so I see the value of investment in the city, and think it can become one of Oregon's great enclaves. The next quarter century will see Milwaukie change dramatically, and I would like to see that it remains livable, safe and true to it's roots, while becoming more environmentally sustainable, more socially engaged and more small-business friendly.

Are there topic areas that you are especially interested in: Land use/planning, downtown infrastructure and property development, multimodal transportation, arts/design, small business growth.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have always worked with a number of non-profits, including

international humanitarian NGO's, Portland AIA, Architects Without Borders and now the City of Milwaukie DLC. I am a firm believer in collaborative design processes and have seen a direct correlation with community visioning.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I have a strong international background with using architecture as an agent for positive change and community development. I have seen firsthand how changing cities are impacted by the built environment and require cooperation and buy-in from all participants in order to create a vibrant and livable city. As a growing professional, I am accustomed to being the youngest person in the room, and working with all ages/economic backgrounds to accommodate diverse needs and create tangible solutions which benefit many, rather than few.

How did you hear about the committee: Friend/Neighbor

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Thursday, June 16, 2016 9:51 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Thursday, June 16, 2016 - 12:50pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Serafine Lilien



Occupation: Ergonomist

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 7 months

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Home owner

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: New home owner, living by myself, no children, have some spare time, very much want to be involved in my community. Very much want to serve my community and be a part of helping to shape its future for the benefit of all people living, working and enjoying this area.

Are there topic areas that you are especially interested in:

Growth and development, parks and recreation, public art, bringing culture to the area.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have been attending the Art Mob meetings. I have been to the Rotary meetings. I am a visual artist and a creative person, civic minded, community minded, want to help and assist in any way I am able.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures:

I have some NVC experience (non violent communication) which assists in insuring people are able to fully express themselves in a nonjudgmental way.

In my professional work, in the health and safety area,I work with all sorts of people from factory workers to CEO's all giving them equal attention and consideration, listening to their issues and assisting them in working more safely in their environment. I have 16 years experience in this line of work. I really like helping people.

How did you hear about the committee:

- Newspaper/Pilot
- Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Thursday, June 16, 2016 1:32 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Thursday, June 16, 2016 - 4:32pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Shannah Anderson  
Date: 06/16/2016



Occupation: Environmental Planner

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 2.5 years

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Participant on Mayor's Council on

Equitability, Livability and Sustainability

Are you currently serving on a City of Milwaukie Advisory Board

or Commission: Yes

If so, which one(s): Planning Commission

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: In the few years I have lived in and served on Milwaukie's Planning Commission, I have witnessed tremendous change in both positive and negative ways: opening of the rail line, transition of the City Council and Mayor, removal of mature and healthy trees on private property, a 13% appreciation of real estate in a 12-month period, Moving Forward Milwaukie (to name a few). Hailing from a small town in New England with a subsequent 20-year period in Berkeley in Portland, I'm grateful and inspired to be living in a small town in an urban landscape. I would like to dedicate my experience in planning and conservation to cultivating a Milwaukie that is progressive, resilient, and diverse. I believe this Visioning process is one way to achieve such.

Are there topic areas that you are especially interested in: I am particularly interested in environmental conservation and sustainability, and have a 20-year career based in resource assessment and restoration as well as community engagement and

education around environmental issues.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I have volunteered through Milwaukie's Planning Commission, Oregon Humane Society, the Johnson Creek Watershed Council Board, Fish and Wildlife and Smarth Growth Commissions in the San Francisco Bay Area, and Master Gardening. I have a strong community service ethic, and believe that government can accomplish more through partnerships with its citizens.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I am a middle-aged, middle income female with a new husband, two step teenagers who live with us part time, and a small zoo of domestic animals. I grew up in a low-income setting and have worked diligently to create a sustainable lifestyle in the Portland metro area.

How did you hear about the committee: Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 10, 2016 5:29 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Friday, June 10, 2016 - 8:28pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Stacy Johnson  
Date: 06/10/2016

Occupation: Program Manager

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 1 year

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: I have young children, so I'm invested in the education system and future economic/employment growth in Milwaukie

Are you currently serving on a City of Milwaukie Advisory Board or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: We recently moved to Milwaukie for a smaller community feel: less traffic, reasonable sized properties, parking, less problematic social systems (i.e. We'll functioning schools, less homelessness, less crime, etc.).

I see so much opportunity for the waterfront and the downtown core to become vibrant community hubs and would love to be part of the visioning process to that end.

Are there topic areas that you are especially interested in: I

live on the trolley trail and new orange line in very close proximity to a couple of Trimet's remnant properties. I understand they will be up for investment in about a year. I have great stake in the planning around these properties and assume, with their proximity to the trolley trail, that they will be part of the action plan discussion.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process: I

was a member of the Stakeholder Advisory Committee for the SE Quadrant of the City of Portland's 2035 Comprehensive Plan. I also participated in the community visioning process for the year preceding my membership on the committee. I spent over 10 years on my old neighborhood association board and spent 3 years on my children's school's PTA board. I understand how to participate in civic processes in a diplomatic way. I have in depth experience working with people who have very different views and different investments in a community and understand that compromises need to happen.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I represent a family with young great children and without a lot of history of Milwaukie, which I believe gives me more objectivity. And while I recently moved from Portland, which I am learning can be viewed as negative, I know is an unavoidable trend that is happening in the metro area right now due to housing prices in the inner-city, so I feel like it's a voice that should be at the table to support future economic investment in the area, and one that offers views on what has gone wrong in the city that is causing this flight and perhaps should be avoided.

How did you hear about the committee: Facebook/Twitter/Instagram

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Tuesday, June 07, 2016 11:52 AM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Tuesday, June 7, 2016 - 2:51pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Tom Madden  
Date: 06/07/2016



Occupation: Retired

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 1 month

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Homeowner

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: I believe in planning for the  
future development of the city: job growth, new businesses,  
services, culture and diversity. The city has a better chance to  
shape its future by developing goals and planning for ahead to  
achieve them.

Are there topic areas that you are especially interested in:

Historic Downtown

Diversity of Businesses

Services: Groceries, bakery, entertainment, restaurants

Community Activities and Amenities

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process:

As a professional staff person for Teacher Associations/Unions  
across the country I had many opportunities to participate in and  
train members and community leaders in visioning type  
experiences. These experiences ranged from internal Association  
change groups to joint Association/community future planning

exercises. I have also served on Organizing Committees for developing strategic plans for the growth and capacity of school districts and have been a member and president of a medium sized Home Owners Association. I've also had facilitation skills and mediation training.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: My background, experience, and interest has always led me to be an active member within the communities I've lived. I believe my breadth of experience in planning and executing organizational goals and objectives has provided me an appreciation for the competing diverse ideas which will be part of a Visioning Exercise.

Also, being a very new member of this community, I was pleased to see the announcement of this visioning committee in order to better prepare the city for the potential changes it will certainly face over the next twenty-five years.

How did you hear about the committee:

- Friend/Neighbor
- Newspaper/Pilot

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Thursday, June 16, 2016 2:30 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Thursday, June 16, 2016 - 5:29pm Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Wallace Brown  
Date: 06/16/2016

Occupation: Quality Engineer

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: 3

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: Yes

If so, which one and for how long: Blount - 2 years

Otherwise invested in Milwaukie: Yes

If so, in what context: I recently became a home owner in  
Milwaukie

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a  
community vision for the year 2040: My wife and I recently  
purchased our first home in Milwaukie. We have plans to start a  
family and raise them in Milwaukie for the foreseeable future. I  
would like to be involved in helping the City of Milwaukie  
develop a community vision so that my family has a great place to  
live, with a strong sense of community, and a diverse set of  
opportunities to explore and grow as citizens of the city, state,  
country, and globe.

Are there topic areas that you are especially interested in: I am  
particularly interested in arts, education, and employment  
growth.

Describe your participation and affiliation with community,  
civic, and professional organizations, and how that experience  
would aid you in contributing to a community visioning process:

As a young man I was part of the Boy Scouts of America and  
learned a strong sense of pride in assisting and helping others.  
Work included developing and maintaining outdoor recreational  
areas. I have also planned and executed several fund-raising

events for local and national nonprofits.

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: My background is in Chemical Engineering, and I am currently employed as a Quality Engineer. I feel I would bring a good sense of analytics, process improvement experience. I have experience working with diverse groups whom all have their own priorities and wants. Balancing the needs and wants of diverse groups will be important for this project.

How did you hear about the committee: Other

## Levitan, David

---

**From:** City of Milwaukie Website <webmaster@milwaukieoregon.gov>  
**Sent:** Friday, June 10, 2016 10:13 PM  
**To:** Levitan, David  
**Subject:** Visioning Advisory Committee Application

Submitted on Saturday, June 11, 2016 - 1:12am Submitted by anonymous user: [10.208.173.53] Submitted values are:

Name: Zara Logue  
Date: 06/10/2016

Occupation: VP, User Research, Wells Fargo

--Are you...--

A resident of Milwaukie: Yes

If so, for how long: April 2010-Sept 2013 and May 2015-present

A business owner in Milwaukie: No

If so, which one and for how long:

An employee in Milwaukie: No

If so, which one and for how long:

Otherwise invested in Milwaukie: Yes

If so, in what context: Homeowner and resident

Are you currently serving on a City of Milwaukie Advisory Board  
or Commission: No

If so, which one(s):

--For the following questions, please limit response to 200 words--

Why are you interested in helping the City of Milwaukie develop a community vision for the year 2040: The idea of developing a "brand" for the city of Milwaukie was an idea our committee brought forth to Mayor Jeremy Ferguson when I was serving on ArtMOB in 2013. While Milwaukie All Aboard is a longer-term visioning project, I think there are aspect of developing the city brand that will be a big part of the 5-year plan.

Are there topic areas that you are especially interested in:

Schools, transportation, art/culture.

Describe your participation and affiliation with community, civic, and professional organizations, and how that experience would aid you in contributing to a community visioning process:

I am a member of the User Experience Professional Association, which is an organization dedicated to collecting user/community/customer input in the development of products and services. My professional background is interviewing people and facilitating design thinking workshops. Some of this might be useful when designing activities to engage Milwaukie residents in the visioning process.

I served on the City of Milwaukie's ArtMOB from 2012-2013. SMART volunteer at Ardenwald elementary from 2011-2012. Served on an Art + Culture committee in the South Waterfront neighborhood when it was still nascent and developing its identity (2007-2009).

Please describe how your background would help fulfill the City Council's objective to create a committee with a mix of homeowners, renters, business owners, employees, students and other stakeholders across a range of ages, incomes, and cultures: I am a homeowner in Milwaukie with young children and have a vested interest in making Milwaukie a better place to live and do business.

How did you hear about the committee: City Website

## Attachment 2 List of All VAC Applicants

**Added June 30, 2016**

Name	Resident?	How Long?	Neighborhood	Unit Type	Business Owner?	Employee?	How Long?2	On City Board?
Aaron Saari	No	2.5 Years	Oak Grove	SFR	Yes	No	7 Years	No
Adam Argo	Yes	2 Years	Linwood	SFR	No	No	N/A	Planning Commission
Adam Sager	Yes	2 Years	Island Station	SFR	Yes	No	2 Years	No
Adrianna Stanley	Yes	1 Year	Historic	Apt	No	No	N/A	No
Angelene Falconer	Yes	8 years	Ardenwald	SFR	No	No	N/A	Public Safety
Arianna Van Bergen	Yes	20 Years	Lake Road	SFR	No	Yes	1 Year	No
Austin Stewart	Yes	1.5 Years	Historic	SFR	No	No	N/A	No
Barbara Eiswerth	Yes	21 Years	Historic	SFR	No	Yes	3 Years	No
Ben Rousseau	Yes	5 Years	Lake Road	SFR	No	No	N/A	Public Safety
Brendan Eiswerth	Yes	18 Years	Historic	SFR	No	Yes	10 Years	No
Bryce Magorian	Yes	26 Years	Historic	Apt	No	Yes	5 Years	No
Chris Davis	Yes	23 Years	Lewelling	SFR	Yes	No	10 Years	artMOB
Christina Johnson	Yes	1 Month	Island Station	Apt	No	No	N/A	No
David Burdick	No	17 Years	Oak Grove	SFR	No	No	N/A	No
Dillon Coville	Yes	4 Years	Lewelling	SFR	No	No	N/A	No
Dillon Daniel-Hoffman	Yes	5 Years	Lake	SFR	No	No	N/A	No
Douglas Craig	Yes	4 Years	Lake Road	SFR	No	No	N/A	No
Ela Rasmussen	Yes	4 Years	Island Station	SFR	No	No	N/A	No
Greg Baartz-Bowman	Yes	10 Years	Historic	SFR	Yes	No	10 Years	No
Howie Oakes	Yes	9 Years	Lewelling	SFR	No	No	N/A	No
James Cronin	Yes	7 Months	Lake Road	Apt	No	No	N/A	No
Jason Brown	Yes	10 Years	Hector Campbell	SFR	Yes	No	3 Years	No
Jeff Mitchell	No	1 Year	Oak Grove	N/A	No	No	N/A	No
Jesse Tremblay	Yes	3 Years	Linwood	SFR	Yes	No	1 Month	No
Jessica Neu	Yes	2.5 Years	Island Station	Apt	No	No	N/A	No
Joel Bergman	Yes	8 Years	Linwood	SFR	No	No	N/A	Citizen's Utility
John Balzer	Yes	3 Years	Historic	SFR	No	No	N/A	No
John Burns	Yes	2 Years	Lake Road	SFR	No	No	N/A	Kellogg Good Neighbor
Kayla Walker	No	N/A	Oak Grove	N/A	No	No	N/A	No
Lauren Loosveldt	No	3 Years	Oak Grove	SFR	No	No	N/A	DLC
Lindsey Duncan	Yes	2 Years	Historic	Apt	No	Yes	2 Years	No
Lucy Becker	No	N/A	Oak Grove	N/A	No	No	N/A	No
Maitri Dirmeyer	No	6 Years	Oak Grove	Apt	No	No	N/A	artMOB
Maribeth Webster	Yes	15 Years	Hector Campbell	SFR	No	No	N/A	No
Martha Germany	Yes	18 Years	Linwood	SFR	No	No	N/A	No
Matt Dake	Yes	3 Months	Lewelling	SFR	No	No	N/A	No
Michael Wiebe	Yes	7 Months	Lake Road	SFR	No	No	N/A	No
Mike Schneider	Yes	3 Years	Lake Road	SFR	No	No	N/A	No
Milo Denham	Yes	3 Years	Island Station	SFR	No	No	N/A	Budget
Misty Collard	Yes	6 Years	Ardenwald	SFR	No	No	N/A	No
Monica Nelson	Yes	4 Years	Lewelling	SFR	No	No	N/A	No
Naoki Yoneyama	Yes	8 months	Historic	Apt	No	No	N/A	No
Nathaniel Taylor	Yes	4 Months	Lake Road	SFR	No	No	N/A	No
Oliver Roller	Yes	1 Year	Ardenwald	SFR	No	No	N/A	No
Rochelle MacDonald	Yes	2 Years	Linwood	SFR	Yes	No	4 months	No
Scott Jones	Yes	3 Years	Island Station	SFR	No	No	N/A	DLC
Serafine Lilien	Yes	7 Months	Island Station	SFR	No	No	N/A	No
Shannah Anderson	Yes	2.5 Years	Linwood	SFR	No	No	N/A	Planning Commission
Stacy Johnson	Yes	1 Year	Island Station	SFR	No	No	N/A	No
Tom Madden	Yes	1 Month	Historic	Apt	No	No	N/A	No
Wallace Brown	No	3 Years	Oak Grove	SFR	No	Yes	2 Years	No
Zara Logue	Yes	1 Year	Hector Campbell	SFR	No	No	N/A	No

Name	Stated Topics of Interest	Occupation
Aaron Saari	Small Business Development, Bike Lanes, Trolley Trail, Light Rail, Parks, Events	Owner, Beyond the Back Physical Therapy
Adam Argo	Transportation, Land Use, Public Engagement, Future Technology	Transportation Planner
Adam Sager	Arts, Culture, Attracting Artists to Milwaukie	Visual Effects Supervisor
Adrianna Stanley	Active Transportation, Roadway Design, Safe Bike/Pedestrian Facilities	Transportation Engineer
Angelene Falconer	Housing, Transportation, Jobs, Education, Environment	Litigation Support Manager
Arianna Van Bergen	Business Growth, Community Outreach Programs, Library, Community Events	Student/Library Assistant
Austin Stewart	Education, Technology, Civic Services	Public Relations
Barbara Eiswerth	Smart Development	Farmers Market Assistant/Artist
Ben Rousseau	Local Business Development, Access to Healthy Foods, Active Transportation	Systems Analyst
Brendan Eiswerth	Access to/use of rivers and other waterways	Waldorf School Facilities Manager/Farmers Market Manager
Bryce Magorian	Transportation, Affordable Housing, Sustainability, Infrastructure	Administrative Assistant
Chris Davis	Downtown Development and Events	Artist/Consultant
Christina Johnson	Community Engagement, Social Media, Action Planning	County Small Claims Court Lead
David Burdick	Sustainable Development, Environmental Stewardship	Environmental Consultant/Developer
Dillon Coville	Not stated	HS Student
Dillon Daniel-Hoffman	Downtown development, Growth, Education	HS Math Teacher
Douglas Craig	Local economic development, making Milwaukie a destination	HS Student
Ela Rasmussen	Development of Vacant Properties, Historic Milwaukie	Administrator
Greg Baartz-Bowman	Transportation, Community Events	Film Producer
Howie Oakes	Neighborhood Services, Identity and Connectivity; Sustainability, Energy Efficiency	Engineer/Designer
James Cronin	Waterway/Watershed Quality and Protection, Elderly Services, Homebuyer Assistance	Journalist
Jason Brown	Not stated	Swordguild Portland
Jeff Mitchell	Green Space, Sustainability, Parks, Walkable Communities	Distribution Services Tech
Jesse Tremblay	Real Estate, Permitted Uses, Education	Realtor
Jessica Neu	Attracting Small Businesses, Non-profit group opportunities	Human Resources Consultant
Joel Bergman	Urban Renewal, Safe Routes to School, Sidewalks	Operations Manager
John Balzer	A Vibrant, Livable Downtown and Historic Milwaukie	Retired Teacher/Artist
John Burns	Sidewalks, Transportation Safety Improvements, Neighborhood Connectivity	Engineer
Kayla Walker	Renewable Energy, Carbon Reduction, Equity, Environmental Stewardship	Sustainability Solutions Specialist
Lauren Loosveldt	Sustainability, Transportation, Downtown Development, Parks	Architect
Lindsey Duncan	Wellness, Sidewalks, Bike Lanes, Downtown Development	Marketing Coordinator, Bob's Red Mill
Lucy Becker	Unity	Retired
Maitri Dirmeyer	Greenways, Bike Lanes, Sidewalks, Parks, Community Center, Library	Program Coordinator
Maribeth Webster	Repaving local streets (42nd between Monroe and Railroad)	Operations Analyst
Martha Germany	Parks, City Beautification, Maintaining Community Charm/History	Retired Legal Assistant
Matt Dake	Not stated	Internal Auditor
Michael Wiebe	Small Business Development, Bike/Recreational Areas, Community Engagement	Security Manager
Mike Schneider	Downtown Development, Riverfront Development, Bike Commuting	General Contractor
Milo Denham	Livability, Fiscal Responsibility, Improved Resident Access to City Council	Financial Analyst
Misty Collard	Urban Renewal, Education, Meeting Needs of Low Income Residents	Low Income Housing Specialist
Monica Nelson	Education, Arts, Literature, Disability Advocacy, Public Safety	Musician
Naoki Yoneyama	Equity, Affordable Housing, Sustainable Transportation, Economic Development	Financial Analyst
Nathaniel Taylor	Business Development, Environment, Downtown Planning	Engineer/Teacher/Artist
Oliver Roller	Entertainment, Restaurants, Multimodal Transportation	Business Owner
Rochelle MacDonald	Transportation, Zoning	Rideshare Operator/Realtor
Scott Jones	Land Use, Downtown Infrastructure/Development, Arts, Small Business Growth	Architectural Project Manager
Serafine Lilien	Growth/Development, Parks, Public Art, Culture	Ergonomist
Shannah Anderson	Environmental Conservation, Sustainability, Community Engagement	Environmental Planner
Stacy Johnson	Development of TriMet properties along Orange Line	Program Manager
Tom Madden	Historic Downtown, Business Diversity, Community Amenities	Retired
Wallace Brown	Arts, Education, Employment Growth	Quality Engineer at Blount
Zara Logue	Schools, Transportation, Art, Culture	Bank VP

# Attachment 3 - List of Recommended VAC Members

**Added June 30, 2016**

Name	Neighborhood	On City Board?	Occupation
Aдриanna Stanley	Historic	No	Transportation Engineer
Angelene Falconer	Ardenwald	Public Safety	Litigation Support Manager
Arianna Van Bergen	Lake Road	No	Student/Library Assistant
Ben Rousseau	Lake Road	Public Safety	Systems Analyst
Bryce Magorian	Historic	No	Administrative Assistant
Chris Davis	Lewelling	artMOB	Artist/Consultant
Douglas Craig	Lake Road	No	HS Student
Greg Baartz-Bowman	Historic	No	Film Producer
Howie Oakes	Lewelling	No	Engineer/Designer
Jessica Neu	Island Station	No	Human Resources Consultant
Misty Collard	Ardenwald	No	Low Income Housing Specialist
Naoki Yoneyama	Historic	No	Financial Analyst
Rochelle MacDonald	Linwood	No	Rideshare Operator/Realtor
Shannah Anderson	Linwood	Planning Commission	Environmental Planner
Zara Logue	Hector Campbell	No	Bank VP



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: **RS 6. C.**  
Meeting Date: **July 5, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Meek Street Storm System  
Engineering Services Agreement**

From: Charles Eaton, Engineering Director

Date: June 24, 2016

**ACTION REQUESTED**

Authorize the City Manager to execute a contract with AKS Engineering for design, right-of-way, geotechnical and construction management services for the Meek Street Storm System.

**BACKGROUND**

The 2014 Stormwater Master Plan identified the Meek Street storm project as the second highest priority within the adopted capital improvement plan (Attachment 1). The City solicited qualifications from qualified engineering firms to submit proposals in February 2016. The City received 5 proposals and the selection committee selected two proposals for interviews in March 2016. The selection committee held interviews and selected one consultant as the most qualified based on the written materials and the interview evaluations. Staff requested compensation requirements from the firm selected and staff has negotiated a fair and reasonable compensation level for the final scope of services identified in Attachment 2, Exhibit A.

Staff is recommending award of the Meek Street Engineering Services Agreement to AKS Engineering for a not to exceed amount of \$612,570.

**FISCAL IMPACTS**

Project is funded within the FY 16-18 budget

**WORK LOAD IMPACTS**

Project was schedule during this time period, no additional impacts anticipated.

**ALTERNATIVES**

1. Reject the proposal and proceed to the next most qualified consultant.
2. Reject all proposals

**ATTACHMENTS**

1. Resolution
2. Meek Street CIP fact Sheet
3. Engineering Services Agreement



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

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES FOR THE MEEK STREET STORM SYSTEM.**

**WHEREAS**, the stormwater master plan identified the Meek Street system as a priority project to improve the City's storm water infrastructure; and

**WHEREAS**, The engineering services for the design and construction management services are best contracted out for the identified project; and

**WHEREAS**, a formal competitive request for proposal process following Chapter 70 of the City's Public Contracting Rules was conducted; and

**WHEREAS**, AKS Engineering and Forestry LLC is recommended as the most qualified firm for the project; and

**Now, Therefore, be it Resolved** that the City of Milwaukie authorizes the City Manager to execute a contract for engineering services in the amount not to exceed \$612,570 with AKS Engineering and Forestry, LLC.

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

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

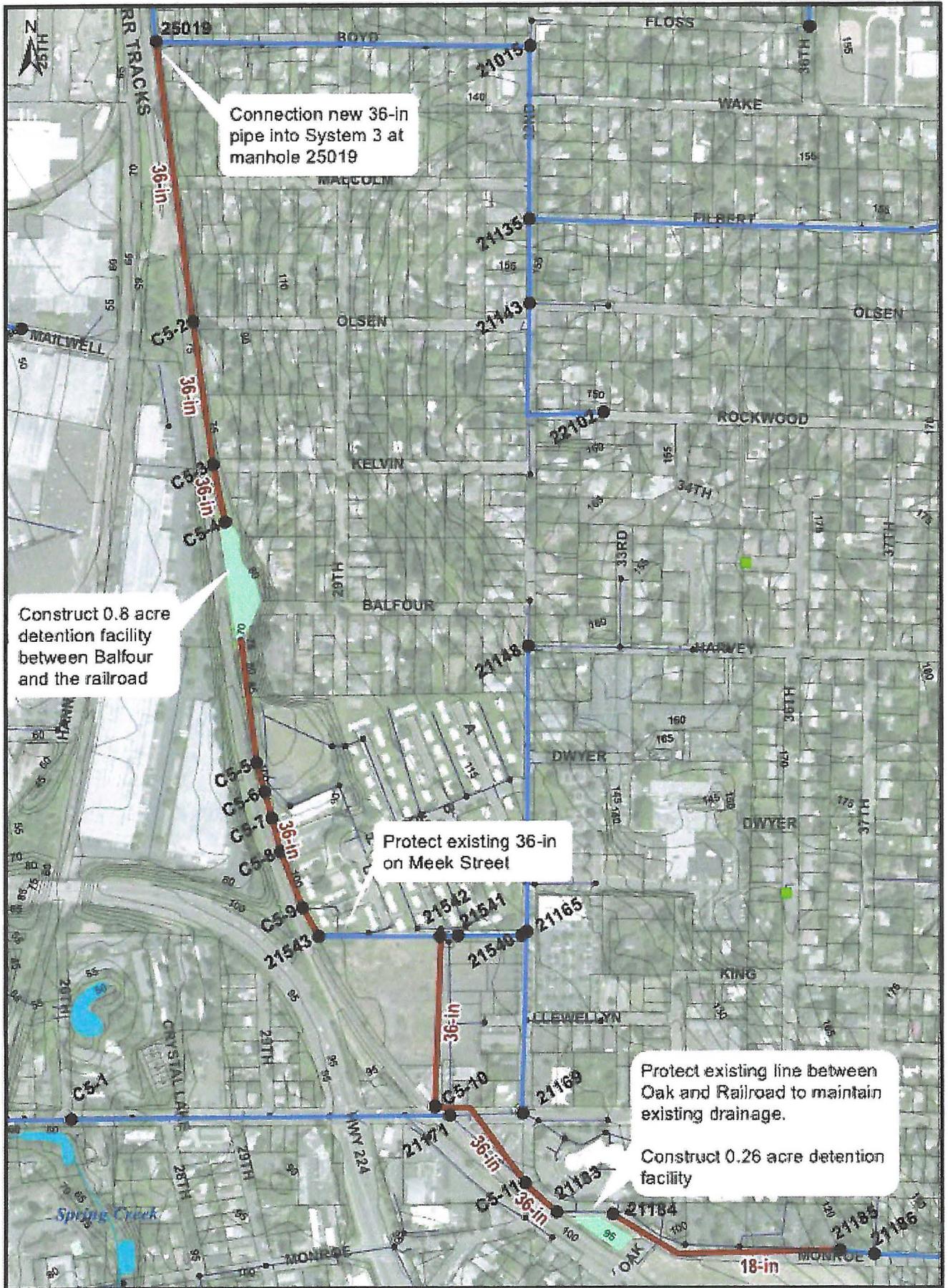
\_\_\_\_\_  
Mark Gamba, Mayor

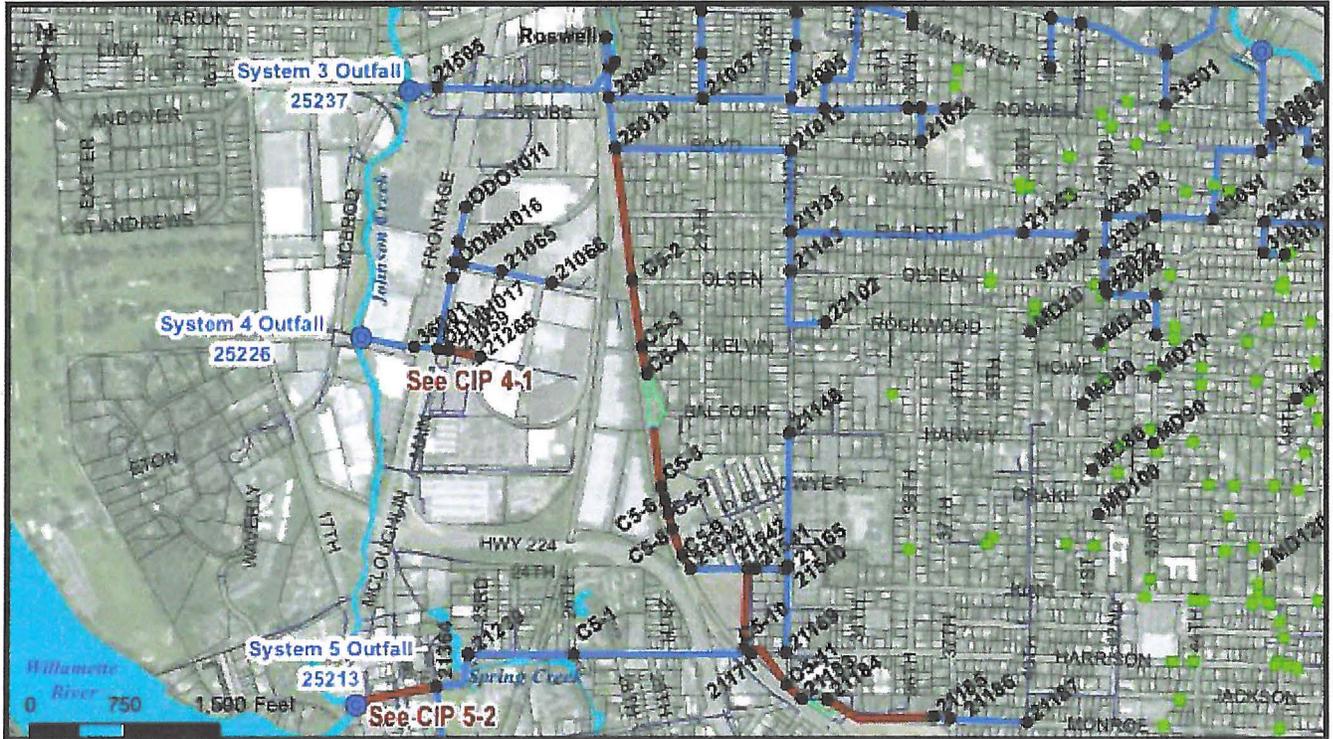
ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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





<b>Project Name</b>	Meek Street
<b>Project ID</b>	5-1
<b>Modeled System No.</b>	5
<b>Associated Subbasins</b>	JCC94, JCC93, JCC92, JCC91, JCA60, JCA52, JCA51, JCA50, JCA41
<b>Associated Modeled Pipes/Conduits</b>	Multiple
<b>Objective(s) Addressed</b>	Flood Control – Pipe Capacity Deficiency

**Project Description**

System wide flooding is predicted during the existing and future 10 and 25-year events. CIP 5-1 addresses the majority of the flooding via the Meek Street bypass, which re-routes flows from subbasins JCA41, JCA50, JCA51, JCA52 and JCA60 away from the Harrison Street system to the north.

A similar CIP to address flooding in System 5 was proposed in the 2004 plan. Since completion of the 2004 plan, the City completed design for a 36-in pipeline to convey flow from 32<sup>nd</sup> Ave, along Meek Street and north along the railroad tracks to the west end of Balfour Street. In 2005, the portion of this pipeline along Meek Street, west of 32<sup>nd</sup> Avenue was constructed. However, the Meek Street pipe system was constructed with inadequate slope to maintain the existing concept per CIP-2 from the 2004 MP. This CIP proposes to incorporate the recently constructed pipeline along Meek Street into the design.

The portion of this CIP along Monroe Street includes replacement of the existing 12-in concrete pipe with 18-in HDPE from manhole 21185 to 21184. This pipe discharges into a new detention facility between Oak and Railroad, which is necessary to maintain use of the recently constructed 36-in pipeline on Meek Street. The detention facility is proposed on tax lot 11E36AB03000, which is currently undeveloped private property.

1,560-ft of new 36-in HDPE pipe is proposed from the discharge of the Oak and Railroad detention facility at 21183 to Meek Street at manhole 21542. Approximately 630-ft of the pipeline is aligned on private property along an existing 12-in pipe owned by the City.

The existing 36-in pipe on Meek Street from manhole 21542 to manhole 21543 will be protected in place. At manhole 21543, 985-ft of new HDPE is proposed per the 2006 Meek Street Storm Improvements Phase II design, completed by Century West Engineering Corporation. This pipeline is aligned on the east side of the railroad tracks. The new 36-in pipeline will discharge to a detention facility at Balfour, which is sized to utilize the available open space and provide necessary storage to maintain capacity in System 3, downstream of manhole 25019.

From the Balfour detention facility, 1,800-ft of 36-in HDPE is proposed to the connection at manhole 25019. Open channel flow may be an option for this reach, but this CIP was estimating using pipe because information on the available width between the railroad tracks and the toe of the existing slope was unknown.

**Estimated Planning Cost (2012 dollars)**

Construction Cost Sub-total (See Appendix X for details)	\$1,827,300
Construction Contingency (30%)	\$548,200
Sub-total	\$2,375,500
Engineering and Permitting (25%)	\$593,900
Construction Administration (5%)	\$118,800
<b>Capital Project Implementation Cost Total</b>	<b>\$3,088,200</b>
<b>Existing to Future % Flow Increase</b>	<b>56%</b>

**Design Assumptions**

- Site acquisition is not included in the cost of this project. The proposed Oak and Railroad detention facility has been sited on private property.
- The City has an existing easement for use of the Balfour site.
- Cost of asphalt surface restoration was removed on pipe unit costs from Meek Street to manhole 25019.
- 1,000 cubic yards of excavation and 1,000 cubic yards of embankment was assumed to estimate earthwork costs for the Balfour facility. Detailed design with survey information should be completed to estimate actual earthwork quantities and evaluate slope stability in this area. The eastern portion of the Balfour facility is located near the toe of a steep slope.
- The vertical datum on the Meek Street Storm Improvements Phase II design, completed in 2006 by Century West Engineering Corporation does not match NGVD29, which was the datum used for this master plan. Elevations were adjusted relatively to the NGVD29 datum for modeling and reporting purposes.



**ENGINEERING SERVICES AGREEMENT  
WITH THE CITY OF MILWAUKIE, OREGON  
FOR MEEK STREET PIPE INSTALLATION DESIGN  
(CIP-2016-Y11)**

**THIS AGREEMENT**, made and entered into this 5<sup>th</sup> day of July, 2016, by and between the City of Milwaukie, a municipal corporation, hereinafter referred to as the "City," and **AKS Engineering & Forestry, LLC**, whose authorized representative is **John P. Christiansen, PE**, and having a principal being a registered engineer of the State of Oregon, hereinafter referred to as the "Engineer."

**RECITALS**

**WHEREAS**, the City's Fiscal Year 2017, 2018 and 2019 budget provides for the design and construction of **Meek Street Pipe Installation (CIP-2016-Y11)**; and

**WHEREAS**, the accomplishment of the work and services described in this Agreement is necessary and essential to the public works improvement program of the City; and

**WHEREAS**, the City desires to engage the Engineer to render professional engineering services for the project described in this Agreement, and the Engineer is willing and qualified to perform such services;

**THEREFORE**, in consideration of the promises and covenants contained herein, the parties hereby agree as follows:

**1. Engineer's Scope of Services**

The Engineer shall perform professional engineering services relevant to the Project in accordance with the terms and conditions set forth herein, and as provided in Exhibit A, which is attached hereto and by this reference made a part of this Agreement.

**2. Effective Date and Duration**

This agreement shall become effective upon the date of execution by the City and shall expire, unless otherwise terminated or extended, on completion of the work or **October 31, 2019**, whichever comes first. All work under this Agreement shall be completed prior to the expiration of this Agreement.

**3. Engineer's Fee**

**A. Basic Fee**

**1)** As compensation for Basic Services as described in Exhibit A of this Agreement, and for services required in the fulfillment of Paragraph 1, the Engineer shall be paid on an hourly rate based upon the "Schedule of Rates" in Exhibit A of this agreement, which shall constitute full and complete payment for said services and all expenditures which may be made and expenses incurred, except as otherwise expressly provided in this Agreement. The Basic Fee shall not exceed the amount of **Six Hundred Twelve Thousand Five Hundred Seventy** dollars (**\$612,570.00**) without prior written authorization.

**2)** The parties hereto do expressly agree that the Basic Fee is based upon the Scope of Services provided in Exhibit A and is not necessarily related to the estimated construction cost of the Project. In the event that the actual construction cost differs

from the estimated construction cost, the Engineer's compensation will not be adjusted unless the Scope of Services changes and is authorized and accepted by the City.

**B. Payment Schedule for Basic Fee**

Payments shall be made upon receipt of billings based on the work completed. Billings shall be submitted by the Engineer periodically, but not more frequently than monthly. Payment by the City shall release the City from any further obligation for payment to the engineer for service or services performed or expenses incurred as of the date of the statement of services. Payment shall be made only for work actually completed as of the date of invoice. Payment shall not be considered acceptance or approval of any work or waiver of any defects therein.

**C. Payment for Special Services**

Only when directed in writing by the City, and signed by both parties as an addendum to this Agreement, the Engineer shall furnish or acquire for the City the professional and technical services based on the hourly rate schedule as described in Exhibit A of this contract for minor project additions and/or alterations.

**D. Certified Cost Records**

The Engineer shall furnish certified cost records for all billings pertaining to other than lump sum fees to substantiate all charges. For such purposes, the books of account of the Engineer shall be subject to audit by the City. The Engineer shall complete work and cost records for all billings in accordance with generally accepted accounting principles.

**E. Contract Identification**

The Engineer shall furnish to the City its employer identification number, as designated by the Internal Revenue Service, or social security number, as the City deems applicable.

**F. Payment – General**

- 1)** Engineer shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.
- 2)** Engineer shall pay employees at least time and a half pay for all overtime worked in excess of 40 hours in any one week except for individuals under the contract who are excluded under ORS 653.010 to 653.261 or under 29 USC sections 201 to 209 from receiving overtime.
- 3)** Engineer shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention incident to sickness or injury to the employees of Engineer or all sums which Engineer agrees to pay for such services and all moneys and sums which Engineer collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.
- 4)** The City certifies that sufficient funds are available and authorized for expenditure to finance costs of this contract.
- 5)** Engineer shall make payments promptly, as due, to all persons supplying services or materials for work covered under this contract. Engineer shall not permit any lien or claim to be filed or prosecuted against the City on any account of any service or materials furnished.
- 6)** If Engineer fails, neglects or refuses to make prompt payment of any claim for labor, materials, or services furnished to Engineer, sub-consultant or subcontractor by any person as such claim becomes due, City may pay such claim and charge the amount of

the payment against funds due or to become due to the Engineer. The payment of the claim in this manner shall not relieve Engineer or its surety from obligation with respect to any unpaid claims.

**4. Ownership of Plans and Documents: Records**

- A. The field notes, design notes, and original drawings of the construction plans, as instruments of service, are and shall remain, the property of the Engineer; however, the City shall be furnished, at no additional cost, one set of previously approved reproducible drawings, on 3 mil minimum thickness mylar as well as diskette in "DWG" or "DXF" format, of the original drawings of the work. The City shall have unlimited authority to use the materials received from the Engineer in any way the City deems necessary. Any use, re-use or alteration of any materials other than as contemplated by the applicable Scope of Services shall be at the City's sole risk, unless written permission has been received from Engineer prior to any such use.
- B. The City shall make copies, for the use of and without cost to the Engineer, of all of its maps, records, laboratory tests, or other data pertinent to the work to be performed by the Engineer pursuant to this Agreement, and also make available any other maps, records, or other materials available to the City from any other public agency or body.
- C. The Engineer shall furnish to the City, copies of all maps, records, field notes, and soil tests which were developed in the course of work for the City and for which compensation has been received by the Engineer at no additional expense to the City except as provided elsewhere in this Agreement.

**5. Assignment/Delegation**

Neither party shall assign, sublet or transfer any interest in or duty under this Agreement without the written consent of the other and no assignment shall be of any force or effect whatsoever unless and until the other party has so consented. If City agrees to assignment of tasks to a subcontract, Engineer shall be fully responsible for the negligent acts or omissions of any subcontractors and of all persons employed by them, and neither the approval by City of any subcontractor nor anything contained herein shall be deemed to create any contractual relation between the subcontractor and City.

**6. Engineer is Independent Contractor**

- A. The City's project director, or designee, shall be responsible for determining whether Engineer's work product is satisfactory and consistent with this agreement, but Engineer is not subject to the direction and control of the City. Engineer shall be an independent contractor for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 3 of this Agreement.
- B. Engineer is an independent contractor and not an employee of City. Engineer acknowledges Engineer's status as an independent contractor and acknowledges that Engineer is not an employee of the City for purposes of workers compensation law, public employee benefits law, or any other law. All persons retained by Engineer to provide services under this contract are employees of Engineer and not of City. Engineer acknowledges that it is not entitled to benefits of any kind to which a City employee is entitled and that it shall be solely responsible for workers compensation coverage for its employees and all other payments and taxes required by law. Furthermore, in the event that Engineer is found by a court of law or an administrative agency to be an employee of the City for any purpose, City shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Engineer under the terms of the agreement, to the full extent of any benefits or other remuneration Engineer receives (from City or third party) as a result of said finding and to the full extent of any

payments that City is required to make (to Engineer or to a third party) as a result of said finding.

- C. The undersigned Engineer hereby represents that no employee of the City or any partnership or corporation in which a City employee has an interest, has or will receive any remuneration of any description from the Engineer, either directly or indirectly, in connection with the letting or performance of this Agreement, except as specifically declared in writing.
- D. If this payment is to be charged against Federal funds, Engineer certifies that he/she is not currently employed by the Federal Government and the amount charged does not exceed his/her normal charge for the type of service provided.
- E. Engineer and its employees, if any, are not active members of the Oregon Public Employees Retirement System and are not employed for a total of 600 hours or more in the calendar year by any public employer participating in the Retirement System.
- F. Engineer certifies that it currently has a City business license or will obtain one prior to delivering services under this Agreement.
- G. Engineer is not an officer, employee, or agent of the City as those terms are used in ORS 30.265.

## 7.

### Indemnity

- A. The City has relied upon the professional ability and training of the Engineer as a material inducement to enter into this Agreement. Engineer represents to the City that the work under this contract will be performed in accordance with the professional standards of skill and care ordinarily exercised by members of the engineering profession under similar conditions and circumstances as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Engineer's work by the City shall not operate as a waiver or release. Acceptance of documents by City does not relieve Engineer of any responsibility for negligent or wrongful design deficiencies, errors, or omissions.
- B. Claims for other than Professional Liability. Engineer shall defend, save and hold harmless the City of Milwaukie, its officers, agents, and employees from all claims, suits, or actions and all expenses incidental to the investigation and defense thereof, of whatsoever nature, including intentional acts to the extent resulting from or arising out of the activities of Engineer or its subcontractors, sub-consultants, agents or employees under this contract. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification.
- C. Claims for Professional Liability. Engineer shall defend, save and hold harmless the City of Milwaukie, its officers, agents, and employees from all claims, suits, or actions and all expenses incidental to the investigation and defense thereof, to the extent arising out of the professional negligent acts, errors or omissions of Engineer or its subcontractors, sub-consultants, agents or employees in performance of professional services under this agreement. Any design work by Engineer that results in a design of a facility that is not readily accessible to and usable by individuals with disabilities shall be considered a professionally negligent act, error or omission.
- D. As used in subsections B and C of this section, a claim for professional responsibility is a claim made against the City in which the City's alleged liability results directly from the quality of the professional services provided by Engineer, regardless of the type of claim made against the City. A claim for other than professional responsibility is a claim made against the City in

which the City’s alleged liability results from an act or omission by Engineer unrelated to the quality of professional services provided by Engineer.

**8. Insurance**

Engineer and its subcontractors shall maintain insurance acceptable to City in full force and effect throughout the term of this contract. Such insurance shall cover risks arising directly or indirectly out of Engineer's activities or work hereunder, including the operations of its subcontractors of any tier. Such insurance shall include provisions that such insurance is primary insurance with respect to the interests of City and that any other insurance maintained by City is excess and not contributory insurance with the insurance required hereunder.

The policy or policies of insurance maintained by the Engineer and its subcontractors shall provide at least the following limits and coverages:

**A. Commercial General Liability Insurance**

Engineer shall obtain, at Engineer's expense, and keep in effect during the term of this contract, Commercial General Liability Insurance covering Bodily Injury and Property Damage on an “occurrence” form. This coverage shall include Contractual Liability insurance for the indemnity provided under this contract and Product and Completed Operations. Such insurance shall be primary and non-contributory. The following insurance will be carried:

<u>Coverage</u>	<u>Limit</u>
General Aggregate	\$3,000,000
Products-Completed Operations Aggregate	3,000,000
Personal & Advertising Injury	3,000,000
Each Occurrence	2,000,000
Fire Damage (Any one fire)	500,000
Medical Expense (Any one person)	5,000

**B. Professional Liability**

Engineer shall obtain, at Engineer’s expense, and keep in effect during the term of this contract, Professional Liability Insurance covering any damages caused by an error, omission or any negligent act. Combined single limit per occurrence shall not be less than \$2,000,000, or the equivalent. Annual aggregate limit shall not be less than \$3,000,000 and filed on a “claims-made” form.

**C. Commercial Automobile Insurance**

Engineer shall also obtain, at engineer’s expense, and keep in effect during the term of the contract Commercial Automobile Liability coverage on an “occurrence” form including coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than \$2,000,000.

**D. Workers’ Compensation Insurance**

The Engineer, its subcontractors, if any, and all employers providing work, labor or materials under this Contract who are subject employers under the Oregon Workers’ Compensation Law shall comply with ORS 656.017, which requires them to provide workers’ compensation coverage that satisfies Oregon law for all their subject workers. Out-of-state employers must provide Oregon workers’ compensation coverage for their workers that complies with ORS 656.126. This shall include Employer’s Liability Insurance with coverage limits of not less than \$500,000 each accident.

- E. Additional Insured Provision**  
The Commercial General Liability Insurance Policy and Automobile Policy shall include the City its officers, directors, and employees as additional insureds with respect to this contract. Coverage will be endorsed to provide a per project aggregate.
- F. Extended Reporting Coverage**  
If any of the aforementioned liability insurance is arranged on a “claims made” basis, Extended Reporting coverage will be required at the completion of this contract to a duration of 24 months or the maximum time period the Engineer’s insurer will provide such if less than 24 months. Engineer will be responsible for furnishing certification of Extended Reporting coverage as described or continuous “claims made” liability coverage for 24 months following contract completion. Continuous “claims made” coverage will be acceptable in lieu of Extended Reporting coverage, provided its retroactive date is on or before the effective date of this contract. Coverage will be endorsed to provide a per project aggregate.
- G. Notice of Cancellation**  
There shall be no cancellation, material change, or intent not to renew insurance coverage without 30 days written notice to the City. Any failure to comply with this provision will not affect the insurance coverage provided to the City. The 30 days’ notice of cancellation provision shall be physically endorsed on to the policy.
- H. Insurance Carrier Rating**  
Coverage provided by the Engineer must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.
- I. Certificates of Insurance**  
As evidence of the insurance coverage required by the contract, the Engineer shall furnish a Certificate of Insurance to the City. No contract shall be effected until the required certificates have been received and approved by the City. A renewal certificate will be sent to the address below ten days prior to coverage expiration.
- Certificates of Insurance should read “Insurance certificate pertaining to contract for (Name of project) . The City of Milwaukie, its officers, directors and employees shall be added as additional insureds with respects to this contract. Insured coverage is primary” in the description portion of certificate.
- J. Primary Coverage Clarification**  
The parties agree that Engineer’s coverage shall be primary to the extent permitted by law. The parties further agree that other insurance maintained by the City is excess and not contributory insurance with the insurance required in this section.
- K. Cross-Liability Clause**  
A cross-liability clause or separation of insureds clause will be included in general liability.

Engineer's insurance policy shall contain provisions that such policies shall not be canceled or their limits of liability reduced without 30 days prior notice to City. A copy of each insurance policy, certified as a true copy by an authorized representative of the issuing insurance company, or at the discretion of City, in lieu thereof, a certificate in form satisfactory to City certifying to the issuance of such insurance shall be forwarded to:

City of Milwaukie  
Attn: Finance  
10722 SE Main Street  
Milwaukie, Oregon 97222

Business Phone: 503-786-7555  
Business Fax: 503-653-2444  
Email Address: finance@milwaukieoregon.gov

Such policies or certificates must be delivered prior to commencement of the work. Thirty days cancellation notice shall be provided City by mail to the name at the address listed above in event of cancellation or non-renewal of the insurance.

The procuring of such required insurance shall not be construed to limit Engineer's liability hereunder. Notwithstanding said insurance, Engineer shall be obligated for the total amount of any damage, injury, or loss to the extent caused by negligence or wrongful acts in the performance of services with this contract.

**9. Termination Without Cause**

At any time and without cause, City shall have the right, in its sole discretion, to terminate this Agreement by giving notice to Engineer. If City terminates the contract pursuant to this paragraph, it shall pay Engineer for services rendered to the date of termination.

**10. Termination With Cause**

**A.** City may terminate this Agreement effective upon delivery of written notice to Engineer, or at such later date as may be established by City, under any of the following conditions:

- 1)** If City funding from federal, state, local, or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services. This Agreement may be modified to accommodate a reduction in funds.
- 2)** If Federal or State regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement.
- 3)** If any license or certificate required by law or regulation to be held by Engineer, its subcontractors, agents, and employees to provide the services required by this Agreement is for any reason denied, revoked, or not renewed.
- 4)** If Engineer becomes insolvent, if voluntary or involuntary petition in bankruptcy is filed by or against Engineer, if a receiver or trustee is appointed for Engineer, or if there is an assignment for the benefit of creditors of Engineer.

Any such termination of this agreement under paragraph (A) shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

**B.** City, by written notice of default (including breach of contract) to Engineer, may terminate the whole or any part of this Agreement:

- 1)** If Engineer fails to provide services called for by this agreement within the time specified herein or any extension thereof, or
- 2)** If Engineer fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from City, fails to correct such failures within ten days or such other period as City may authorize.

The rights and remedies of City provided in the above clause related to defaults (including breach of contract) by Engineer shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

If City terminates this Agreement under paragraph (B), Engineer shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred, an amount which bears the same ratio to the total fees specified in this Agreement as the services satisfactorily rendered by Engineer bear to the total services otherwise required to be performed for such total fee; Damages for breach of contract shall be those allowed by Oregon law, reasonable and necessary attorney fees, and other costs of litigation at trial and upon appeal.

**11. Non-Waiver**

The failure of either party to insist upon or enforce strict performance by the other party of any of the terms of this Agreement or to exercise any rights hereunder, should not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights on any future occasion.

**12. Method and Place of Giving Notice, Submitting Bills and Making Payments**

All notices, bills and payments shall be made in writing and may be given by personal delivery, mail, email or by fax. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices, bills, payments, and other information:

<b>City</b>	<b>Contractor</b>
City of Milwaukie	Company: <b>AKS Engineering &amp; Forestry, LLC</b>
Attn: Accounts Payable	Attn: John P. Christiansen, PE
10722 SE Main Street	Address: 12965 SW Herman Rd, Suite 100
Milwaukie, Oregon 97222	Tualatin, OR 97062
Phone: 503-786-7523	Phone: (503) 563-6151
Fax: 503-786-7528	Fax: (503) 563-6152
Email Address: finance@milwaukieoregon.gov	Email Address: johnc@aks-eng.com

and when so addressed, shall be deemed given upon deposit in the United States mail, postage prepaid, or when so faxed, shall be deemed given upon successful fax. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills and payments are to be given by giving written notice pursuant to this paragraph.

**13. Merger**

This writing is intended both as a final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties.

**14. Force Majeure**

Neither City nor Engineer shall be considered in default because of any delays in completion and responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the parties so disenabled, including but not restricted to, an act of God or of a public enemy, civil unrest, volcano, earthquake, fire, flood, epidemic, quarantine restriction, area-wide strike, freight embargo, unusually severe weather or delay of subcontractor or supplies due to such cause; provided

that the parties so disabled shall within ten days from the beginning of such delay, notify the other party in writing of the cause of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation. Each party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligation under the Agreement.

**15. Non-Discrimination**

Engineer agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Engineer also shall comply with the Americans with Disabilities Act of 1990, as amended, ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.

**16. Errors**

Engineer shall perform such additional work as may be necessary to correct negligent errors in the work required under this Agreement without undue delays and without additional cost.

**17. Extra (Changes) Work**

Only the **City's Project Manager, Geoff Nettleton** may authorize extra (and/or change) work. Failure of Engineer to secure authorization for extra work shall constitute a waiver of all right to adjustment in the contract price or contract time due to such unauthorized extra work and Engineer thereafter shall be entitled to no compensation whatsoever for the performance of such work.

**18. Governing Law**

The provisions of this Agreement shall be construed in accordance with the provisions of the laws of the State of Oregon. Any action or suits involving any question arising under this Agreement must be brought in the appropriate court of the State of Oregon.

**19. Compliance With Applicable Law**

Engineer shall comply with all applicable federal, state, local laws and ordinances, including but not limited to ORS 279B.020, 279B.220, 279B.225, 279B.230, and 279B.235, which are incorporated herein. If Engineer is a foreign contractor as defined in ORS 279A.120, Engineer shall comply with that section and the City must satisfy itself that the requirements of ORS 279A.120 have been complied with by Engineer before City issues final payment under this agreement. Engineer shall not provide or offer to provide any appreciable pecuniary or material benefit to any officer or employee of City in connection with this Agreement in violation of ORS chapter 244...

**20. Conflict Between Terms**

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument in the proposal of the contract, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

**21. Access to Records**

City shall have access to such books, documents, papers and records of Engineer as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.

**22. Audit**

Engineer shall maintain records to help assure conformance with the terms and conditions of this Agreement, and to help assure adequate performance and accurate expenditures within the contract period. Engineer agrees to permit City, the State of Oregon, the federal government, or their duly

authorized representatives to audit all records pertaining to this Agreement to help assure the accurate expenditure of funds.

**23. Severability**

In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected to the extent that it did not materially affect the intent of the parties when they entered into the agreement.

**24. Complete Agreement**

This Agreement and attached exhibit(s) constitutes the entire Agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. Engineer, by the signature of its authorized representative, hereby acknowledges that he/she has read this Agreement, understands it and agrees to be bound by its terms and conditions.

**IN WITNESS WHEREOF**, City has caused this Agreement to be executed by its duly

authorized undersigned officer and Engineer has executed this Agreement on the date hereinabove first written.

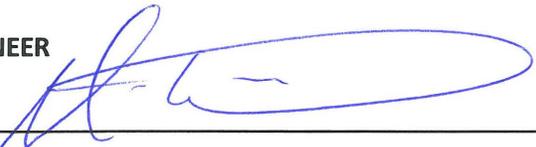
**CITY OF MILWAUKIE**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Date

**ENGINEER**



\_\_\_\_\_  
Signature

*John P. Christiansen - Member*  
\_\_\_\_\_  
Print Name & Title

*6/27/16*  
\_\_\_\_\_  
Date

## Exhibit A

### Scope of Work

#### **1.1 Introduction**

The City of Milwaukie (City) is seeking high quality and responsible services from qualified and experienced consulting engineering firms to provide surveying and engineering design and consultation services for approximately 6,350 LF of stormwater pipe at a competitive price.

#### **1.2 Term of Service**

The contract resulting from this Request for Proposals (RFP) shall be for a period not to exceed 5 years, commencing from the date of the fully executed contract.

#### **1.3 Project Understanding**

System wide flooding is predicted during the existing and future 10- and 25-year storm events. This project addresses the majority of the flooding via the Meek Street bypass, which reroutes water away from the Harrison Street system to the north.

The City previously completed design for a 36-inch pipeline to convey flow from 32nd Ave, along Meek Street, and north along the railroad tracks to the west end of Balfour Street. In 2005, a portion of this pipeline along Meek Street and west of 32nd Avenue was constructed. However, the Meek Street pipe system was constructed with inadequate slope to maintain the existing concept. This Project proposes to incorporate the recently constructed pipeline along Meek Street into the design.

The selected consultant may utilize the City's 2014 Stormwater Master Plan prepared by Brown and Caldwell as a basis for design. The consultant shall verify all alignments, pipe sizes, utility conflicts, and runoff from contributing basins in finalizing the design. Subbasin boundaries defined in the master plan can be assumed to be accurate and utilized as a basis for the analysis. The analysis shall include runoff calculations from all areas contributory to the proposed system. The consultant shall notify City if runoff from areas not identified in the master plan affect the design of the proposed system. The proposed system is generally described below.

The portion of this project along Monroe Street will include replacement of the existing 12-inch concrete pipe with HDPE. This pipe will discharge into a new detention facility between Oak Street and Railroad Avenue, which is necessary to maintain use of the recently constructed 36-inch pipeline on Meek Street. The detention facility is proposed on Tax Lot 11E36AB03000, which is currently undeveloped private property.

Approximately 1,560 feet of new HDPE pipe is proposed from the discharge of the Oak Street and Railroad Avenue detention facility to Meek Street. Approximately 630 feet of the pipeline will be aligned on private property along an existing 12-inch pipe owned by the City.

The existing 36-inch pipe on Meek Street will be protected in place. A new pipeline will be installed at the westerly manhole and discharge to a detention facility at Balfour Street, which will be sized to utilize the available open space and provide necessary storage to maintain capacity in the system downstream of the manhole located on the westerly end of Boyd Street.

From the Balfour Street detention facility, 1,800 feet of HDPE is proposed to the connection at the manhole located at the westerly end of Boyd Street. Open channel flow may be an option for this reach, but must be further evaluated once the survey is received. This project assumes pipe will be required because information on the available width between the railroad tracks and the toe of the existing slope is unknown.

The outfall from Boyd Street into an existing ditch that runs along the easterly side of the railroad tracks

from Boyd Street to an existing ditch inlet just west of the end of Roswell Street will also need to be evaluated.

Detailed design documents, including a design report, construction plans, and opinions of probable costs, shall be completed utilizing the 2014 Stormwater Master Plan as a guide only. The selected consultant shall perform a detailed survey as the basis of the design. The selected engineer should calculate earthwork quantities and evaluate slope stability, as necessary, utilizing a Geotechnical Engineer registered in the State of Oregon. The eastern portion of the Balfour Street facility is located near the toe of a steep slope.

## **1.4 Scope of Services**

### **Task 1 – Project Management**

#### **A. Project Administration**

Consultant shall provide a Project Administration Plan to direct, coordinate, and monitor the activities of the project with respect to budget, schedule, and contractual obligations. The Project Administration Plan shall be updated on a biweekly basis and submitted to the City.

#### **B. Coordination Meetings**

Consultant shall provide a minimum of biweekly conference calls and/or meetings between the Consultant and City personnel to review project progress, discuss project challenges and findings, and review early study results. Consultant shall provide a meeting agenda minimum of 1 day prior to coordination meetings. Consultant shall ensure that the City personnel and Consultant team members maintain a shared understanding regarding study direction, objectives, and deliverables. Coordination meetings shall end with the issuance of the 100% design package.

#### **C. Quality Assurance and Quality Control Review**

Consultant shall conduct internal Quality Assurance and Quality Control meetings and follow-up with technical experts as necessary during the course of the project.

### **Task 2 – Data Gathering and Alignment Validation**

#### **A. Kickoff Meeting and Project Overview**

Consultant shall initiate the project kickoff meeting. Consultant shall prepare an agenda for the kickoff meeting, invite necessary attendees, collect data, and discuss the schedule of the project.

#### **B. Conduct Interviews**

Consultant shall conduct interviews with City personnel familiar with the existing stormwater system operation and the City's 2014 Stormwater Master Plan to collect information necessary for the project. The interview will be structured in a group setting and will include City stakeholders as directed by the City.

#### **C. Alignment Validation**

Consultant shall complete the following:

- C.1 Review the City's 2014 Stormwater Master Plan to verify stormwater runoff rates contributory to the proposed system.
- C.2 Review record as-built drawings provided by the City, if available.
- C.3 Prepare a preliminary stormwater analysis for sizing of all infrastructure associated with the proposed system.
- C.4 Prepare a GIS base map based on City-provided utility and tax lot information and LiDAR contours.
- C.5. Complete a GPS survey of existing site features and infrastructure critical to the development of

the design concept as determined by the Project Engineer (excludes work within UPRR right-of-way).

C.6 Develop a plan and profile of the entire proposed system including preliminary grading of the stormwater facilities.

C.7 Complete a geotechnical investigation including the following:

- Literature search and review of geologic maps, geotechnical reports in Shannon & Wilson files, files provided by the City (if available), LiDAR, and aerial photos.
- Site reconnaissance and utility locates; obtain County permits to do exploration on County properties.
- Explorations:
  - One mud-rotary boring to 40 feet below ground surface (bgs) through the pavement at the end of SE Balfour Street using a vibrating wire piezometer installation for measuring groundwater and a steel flush mount monument cover to investigate mapped landslide.
  - One mud-rotary boring to 20 feet bgs in the grass area behind the senior living high-rise on Tax Lot 100 (Map 1 1E 25CD) owned by Clackamas County to investigate mapped quarry.
  - One hand-auger boring to a depth of 15 feet bgs on the slope below the dead-end of Balfour Street within City right-of-way to investigate mapped landslide.
- Laboratory testing consisting of natural moisture content testing, in-place unit weight testing, and Atterberg Limits Testing.
- Preliminary engineering evaluation.
- Preliminary Geotechnical Design Technical Memorandum Letter (draft and final).

C.8 Complete a Hazardous Materials Corridor Assessment (HMCA) for areas affected by the project, including the following:

- The HMCA will identify potential sources of contamination that could impact the project. The HMCA will review the records listed below and make conclusions based on the data. Consultant's work conducted for the HMCA must be performed within the project API (Area of Potential Impact) and according to generally accepted environmental procedures as outlined in the Hazardous Waste Guide for Project Development by the American Association of State Highway and Transportation Officials (AASHTO) Special Committee on Environment, Archaeology and Historic Preservation and ODOT's HazMat Program Procedures Guidebook (March 2010).
- Consultant shall prepare a HMCA report summarizing the information obtained through the following tasks:
  - Physical Setting Sources. The physical setting sources must include (when available) a current U.S. Geological Survey (USGS) 7.5-minute topographic map and geologic, hydrologic, and soil information.
  - Historical Research. The resource (or combination of resources) selected will, if possible, provide historic information regarding land use for at least the past 50 years and include one or more of the following resources: Sanborn Fire Insurance Maps, historical aerial photographs, reverse City directories, historic property ownership/occupancy records, or building permits.
  - Environmental Database Search. Review previous environmental reports and available federal and State environmental records for hazardous waste generators, documented leaking or permitted underground storage tanks (USTs), sites with known or suspected releases, landfill sites, and Superfund sites using government web-based databases or using a commercial database search report. Consultant shall use the search radii set forth in ASTM Standard E1527-13 for these database searches.

- Site Reconnaissance. Conduct a visual reconnaissance from public rights-of-way and other areas accessible to the general public; consultant is not allowed to enter private property or contact the property owners without a permit of entry supplied, signed, and approved by the City.
- HMCA Report. Prepare a Draft HMCA report summarizing the information obtained through the scope of services defined above. The HMCA report must include a description of field observations, information from State and federal environmental databases, historic land use, a scaled map showing the locations of all identified potential sources of contamination, copies of historic data, copies of State and federal databases, and any other relevant documentation. It must include opinions and conclusions about the conditions observed in and adjacent to the API. Consultant shall prepare an Initial Site Assessment Checklist according to AASHTO and ODOT guidelines, provide photographs documenting project corridor observations, and include recommendations for additional studies or investigations if appropriate. The report must include conclusions that identify specific sources of contamination that could impact the project or the proposed construction work. The final report must be developed based on the City's review comments.

C.9 Prepare a programming-level appraisal for Tax Lot 3000 (Map 1 1E 36AB), Tax Lot 100 (Map 1 1E 25CD), and the portion of UPRR right-of-way affected by the Balfour Street stormwater facility. Notify the City of any additional properties requiring temporary construction or permanent easements.

C.10 Coordinate and participate in up to two concept design meetings with UPRR. Prepare any necessary exhibits and documents required to effectively communicate the preliminary design to UPRR.

C.11 Perform a natural resource assessment of the project area to identify any waters of the State that may be affected by the project, including a field delineation of natural resources. Prepare a technical memorandum of the findings and permitting procedure if natural resources are found within the project limits and are anticipated to be affected. Assuming the validation of the proposed alignment, these findings will be incorporated into the design documents within Task 4.

C.12 Prepare a Preliminary Engineer's Construction Cost Estimate for the project utilizing an engineer's estimate of preliminary quantities in accordance with scoping requirements established by the City.

C.13 Prepare a technical memorandum summarizing the findings of the Alignment Validation Study and final recommendations regarding project phasing.

## **Task 2 Assumptions**

### **Civil Engineering:**

- The stormwater analysis will extend from the inlet at the Roswell Street stormwater facility to the intersection of SE 37th Avenue and SE Monroe Street and be inclusive of all areas tributary to the project. Existing and future pipe sizes and slopes will be based on the master plan model, with the exception of the project alignment where the pipelines and ponds will be sized to convey the design storm.
- A fatal flaw in the CIP 5-1 concept is defined as follows:
  - a. The alignment cannot be constructed due to limitations of permitting through UPRR (i.e. UPRR will not allow the pipeline and stormwater facilities to be constructed in the UPRR ROW).
  - b. Downstream deficiencies are found in the Roswell Street stormwater facility that cannot be addressed by attenuating stormwater within the proposed stormwater infrastructure.
  - c. Hazardous materials are found within project limits to the extent that mitigation would become cost prohibitive.

- If a fatal flaw is discovered during Task 2, the following course of action will be taken:
  - a. Identify the fatal flaw and notify the City.
  - b. Renegotiate the professional services contract to include:
    - An alternatives analysis for modifying the CIP 5-1 concept to alleviate the downstream deficiency or modified alignment.
    - Design services including design development, construction documents, and construction phase services for the recommended system improvements as determined through the alternative analysis.
- It is assumed that the Balfour Street facility will be sized to attenuate stormwater to the extent that the system downstream of Boyd Street can convey the design storm from the proposed system.
- The stormwater analysis will be completed for the 2-, 5-, 10-, 25-, 50-, and 100-year storm events. The 100-year storm event will be the basis of design.
- The Preliminary Engineer's Construction Cost Estimate will be based on the engineer's experience with construction projects of a similar nature, and Oregon Department of Transportation Average Bid Prices.
- The Preliminary Engineer's Construction Cost Estimate will include a 30% contingency.

Geotechnical:

- A bond will not be required to perform explorations on City property.
- Consultant shall not enter private property or contact the property owners or occupants without a permit of entry.
- Consultant will prepare applications for applicable City permits. City will pay City permit fees.
- Consultant shall be responsible for traffic control as necessary to execute the geotechnical investigation.
- Landslide mitigation design will not be required.

HMCA:

- The project corridor can be treated as a single property.
- The HMCA will not include sampling of soil, water, air, or other media; laboratory analysis of any material; inspection for asbestos, lead-based paint, or other hazardous building materials; evaluation for the presence of radon gas; or a chain of title.

**Task 3 – Design Survey**

**A. Topographic Survey**

Consultant shall commence the topographic survey as soon as possible after Task 2 is completed. The scope of work to be performed by the selected consultant(s) may include, but are not limited to, typical survey services as described below:

- Contact Utility Notification Center of Oregon at least 48 hours prior to any surveying activities. All existing underground utilities within the proposed survey area shall be clearly marked.
- Coordinate with property owners to arrange access to private property, including land owned by UPRR,
- The survey shall reference the NAD 83 horizontal datum and NAVD 88 vertical datum in U.S. feet for the relative zone in the appropriate State Plane coordinate system. If applicable, provide any combined scale factor and origin used to convert coordinates from grid to ground.
- Record the location and description of all primary horizontal and vertical control benchmarks and provide a monument record for each one found or set.
- Horizontal and vertical data shall be taken at all pavement edges and pads (asphalt, concrete, gravel, etc.), concrete pavement joints, pavement markings (color and width), breaklines, curbs (back, face and pan), utility lines (communications, electrical, gas, sanitary sewer, storm sewer, water, etc.), hand holes, inlet/outlet structures, hydrants, junction boxes, lights, manholes, meters, navigational

aids, vaults, fence (height and type), poles/posts (height and type), reflectors, signs, drainage ditches and channels, grade breaks, walls, specific site features, etc. A sufficient number of points shall be taken along all horizontal curves to describe approximate radii. Provide structure rim or grate elevations, inverts, and pipe sizes. Points shall be taken on a 25-foot by 25-foot (25' x 25') grid on pavements and open terrain areas. Hardscape points shall be accurate to within four-hundredths of a foot (0.04') and terrain points within one-tenth of a foot (0.10').

- Provide recorded information (e.g. property lines, rights-of-way, easements, underground utility sizes).
- Provide any field sketches and/or notes in PDF format (.pdf), if applicable.
- Provide photos (.jpg format) of field conditions, as requested.
- Develop legal descriptions.
- Other survey work as determined by consultant to provide a completed project design.

### **B. Survey Deliverables**

Survey data shall be in the English system of measurement. Sheets shall be setup to print full size on ANSI D (22"x34") in landscape. The survey deliverables shall include an electronic survey base map that is compatible with AutoCAD 2013 software as described below:

- An ASCII file containing all survey points in comma delimited, number, northing, easting, elevation, and description format (PNEZD).
- AutoCAD release 2013 drawing format (.dwg) or previously released version.
- Surface entity of existing ground topography with all associated points, feature lines, 3D breaklines, etc. used in creating the surface. If the surface was created using AutoCAD Land Development Desktop, provide all points, breaklines, and generated Triangulated Irregular Network (.tin) files.
- XML file (.xml) with all alignments, points, surfaces, etc.
- Layer naming convention shall follow the National CAD Standards (NCS).
- Entities shall be separated onto specific layers. Do NOT group dissimilar items together.
- All entities shall be drawn in model view at a scale of 1:1.
- The layer properties of all entities shall be set to BYLAYER.
- Block symbols shall be to scale.

## **Task 4 – Design Development**

### **A. Stormwater Mainline Design**

Consultant shall design the stormwater mainline replacement based on best engineering practices and principles. Consultant shall design the grade, depth, and alignment of the stormwater mainline and other appurtenances as deemed necessary by the Design Engineer. Consultant shall analyze the adequacy of the downstream stormwater system with regard to this stormwater mainline and any other factors that may affect the efficient operation of the proposed stormwater mainline. Consultant shall make recommendations for any required improvements that may be affected by the design of this project. Consultant shall design proposed alignment to minimize right-of-way acquisition costs. Once the alignment has been designed and validated, consultant shall inform City of property to be acquired. The project is intended to be split into two construction phases. Phase 1 will construct a portion of the system from the downstream connection point near Boyd Street to the existing manhole located at the westerly end of Meek Street. Phase 2 will continue construction from the connection point within Meek Street to the upstream connection located within Monroe Street. The selected consultant will design and produce 30% design plans for both phases.

### **B. 30% Construction Plans**

The Consultant's standard plan set template shall be utilized for creating the 30% plan set for this

project. Sheets in the plan set shall include, but are not limited to, plan and profile views along the alignment of the stormwater mainline, proposed temporary and permanent easements, construction access, long-term access for stormwater facilities, necessary details to show connection to the existing stormwater mainline, open discharge location, detention facilities, retaining walls (if required), trees, fences, and structures to be removed/relocated by the project.

### **C. UPRR Encroachment Permit**

Consultant shall coordinate the design of the project with UPRR and submit the 30% plans to UPRR, following approval of the plans by the City, to begin the process of obtaining a Pipeline Encroachment Permit. Consultant shall notify the City of associated review and permit fees that may be charged by UPRR.

### **D. Geotechnical Investigation**

Consultant shall perform a geotechnical investigation including the following:

- Obtain railroad right-of-way permit for geotechnical exploration.
- Perform site reconnaissance and utility locates.
- Conduct explorations, including:
  - Clear drilling explorations sites of blackberries and low brush with an excavator and perform up to four test pits in railroad rights-of-way to a depths of 10 feet each for trench exploration to observe gravel and cobble size.
  - Conduct seven hollow-stem auger (HSA) borings in City and railroad rights-of-way to a depths of 15 feet each and install three vibrating wire piezometers in three of the borings with steel flush mount monument covers to monitor groundwater levels for trench explorations.
  - Conduct one mud-rotary or hollow-stem auger borings in railroad rights-of-way to a depth of 30 feet to investigate toe of mapped landslide.
  - Perform one infiltration test at each of the stormwater facilities following the Portland Stormwater Design manual.
  - Clear drill rig access and excavate several shallow test pits with backhoe/small excavator to clear for additional coarse-grain material classification and trench constructability evaluations over the course of one day.
- Subcontract a railroad flagger and coordinate all railroad borings with railroad operations.
- Perform laboratory testing consisting of natural moisture content testing, in-place unit weight testing, material finer than No. 200 sieve testing, sieve with hydrometer testing, and Atterberg Limits Testing.
- Perform analytical testing of IDW (not including test pit excavations) and describe costs contained in Task 4.E.
- Perform engineering evaluation, including:
  - Slope stability analysis at mapped landslide.
  - Excavation and shoring evaluation.
  - Assessment of groundwater control.
  - Assessment of subgrade preparation, pipe bedding, and trench backfill.
- Prepare Geotechnical Data Report (draft and final).
- Prepare Geotechnical Design Report (draft and final).

### **E. Hazardous Material Site Assessment (HMSA)**

#### **1. Level I HMSA**

Consultant shall prepare two Phase I Environmental Site Assessments (ESAs) in accordance with the U.S. Environmental Protection Agency's (EPA's) All Appropriate Inquiries (AAI) and

American Society for Testing and Materials (ASTM) Standard E 1527-13 procedures: one for Tax Lot 3000 and one for Tax Lot 100/UPRR right-of-way affected by the Balfour Street stormwater facility. The Phase 1 ESAs will be completed after coordination meetings have occurred with UPRR and concurrently with the development of the 30% design.

Consultant shall prepare each Phase I ESA report summarizing the information obtained through the following tasks:

- **Physical Setting Sources.** Sources will be reviewed to obtain information about the site. The physical setting sources will include a current U.S. Geological Survey (USGS) 7.5-minute topographic map, geologic/hydrologic maps and reports, and soil maps.
- **Historical Use Records.** Historical use information records will be reviewed with regard to previous land use or other activities that could have led to the presence of hazardous or dangerous materials, including petroleum products, in the environment of the site. Potential sources of information include aerial photographs; topographic maps; current and previous owners; abutters; historical societies; libraries; County Assessor records; Milwaukie City directories; Metskers, Sanborn, and Kroll maps; and files of federal, State, and local environmental agencies. The actual sources available for a given study will vary and may include other sources, as well as any or all of the above. The sources used will be referenced in the report along with the name of the person contacted, where appropriate. For a complete review of historical information, consultant will obtain a 50-year Chain of Title Report with an ownership cover sheet from a title insurance company. Consultant will evaluate it as part of the Phase I ESA and incorporate the information into the final report.
- **Agency Records Review.** The purpose of a records review is to obtain and review records that will help identify RECs in connection with the property. Standard federal, State, and Tribal databases will be reviewed for the site and nearby properties within the ASTM-recommended search distances.

Federal agency lists to be reviewed will include:

- National Priorities List (NPL)
- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) sites
- Resource Conservation and Recovery Act (RCRA) treatment, storage, and disposal (TSD) facilities
- RCRA Corrective Actions (CORRACTS) for TSD facilities
- RCRA generators
- Emergency Response Notification System (ERNS) sites

State and Tribal lists to be reviewed will include:

- Environmental Cleanup Sites Inventory (ECSI)
- Confirmed Release List (CRL) sites
- Voluntary Cleanup Program (VCP) list
- Landfill and/or solid waste disposal sites
- Underground Storage Tank Facilities (UST)
- Leaking underground storage tank (LUST) lists

The NPL, RCRA TSD facilities with CORRACTS and the Hazardous Sites lists will be reviewed for sites within a one-mile radius of the site. The CERCLIS, RCRA TSD facilities without CORRACTS, ECSI, CRL, VCP, State landfill/solid waste disposal sites, and the LUST lists will be reviewed for sites within a half-mile radius of the site. All other lists will be reviewed for the site and adjoining properties.

- **Site Reconnaissance.** Consultant shall conduct a site reconnaissance of the immediate vicinity of the site to look for RECs on the site and to evaluate the potential for adverse environmental impacts from adjacent land uses. RECs may include, but are not limited to, solid waste disposal, drains, sumps, USTs, aboveground storage tanks (ASTs), drums, spills, stains, and hazardous materials. Consultant shall also look for stressed vegetation, fill, and other indicators of potential contamination. City shall make the initial contact with owners/occupants and provide the right-of-entry and contact information to consultant. Arrangements will be made, as required, for access to the property so that the potential impact of such areas can be included in the assessment.
- **Interviews.** Consultant shall conduct interviews with available and appropriate owners, other possible knowledgeable parties, and local government officials to obtain information indicating RECs in connection with the property.
- **Report.** Consultant shall prepare draft reports for both properties that will include a brief site history, a summary of the findings, an evaluation of on-site conditions, and the consultant's opinion and conclusions about the conditions observed at the properties. The report and opinion will be based solely on the services described. The consultant shall deliver the draft report for review. The consultant will address comments and/or questions in the final report.

## 2. Level II HMSA

Consultant shall conduct a Level 2 Environmental Site Assessment (ESA) for the project. These activities will be performed to address potential recognized environmental conditions (RECs) identified in a previous HMCA conducted for the project. The Level 2 ESA will be performed in general accordance with ASTM E1903-11 *Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process*, professional standard of care, and, where applicable, procedures described in the Oregon Department of Environmental Quality (DEQ) and U.S. Environmental Protection Agency (EPA) guidance documents. The Level 2 ESAs will be completed after coordination meetings have occurred with UPRR and concurrently with the development of the 30% design.

In association with the geotechnical investigation described in Section 4.D, consultant shall perform a Level 2 ESA to characterize subsurface conditions for the project corridor. The Level 2 investigation will be conducted using hollow-stem auger (HSA) borings and hand augering sampling equipment and will include up to six pipeline assessment locations by HSA and up to four pipeline assessment locations by hand augering. Six of the seven geotechnical borings (HSAs to depth of 15 feet) described in Section 4.D will be used during environmental assessment activities.

Consultant shall conduct all site characterization activities and shall select equipment capable of completing the soil sampling. Pre-sampling activities (i.e. preparation of a site-specific Health and Safety Plan and utility locates) will be conducted. Soils will be field screened for odor, stain, and sheen. Soil sampling will include:

- Six pipeline assessment locations advanced to a depth of 15 feet below ground surface (bgs) by HSA. Samples will be collected in 5-foot increments through the boring depth.
- Four pipeline assessment locations hand augered to a depth of 2 feet bgs to evaluate the potential presence of contaminants associated with railroad operations.
- Grab groundwater sampling will include:
  - Six pipeline assessment locations advanced by HSA.
- Level 2 investigation activities will be performed in general accordance with ASTM D 4700-

91, Standard Guide for Soil Sampling within the Vadose Zone; ASTM D 6051-91(2006), Standard Guide for Composite Sampling and Field Subsampling for Environmental Waste Management Activities; ASTM D 4220-95, Standard Practices for Preserving and Transporting Soil Samples; ASTM D 4823-95, Standard Guide for Core Sampling Submerged, Unconsolidated Sediments; U.S. Environmental Protection Agency (EPA) Field Sampling Guidance Document #1215; and Oregon Department of Environmental Quality (DEQ) guidance documents. Investigation activities will include the following:

- Samples will be collected into pre-cleaned containers provided by an analytical laboratory and placed into a secure, chilled, storage container.
- Samples will be submitted for laboratory analysis of identified contaminants of concern (COCs).
- Samples will be maintained under chain-of-custody protocols.
- Sampled material will be described using the Unified Soil Classification System.

Field notes must include sampling logs, field observations, and sample chain-of-custody forms.

Collected soil and grab groundwater samples will be submitted to a National Laboratory Accreditation Program (NLAP) laboratory for chemical analysis.

Soil and groundwater samples collected, as well as each drum of investigation-derived waste from both geotechnical and environmental investigations, will be analyzed for the following:

- Qualification of the presence and nature of petroleum hydrocarbons using the Northwest Total Petroleum Hydrocarbons (NWTPH)-HCID Method for hydrocarbon identification, with follow-up quantification, if necessary, for:
  - Gasoline-range hydrocarbons using the NWTPH-Gx Method
  - Diesel- and oil-range hydrocarbons using the NWTPH-Dx Method
  - Volatile organic contaminants (VOCs) using EPA Method 8260B
  - Polycyclic aromatic hydrocarbons (PAHs) using EPA Method 8270D-SIM
  - Polychlorinated biphenyls (PCBs) using EPA Method 8082
- The eight heavy metals regulated as hazardous wastes under the Resource Conservation and Recovery Act (RCRA) (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver) using EPA Methods 6020/200.8. Soil samples that contain total metals concentrations that exceed their respective trigger levels will have a Toxicity Characteristic Leaching Procedure (TCLP) follow-up analysis by EPA Method 1311.

Consultant shall prepare a Level 2 Environmental Data Report and a Summary of Project Site Contaminants. The Data Report shall include a summary of field activities, an evaluation of analytical results, and conclusions regarding human health and safety and disposal considerations. The Summary of Project Site Contaminants shall include a brief summary of identified construction areas impacted by contaminated media as well as human health and safety and disposal considerations.

#### **F. Land Use Planning**

Consultant shall complete the following to support a Type II development review for the creation of a parcel within an existing railroad right-of-way:

- Prepare for and attend a pre-application conference with City of Milwaukie staff as follows:
  - Complete the City's Pre-Application Appointment Worksheet
  - Prepare a preliminary site plan
  - Prepare a written narrative describing the application and a detail list of questions and issues to discuss at the conference

- Coordinate with the client for the City pre-application conference fee and submit the pre-application conference package to the City
- Prepare for, attend, and participate at the pre-application conference.
- Prepare a Type II Land Use Application for a partition as follows:
  - Complete the City Land Use Application Form
  - Complete the City Preliminary Plat Checklist
  - Complete the City Submittal Requirement Checklist
  - Prepare a detailed written narrative addressing the applicable City approval criteria from the Land Division Ordinance
  - Prepare an preliminary existing conditions plan (based on survey work performed)
  - Prepare a preliminary partition plat
  - Prepare a preliminary stormwater report, if determined necessary by the City
- Upon completion of the above tasks, the application materials will be compile and organized and a draft copy of the application package will be prepared. A copy of the draft copy of the application will be sent to the Client, and owner/applicant signatures (on the City Land Use Application Form) and a check for the City application fee will be requested. Upon receipt of any Client comments, the signed City Land Use Application Form and City application fee, copies of the application will be made and the application will be submitted to the City of Milwaukie Planning Department for review and processing.
- AKS will coordinate with City Planning Department staff for the application's completeness determination.
- After the City's public notice and comment period has passed copies of any comments received by the City will be obtained and provided to the Client for Consideration.
- A draft copy of the City's Notice of Decision and Staff Report will be requested. If provided by City, this document will be reviewed and a copy will be provided to the Client for consideration.
- The draft Notice of Decision and Staff Report (if provided) or the final Notice of Decision will be reviewed with the Client.

### **G. Platting**

Consultant shall prepare a final partition plat for recording with the Clackamas County Surveyor.

- Prepare a final partition plat in accordance with ORS 92, the requirements of the Clackamas County Surveyor, and the City of Milwaukie
- Submit and process a Final Plat Application (Type I Procedure) to the City of Milwaukie
  - Complete the City Land Use Application Form
  - Complete the City Final Plat Checklist
  - Provide documentation demonstrating how the conditions of approval from the preliminary plat have been met
  - Provide a copy of the property's title report and other title related information (obtained from the Client)
- Submit the Final Partition Plat with the Clackamas County Surveyor
- Make reasonable changes to the final plat as requested by the County, City, or other Agency with Jurisdiction

### **H. Property Acquisition**

Consultant shall provide the management and support necessary to acquire rights-of-way or easements as required by the design of the stormwater mainline and/or detention facilities. The consultant's negotiator(s) must possess a current Oregon Real Estate license, be familiar with federal and/or State acquisition requirements, have the ability to effectively negotiate settlements, understand partial

acquisition appraisals and legal title, interpret right-of-way plans, and possess effective communication skills. Property acquisition services are limited to Tax Lot 3000 (Map 1 1E 36AB), Tax Lot 100 (Map 1 1E 25CD), and the portion of UPRR right-of-way affected by the Balfour Street stormwater facility.

**I. Arborist Report**

Consultant shall complete an arborist’s evaluation of all trees greater than 6 inches diameter at breast height (DBH) that are anticipated to be affected by the project. Prepare an arborist’s report noting the size, type, and health of each tree and recommendations for tree removal. Trees scheduled for removal will be marked in accordance with the requirements of Municipal Code Section 16.32.020.

**J. Potholing Recommendations**

Consultant shall identify on the 30% plans locations where underground utility potholing is recommended. The Consultant will sub-contract with an excavation contractor to execute excavation of potholing. Consultant shall provide surveying services to tie underground utilities exposed through potholing.

**K. 30% Design Deliverables**

Consultant shall provide to the City all engineering calculations and documents produced during the design of the project and all supplementary information. Information should be presented in an orderly manner and should be provided in both digital and paper formats.

**L. City Review of Design**

The City shall be allowed time to review the proposed design (plan and profile view) with respect to stormwater mainline alignment, depth and grade, and conflicts with existing and future utilities. The City shall be allowed a four-week period to complete a review of the 30% design.

**Task 4 Assumptions**

**General**

- The City seeks to obtain a perpetual exclusive easement from UPRR for the Balfour Street detention facility. Consultant will pursue a perpetual exclusive easement with UPRR however if UPRR will not grant the easement, the services outlined in Tasks 4F, 4G, and 4H will be required to create a fee simple parcel to be transferred from UPRR to the City. If the perpetual exclusive easement is acceptable to UPRR portions of the scope outlined in Tasks 4F, 4G, and 4H, and the associated consulting fees, will be utilized to execute the easement.

**Land Use Planning**

- The creation of a parcel in the UPRR right-of-way will be completed as a single-parcel partition and processed as a Type II application.
- Type II review provides for administrative review of an application by the Planning Director and includes notice to nearby property owners to allow for public comment prior to the decision. The process does not include a public hearing.
- The review authority for Type II applications shall be the Planning Director.
- Variances are not necessary

**Geotechnical:**

- A bond will not be required to perform explorations on City property.
- Consultant shall not enter private property or contact the property owners or occupants without a permit of entry.
- Consultant will prepare applications for applicable City permits. City will pay City permit fees.
- Consultant shall be responsible for traffic control as necessary to execute the geotechnical investigation.

- Railroad will charge a single permit fee for the entire site and not an individual permit fee for each exploration site.
- A railroad flagger will only be needed for two days.
- Landslide mitigation design will not be required

HMCA:

- Consultant shall not enter private property or contact the property owners or occupants without a permit of entry.
- Up to six HSA borings and four hand augering locations will be investigated.
- HSA boring depths will not exceed 15 feet bgs.
- Ten percent of the initial analytical results will require follow-up analyses.
- Analytical turnaround time of 10 working days is sufficient.
- Nonhazardous disposal of up to 12 drums of investigation-derived waste.

**Task 5 – Construction Documents**

**A. Construction Documents**

Consultant shall draft the bid construction documents on behalf of the City. The consultant’s standard plan set template shall be utilized for creating the bid plan set for this project. Sheets in the plan set shall include, but are not limited to, plan and profile views along the alignment of the stormwater mainline, landscape plan for stormwater facilities, proposed easements, demolition, tree removal, constriction access, City standard details (to be provided by the City), general construction notes (to be provided by the City), erosion control plan and notes, necessary details to show connection to the existing stormwater mainline, open discharge location, detention facilities, retaining walls (if required), and all appurtenance connections.

Construction documents shall be assembled with consideration for the anticipated phasing of construction.

**B. City Review of Design**

The City shall be allowed time to review the proposed design (plan and profile view) with respect to stormwater mainline alignment, depth and grade, and conflicts with existing and future utilities. The City shall be allowed a four-week period to complete a review of the 60% design and a six-week period to review the 90% design.

**C. UPRR Pipeline Encroachment Permit**

Consultant shall coordinate with UPRR and obtain a Pipeline Encroachment Permit.

**D. Natural Resource Permitting**

Consultant shall prepare and submit a wetland fill permit and obtain approval from the Oregon Division of State Lands. This task is anticipated to include a wetland delineation and submittal for concurrence as well as an alternatives analysis.

**E. Design Deliverables**

**1. Design Documents**

Consultant shall provide to the City all engineering calculations and documents produced during the design of the project and all supplementary information. Information should be presented in an orderly manner and should be provided in both digital and paper formats.

**2. Bid Document Preparation**

Consultant will prepare and assemble construction bidding documents, including specifications

for the subject work. Consultant shall provide to the City an electronic bid plan set in both PDF and DWG format (that is compatible with the AutoCAD 2013 format). The consultant shall also provide to the City two ANSI D (22"x34") paper copies in landscape format for the final bid plan set.

### **3. Engineer's Construction Cost Estimate**

Consultant shall prepare a Final Engineer's Construction Cost Estimate for the project.

#### **Task 5 Assumptions**

##### **Engineering**

- One set of construction plans and contract documents will be issued for the project, including both phases of work. A phase delineation will be provided on the plans. A bid schedule and special specifications, as applicable, will be prepared for each phase of work

#### **Task 6 – Construction Phase Services – Phase 1**

##### **A. Bid Support and Contractor Notification – Phase 1**

Consultant will assist the City with responses to questions or RFIs regarding the bid documents. Consultant will prepare a written evaluation of the bidder submittal. If requested by the City, consultant will notify the selected contractor. Consultant will attend a pre-construction conference prior to commencement of work at the site.

##### **B. Construction Survey – Phase 1**

Consultant will provide on-site construction surveying and staking services as necessary. This shall include, but not be limited to:

- Any surveying or layout work required to establish grades, inverts, elevations, road layouts, etc.
- Provide any field sketches and/or notes in PDF format (.pdf), if applicable.
- Provide photos (.jpg format) of field conditions, as requested.
- Provide record as-built drawings, as requested.
- Provide monument installation or relocation, as necessary
- Other survey work as determined by consultant to provide a completed project design.
- Prepare and submit a pre-construction survey to Clackamas County.
- Prepare and submit a post-construction survey to Clackamas County, including resetting of monuments disturbed by construction.

##### **C. Construction Observation**

Consultant will provide on-site construction observation services during the construction phase, as requested by the City. Consultant will make visits at intervals as directed by the Project Manager in order to observe the progress of the work. Such visits and observations by consultant are not intended to be exhaustive or to extend to every aspect of contractor's work in progress.

Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the work based on consultant's exercise of professional judgment. Based on information obtained during such visits and such observations, consultant will evaluate whether contractor's work is generally proceeding in accordance with the contract documents, and consultant will keep the Project Manager informed of the general progress of the work.

Consultant shall not supervise, direct, or have control over contractor's work during such visits or as a result of such observations of contractor's work in progress, nor shall consultant have authority over or responsibility for the means, methods, techniques, equipment choice and usage,

sequences, schedules, or procedures of construction selected by contractor; for safety precautions and programs incident to contractor's work; nor for any failure of contractor to comply with laws and regulations applicable to contractor's furnishing and performing the work.

Consultant will respond to reasonable and appropriate requests for information and issue necessary clarifications and interpretations of the contract documents to the City as appropriate to the orderly completion of contractor's work. Any orders authorizing variations from the contract documents will be made by the City.

If contractor's work will not produce a completed project that conforms generally to contract documents, consultant will bring this to the attention of the Project Manager. Consultant shall not have the authority or responsibility to stop the work of any contractor.

**D. As-Builts**

Consultant shall as-built survey all structure rim and pipe invert elevations and prepare as-built plans.

**E. Final Notice of Acceptability of the Work**

Consultant will conduct a final site visit to determine if the completed work of contractor is generally in accordance with the contract documents and final punch list so that consultant may recommend, in writing, final payment to contractor. Accompanying the recommendation for final payment, consultant shall also provide a notice that the work is generally in accordance with the contract documents to the best of consultant's knowledge, information, and belief based on the extent of its services and information provided to consultant upon which it is entitled to rely.

**General Assumptions**

- Tasks will be executed sequentially as outlined above to minimize costs to the City should a fatal flaw be found in the CIP 5-1 concept.
- Construction related permit fees are excluded from this scope of work and fee.
- The CIP 5-1 concept will be evaluated for feasibility in Task 2. Tasks 3, 4, 5, and 6 assume the pipeline and ponds will align with the CIP 5-1 concept as outlined in the 2014 Stormwater Master Plan.
- Properties and easements can be acquired from existing property owners.
- Boundary resolution does not include encroachment resolution.
- Title research will be completed by the consultant.
- Utilities within the UPRR right-of-way will be located by utility owners.
- Task 7 assumes a four-month duration for construction of Phase 1.
- Construction phase services for Phase 2 are not included within this scope of work.
- Construction Traffic Control Plan will be the responsibility of the contractor.
- Tax Lot 3000, Map 1 1E 36AB is a legal lot of record and can be conveyed in fee simple title to the City of Milwaukie.
- Phase 1 of the project extends from the Roswell Street stormwater facility to the northerly line of Tax Lot 100 (Map 1 1E 25CD). Phase 2 of the project extends from said point to the intersection of SE 37th Avenue and SE Monroe Street.



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item:  
Meeting Date:

**RS 6. D.**  
**July 5, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Adopt Art in Public Places Ordinance**

From: Mitch Nieman, Asst. to City Manager

Date: July 5, 2016

### **ACTION REQUESTED**

Adopt proposed Art in Public Places Ordinance adding Sections 20.06.010 through 20.06.080 to Chapter 20 of the Milwaukie Municipal Code (MMC).

### **HISTORY OF PRIOR ACTIONS AND DISCUSSION**

June 23, 2016: Staff sent an e-mail to Council to explain the City of Portland's "Floor Area Ratio (FAR) Program," which if administered by way of a public art ordinance in Milwaukie, would need to be done with an amendment to the city's development code through the land use process.

June 21, 2016: Members of the Arts Committee met with City Council to present a draft Art in Public Places ordinance that focused exclusively on integrating art into public capital and development projects. Also, the City of Portland's FAR program was discussed.

April 19, 2016: Members of the Arts Committee met with City Council to present their annual strategic plan and introduce a concept Art in Public Places ordinance. The concept ordinance attached a dedication requirement to private and public development.

### **BACKGROUND**

The Arts Committee identified the need for Council to adopt a public art ordinance to provide a sustainable funding stream to foster and create public art in Milwaukie.

The Committee solicited input from community development staff and the city attorney to develop the subject ordinance, which is modeled after similar ordinances that exist in Oregon.

### **DISCUSSION**

On June 21, 2016, staff informed Council that the city attorney couldn't find a public art ordinance in the State of Oregon which attached a dedication requirement to private development. Additionally, staff shared the Emeryville, CA, ordinance with Council—which has a private dedication requirement—in the event Council wanted staff to prepare an ordinance like that for adoption in Milwaukie.

Council asked staff to have the city attorney prepare a memo to research case law in Oregon (or California) where a private dedication was challenged, and to explain any risks or implications of adopting an ordinance—in Oregon—that attaches a dedication requirement to private development. Development of the memo is underway and will be delivered to Council under separate cover.

Staff posted a request for information in the League of Oregon Cities' city manager listserv asking if other cities have considered adopting an ordinance that attaches a dedication requirement to private development and their reason for not doing it. Staff will apprise Council on relative feedback.

Council might also consider whether the new ordinance, if adopted, should apply to the Ledding Library project. Funds for the project, approved in the May election, are very limited.

### **FISCAL IMPACTS**

There is no cost to the City to adopt an art in public places ordinance. Milwaukie is one of the only few cities in the Portland Metropolitan Area that does not have a public art ordinance.

### **ALTERNATIVES**

1. Adopt proposed Art in Public Places Ordinance
2. Do not adopt proposed Art in Public Places Ordinance and direct staff to bring forward a different ordinance that attaches a dedication requirement to private development

### **ATTACHMENTS**

1. Art in Public Places draft ordinance
2. E-mail explaining FAR program
3. Attorney Memo (under separate cover)



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

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 20.06 ADOPTING AN ART IN PUBLIC PLACES PROGRAM.**

**WHEREAS**, Artistic and cultural resources are essential to the quality of life of a community. Art in Public Places contributes to the economic vitality of a region by improving the quality of the built environment and fostering a positive community identity; and

**WHEREAS**, Historically, artists have helped shape great civic projects, from federal monuments to community development projects of local government agencies and special districts; and

**WHEREAS**, Art in Public Places for the City of Milwaukie integrates art into public capital improvement projects and development projects, which enhances Milwaukie's visual environment for those who live here now and for generations to come; and

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

Section 1. The Milwaukie Municipal Code is amended by adding a new Chapter 20.06 Art in Public Places Program, to read as shown on the attached Exhibit A.

Section 2. This ordinance shall take effect 30 days after passage.

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

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

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

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

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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

## **Exhibit A**

### Sections:

- 20.06.010 Title.
- 20.06.020 Purpose.
- 20.06.030 Definitions.
- 20.06.040 Dedication of 1.5% to Art in Public Places.
- 20.06.050 Art in Public Places Fund.
- 20.06.060 Siting of Art in Public Places Artwork.
- 20.06.070 Program Guidelines.
- 20.06.080 Ownership.

### **20.06.010 Title.**

This Chapter shall be known as the "Art in Public Places" program of the City of Milwaukee.

### **20.06.020 Purpose.**

Artistic and cultural resources are essential to the quality of life of a community. Art in Public Places contributes to the economic vitality of a region by improving the quality of the built environment and fostering a positive community identity. Historically, artists have helped shape great civic projects, from federal monuments to community development projects of local government agencies and special districts. Art in Public Places for the City of Milwaukee integrates art into public capital improvement projects and development projects, which enhances Milwaukee's visual environment for those who live here now and for generations to come.

### **20.06.030 Definitions.**

"Art in Public Places" means the program established by this ordinance to set aside a percentage of the total cost of City projects for Art in Public Places Artwork.

"Art in Public Places Fund" means a City fund or account into which all moneys derived pursuant to this Chapter shall be deposited. Monetary contributions for Art in Public Places shall also be deposited into the Art in Public Places Fund. Funds within the Art in Public Places Fund shall be solely be utilized for the purposes outline in this Chapter.

"Artwork" means all forms of original works of art accessible to the public and/or public employees including:

- A. Painting of all media, including both portable and permanently fixed works, such as murals;

B. Sculpture which may be in the round, bas-relief, high-relief, mobile, fountain, kinetic, electronic and others, in any material or combination of materials;

C. Other visual media including, but not limited to, prints, drawings, stained glass, calligraphy, glass works, mosaics, photography, film, clay, fiber/textiles, wood, metals, plastics or other materials or combination of materials, or crafts or artifacts.

D. Works of a wide range of materials, disciplines and media which are of specific duration, including performance events, and which are documented for public accessibility after the life of the piece has ended.

E. Art works that possess functional as well as aesthetic qualities.

“City Project” means any capital or development project in an amount over \$50,000 paid for wholly or in part by the City of Milwaukie to construct, rehabilitate, remodel or purchase for a public use any building, decorative or commemorative structure, park, parking facility or any portion thereof within the limits of the City of Milwaukie. “City project” does not include street, pathway or utility construction; emergency work; minor alterations; ordinary repair or maintenance necessary to preserve a facility; or service facilities not normally visited by the public, such as maintenance sheds or storage buildings.

“Deaccessioning” means relinquishing title to a work of Art in Public Places.

“Eligible Funds” means a source of funds for projects from which art is not precluded as an object of expenditure.

“Selection Committee” means the committee established by City Staff and the Milwaukie Arts Committee for each project. The Selection Committee is solely responsible for artist selection, review of design, execution, placement and acceptance of Art in Public Places Artwork, and shall communicate such progress to City Council.

“Total Cost” means the entire amount of the City’s contribution toward the construction or purchase of a City project. “Total cost” does not include costs for design and engineering, administration, fees and permits, building demolition, relocation of tenants, contingency funds, change order costs, environmental testing or indirect costs, such as interest during construction, advertising and legal fees. When a City project involves the purchase of real property, costs attributable to land acquisition are not included in total cost, while costs attributable to improvements on the real property that are acquired for public use are included in the total cost.

#### **20.06.040 Dedication of 1.5% to Art in Public Places.**

A. Dedication: One and one half percent (1.5%) of the Total Cost of a qualifying City Project shall be set aside for the acquisition of Art in Public Places Artwork. Artwork shall be sited in accordance with Section 20.06.060.

B. Restricted funds: If funding for a particular City Project is subject to legal restrictions that preclude Art in Public Places as an object for expenditure, the portion of the City Project that is funded with the restricted funds shall be exempt from the requirements of this Chapter.

C. Phased projects: As a general rule, where a City Project will be constructed in phases, the 1.5% dedication shall be applied to the estimated total cost of each phase of the Project at the time that funds for the phase are appropriated and encumbered. Nothing in this section prevents the Council from deciding to set aside all or part of the entire dedication from the funds of a particular phase, however, as the Council deems appropriate. In determining when to set aside the funds for a phased project, the City shall encourage an overall public art plan for phased work to ensure that art is not located on a piecemeal basis.

#### **20.06.050 Art in Public Places Fund.**

There is hereby created a special City fund or account called the Art in Public Places Fund into which the monetary contributions for Art in Public Places shall be deposited.

A. 1.5% of the total cost of City Projects shall be dedicated to Art in Public Places. Such funds shall be deposited into the Art in Public Places Fund at the time that budgeted funds are encumbered for the construction or purchase price of the City Project.

1. 1% of the total cost of City Projects shall be used for costs associated with the acquisition of Art in Public Places Artwork including, but not limited to, the design, purchase and siting of Artwork.

2. 0.5% of the total cost of City Projects shall be used for costs associated with administration of the Art in Public Places Program, including, but not limited to, costs of selection, conservation and maintenance of the collection, community education, deaccessioning and registration of Art in Public Places Artwork.

B. Monetary contributions shall be deposited in separate accounts within the Art in Public Places Fund if separate accounting is deemed appropriate by the City Manager or is required by law.

C. Monetary contributions made other than through the Art in Public Places Program shall be deposited in the Art in Public Places Fund and may be dedicated to or earmarked for a specific program or piece of Artwork, subject to acceptance by the City Council.

D. Disbursements from the Art in Public Places Fund shall be made only after authorization of the City Manager or the Manager's designee, and shall be made according to this Chapter and any guidelines adopted hereunder.

#### **20.06.060 Siting of Art in Public Places Artwork.**

Art in Public Places Artwork selected pursuant to this Chapter may be sited in, on or about any City Project or other property owned, leased or rented by or to the City of Milwaukee. Art in Public Places Artwork may be attached or detached within or about such property, and may be either temporary or permanent.

#### **20.06.070 Program Guidelines.**

The City Council shall adopt guidelines for administration of the Percent for Art Program. Such guidelines shall:

- A. Provide for the appointment of representatives to the Selection Committee. The Selection Committee's membership shall include a Project architect, engineer, or project manager of given City Project; constituent representative (i.e., user of the facility being built or renovated); two representatives of the Milwaukee Arts Committee; two professional artists; one Community Development Department representative; one Neighborhood District Association representative from the respective neighborhood; one member of City Council.
- B. Provide for a method or methods of selecting and contracting with artists for the design, execution and siting of Art in Public Places Artwork.
- C. Determine the dedication and disbursement process for the Art in Public Places Fund.
- D. Clarify the responsibility for maintenance of Art in Public Places Artwork, including any extraordinary operations or maintenance costs associated with Art in Public Places Artwork, prior to selection.
- E. Facilitate the preservation of art objects, ethnic and cultural arts and crafts, and artifacts.
- F. Provide a process to deaccession Artwork.
- G. Set forth any other matter appropriate to the administration of this Chapter.
- H. Provide for annual reporting to City Council and the Milwaukee Arts Committee on the Art in Public Places Program progress.

#### **20.06.080 Ownership.**

All Art in Public Places Artwork acquired pursuant to this Chapter shall be acquired in the name of the City of Milwaukee, and title shall vest in the City of Milwaukee.

### Nieman, Mitchell

---

**From:** Nieman, Mitchell  
**Sent:** Thursday, June 23, 2016 11:35 AM  
**To:** \_City Council  
**Subject:** Art in Public Places

Council-

As a follow-up to your discussion on Tuesday, here's a description from RACC which may be helpful for you to better understand the Floor Area Ratio Program (FAR): <https://racc.org/wp-content/uploads/2016/01/Floor-Area-Ratio-Bonus.pdf>

As I mentioned in my presentation, if you decide to incentivize development with land use allowances, like the floor-area ratio mentioned in the above article, that needs to be done with an amendment to our development code through the land use process. It can be cross referenced in the art in public places section if necessary, but as a land use regulation, it really needs to go in the development code. Not a huge issue, but something to consider.

Above link references Portland's Central City Plan, Section 33.702.060.4. Portland is in the process of updating this plan and I found a study the City did last year about the density bonus and entitlement transfers: <https://www.portlandoregon.gov/bps/article/535198>. If you look at page 81 of the document, it looks like the public art bonus has only been used twice since 2005.

Where do we go from here?

I'll have the draft (Oregon standard) ordinance ready for first read on July 5.

Meanwhile, I plan to check in with Portland to get their thoughts on how the FAR program has worked, or if they have any suggestions for improvement. Also, I'm having the city attorney prep a memo to opine on potential risks associated with adopting a California model (private dedication) ordinance. Last, I will attempt to contact our neighbor cities to inquire as to why they did not choose the California model.

Thanks for working with artMOB to keep this initiative moving.

**Mitch Nieman**  
Assistant to City Manager

City of Milwaukie  
10722 SE Main St | Milwaukie, OR 97222  
T 503.786.7573 | F 503.653.2444  
City Hall 503.786.7555

Join us on the [web](#), [facebook](#) and [twitter](#)!



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 6. E.**  
Meeting Date: **July 5, 2016**

To: Mayor and City Council  
Through: Bill Monahan, City Manager

Subject: **2017 League of Oregon Cities Legislative Priorities**

From: Mitch Nieman, Asst. to City Manager

Date: July 5, 2016

### **ACTION REQUESTED**

Select four legislative priorities for 2017. They do not need to be prioritized.

### **BACKGROUND**

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2017 session. They have identified 29 legislative objectives as set forth in the attached ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement.

### **DISCUSSION**

Each city is being asked to review recommendations of the League's policy committees and provide input to the Board of Directors as it prepares to adopt the League's 2017 legislative agenda. The city manager asked staff to select legislation that is most aligned with departmental objectives and write a brief analysis to back up their selection for consideration by Council.

The League wants Council to select four priorities for the League to focus on in the 2017 session. This will ensure League efforts are focused where they are most needed. The deadline for response is July 22, 2016. After receiving the City's ballot, the League Board of Directors will review selections of all member cities—along with recommendations of the policy committees—to determine the League's 2017 legislative agenda.

### **FISCAL IMPACTS**

There is no cost to the City to select four legislative priorities for 2017. This service is included in the City's annual membership to the League, which costs approximately \$14,000.

### **ALTERNATIVES**

1. Select four priorities
2. Defer to July 19 and direct staff to provide additional information to facilitate a decision

### **ATTACHMENTS**

1. Ballot and legislative recommendation materials
2. Staff input

**INSTRUCTIONS**

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2017.
2. Simply place an **X** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **July 22<sup>nd</sup>** via mail, fax or e-mail to:

Paul Aljets  
League of Oregon Cities  
1201 Court St. NE, Suite 200  
Salem, OR 97301  
Fax – (503) 399-4863  
[paljets@orcities.org](mailto:paljets@orcities.org)

**Thank you for your participation.**

City of: \_\_\_\_\_

Please mark **4** boxes with an **X** that reflect the top 4 issues that your city recommends be the priorities for the League's 2017 legislative agenda.

## Legislation

<b>Community Development</b>	
A. Needed Housing Assistance Program	<input type="checkbox"/>
B. Natural Hazard Land Use Reform	<input type="checkbox"/>
C. DOGAMI Disaster Mapping	<input type="checkbox"/>
D. Floodplain Technical Assistance	<input type="checkbox"/>
<b>Energy</b>	
E. Green Energy Technology Requirement	<input type="checkbox"/>
F. Funding Public Energy Projects	<input type="checkbox"/>
G. Updates to Oregon Energy Code	<input type="checkbox"/>
<b>Finance and Taxation</b>	
H. Property Tax Reform - Market Value / Local Control	<input type="checkbox"/>
I. Property Tax Reform - Fairness and Equity	<input type="checkbox"/>
J. Local Lodging Tax	<input type="checkbox"/>
K. Nonprofit Property Tax Exemption	<input type="checkbox"/>
L. Marijuana and Vaping Taxes	<input type="checkbox"/>
<b>General Government</b>	
M. Restore Recreational Immunity	<input type="checkbox"/>
N. Increase Local Liquor Fees	<input type="checkbox"/>
O. Marijuana Legalization Implementation	<input type="checkbox"/>
P. Mental Health Investments	<input type="checkbox"/>
Q. Qualification Based Selection	<input type="checkbox"/>
<b>Human Resources</b>	
R. Subsidy for Retiree Health Insurance Repeal	<input type="checkbox"/>
S. PERS Reform	<input type="checkbox"/>
T. Arbitration Reform	<input type="checkbox"/>
U. Veterans Preference Clarifications	<input type="checkbox"/>
<b>Telecommunications</b>	
V. Rights of Way	<input type="checkbox"/>
W. Franchise Fees	<input type="checkbox"/>
X. 9-1-1 Emergency Communications	<input type="checkbox"/>
Y. Technology Funding	<input type="checkbox"/>
<b>Transportation</b>	
Z. Transportation Funding and Policy Package	<input type="checkbox"/>
<b>Water/Wastewater</b>	
AA. Funding Water System Resilience	<input type="checkbox"/>
BB. Enhanced Prescription Drug Take-Back	<input type="checkbox"/>
CC. Water Supply Development Fund	<input type="checkbox"/>

# Community Development

Legislation	Background
<p><b>A. <u>Needed Housing Assistance Program</u></b></p> <p>Create state grants and technical assistance to cities working to develop housing development programs directed at new or innovative means of providing housing solutions for low-income or senior populations.</p>	<p>Cities are looking for new ways to serve the needs of a variety of people needing housing options and putting more resources toward housing projects. However, there is a need for state resources and assistance in implementing these programs. Funds that cities could access could be used to assist in land purchases for leasing for long-term low income housing, incentives for creating single story housing for seniors, tiny housing development, and planned developments that serve a range of incomes. Technical assistance to other cities should help a city determine what programs or planning options are available tools to help cities reach the goals set in the comprehensive plan.</p>
<p><b>B. <u>Natural Hazard Land Use Reform</u></b></p> <p>Create process for communities to move the UGB from an identified hazard area to resource lands and planning for replacing significant urban areas lost after a natural disaster.</p>	<p>As science has better located some hazards areas and as regulations impact the expected development of other areas, cities need to find ways to respond more efficiently to address long-term planning for development. This requires a simplification of the process for changing the location of development, including adding new areas to the UGB, to account for lost development capacity. There also needs to be a streamlined process for a city to identify areas of new development should a disaster remove a large portion of the buildable land supply if a disaster should strike.</p>
<p><b>C. <u>DOGAMI Disaster Mapping</u></b></p> <p>Increase funding for DOGAMI to complete comprehensive disaster mapping of cities, including landslide and floodplain risk identification, and natural hazard related evacuation planning for additional potential risks such as tsunami or wildfire inundation.</p>	<p>The Oregon Department of Geology and Mineral Industries (DOGAMI) provides a number of technical resources to cities to identify hazards that could impact development. The department is also an integral partner in creating plans for the emergency response for many disasters that could occur in the state. Increasing funds for comprehensive maps will help with long-term planning for hazard mitigation, resilience, and survival.</p>
<p><b>D. <u>Floodplain Technical Assistance</u></b></p> <p>Provide DLCD funding for technical assistance to cities implementing required changes to floodplain development management practices from FEMA.</p>	<p>Because of the recent release of the Biological Opinion from the National Oceanic and Atmospheric Administration Fisheries Service related to the National Flood Insurance Program's potential to impact endangered species, there is a need for cities to receive significant assistance in implementing any changes required by the Federal Emergency Management Agency. As the federal process moves forward, the state must provide resources to help cities update comprehensive plans and development codes. This issue will have a number of impacts and assistance in the form of model codes, staff resources, grants, and other expertise will be necessary for cities trying to implement any changes or additional work.</p>

# Energy

Legislation	Background
<p data-bbox="107 203 594 268"><b><u>E. Changes to 1.5 Percent Green Energy Technology Requirement</u></b></p> <p data-bbox="107 308 667 480"><b>Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or community solar projects.</b></p>	<p data-bbox="716 203 1482 443">Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.</p> <p data-bbox="716 485 1503 835">Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will work to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment. As an example, a city could use the funds on a community solar project to benefit low-income residents rather than being required to invest in solar generation at the site of the public building project.</p>
<p data-bbox="107 879 557 907"><b><u>F. Funding for Public Energy Projects</u></b></p> <p data-bbox="107 949 672 1121"><b>Support enhanced incentives for public energy projects including grants for technical assistance, feasibility studies and resource recovery projects for energy and fuel generation.</b></p>	<p data-bbox="716 879 1498 1549">There are programs that exist in Oregon for the purpose of incentivizing energy projects including renewable energy generation, alternative fuel vehicles, and energy efficiency. Programs such as the Business Energy Tax Credit (BETC), which was discontinued in 2014, and the State Energy Loan Program have been important tools for incentivizing energy projects for local governments. However, as a result of scrutiny over the administration of these incentives including private loan defaults, these programs are either no longer available, such is the case with the BETC program, or are at risk of being discontinued. It is critical for municipalities to have ongoing access to incentive opportunities as energy projects can be difficult to pencil-out and even more difficult for smaller communities to finance. The state of Oregon should take into consideration that loans for public energy projects, including cities, are lower-risk and should not be penalized in light of recent scrutiny. In addition, investments in these projects often result in environmental, social and economic benefits including long-term savings for taxpayers and reductions in greenhouse gas emissions.</p> <p data-bbox="716 1591 1479 1866">The League will work to enhance funding, including grants for technical assistance and feasibility studies for communities that currently do not have access to resources. The League will also advocate for incentives for energy and fuel generation projects. Examples of projects that warrant funding incentives include methane capture for fuel or energy generation, investments in community solar projects, renewable energy generation, and energy efficiency improvements.</p>

## Energy (Continued)

Legislation	Background
<p data-bbox="103 233 704 268"><b>G. <u>Require Updates to Oregon Energy Code</u></b></p> <p data-bbox="103 304 704 510"><b>Require the Oregon Building Codes Division (BCD) to engage in more frequent review of the state’s energy code to reduce greenhouse gas reductions and ensure that Oregonians can more affordably and efficiently heat their homes and businesses.</b></p>	<p data-bbox="716 233 1528 800">Oregon’s statewide energy code for commercial and residential buildings is an important tool for achieving greenhouse gas reductions through decreased energy consumption while helping to ensure that Oregonians are able to more efficiently and affordably heat their homes and businesses. Federal law requires each state to certify that their state energy code is equivalent to federal model energy codes. While Oregon was once a leader in energy code adoption and implementation, the state is now in a position of falling behind the federal code. This is due, in large part, to a decision made by the Oregon Building Codes Division in 2013 which changed the code cycle from a three-year update to a six-year update. Major code changes, including adoption of national codes, will now occur every six years with minor changes occurring every three years. This change will impact Oregon’s ability to keep pace with federal standards and new technologies in energy efficiency.</p> <p data-bbox="716 835 1528 1297">The League will work to support efforts to align new construction building codes with the state’s climate goal timelines. In addition, the League will support efforts to establish a periodic review schedule to ensure that Oregon more frequently updates the state energy code in order to reflect federal code requirements. Also, the League will encourage the state to set specific targets for increased energy efficiency in residential and commercial building construction with specific goals for increasing energy efficiency standards for affordable housing projects and increasing use of net-zero and passive house building requirements. Finally, the League will work to require BCD to make regular reports back to the legislature to update on energy code implementation and goals.</p>

# Finance and Tax

Legislation	Background
<p><b>H. <u>Property Tax Reform – Market Value / Local Control</u></b></p> <p><b>A legislative constitutional referral to reform the property tax system:</b></p> <ul style="list-style-type: none"> <li><b>a) to achieve equity, transitions to a market based property tax valuation system; and</b></li> <li><b>b) to restore choice, allows local voters to adopt tax levies and establish tax rates outside of current constitutional limits in their taxing jurisdictions.</b></li> </ul>	<p>Property taxes are regulated largely by Measure 5 (1990) and Measure 50 (1997), as provided in the Oregon Constitution. Measure 50 established a new method for assessing property, discounting the assessment at 10 percent of the real market value and calling this assessed value. Assessed value is capped at an annual growth limit of 3 percent. As a state total, due to the limits and market changes, the gap between real market value and assessed value has now grown to nearly 25 percent over the past 20 years. This gap varies widely on a property by property basis, creating considerable property tax inequities for properties that sell for similar prices in a city. In short, Oregon property taxes have become disassociated from real market value and the result is considerable inequity.</p> <p>For FY 2014-15, 60 percent of cities, 97 percent of counties, and 89 percent of school districts had some compression. This means that the Measure 5 caps of \$5 per \$1000 for education and \$10 per \$1000 for general government on real market value have been exceeded in most taxing jurisdictions. The caps are over 25 years old and were set low as voters were anticipating a sales tax to be coupled with it. Voters can no longer vote for the services they desire due to these caps. With looming PERS costs increases, paying for services with the present restrictions will become very difficult in some cities.</p>
<p><b>I. <u>Property Tax Reform – Fairness and Equity</u></b></p> <p><b>A bill that pursues statutory modifications to the existing property tax system that enhances the fairness and adequacy of the current system.</b></p>	<p>There are some adjustments to the property tax process and calculations that can be done statutorily. These include altering the changed property ratio statute and the statutory discount given to property owners who pay their taxes by November 15<sup>th</sup>. New property is added to the tax rolls using a county-wide ratio (assessed value to real market value) for determining the discount to apply to the real market value and that could be changed statutorily to a city-wide ratio in taxing districts who elect the change.</p>

## Finance and Tax (Continued)

### Legislation

#### J. Local Lodging Tax

A lodging tax bill, the outcome of which, would:

- a) **Provide jurisdictions greater flexibility to spend local lodging tax revenue to plan for and provide services and infrastructure related to tourism;**
- b) **Reduce or eliminate the required reimbursement charge that a lodging tax collector is allowed to retain for filing a local lodging tax return; and**
- c) **Improve efficiency and collection of local lodging taxes in cooperation with the state.**

### Background

State law restricts how local lodging tax revenues may be expended. Post 2003, any new taxes or any tax increase requires a 70 percent revenue dedication to tourism promotion or tourism-related facilities. In addition, state statute provides that cities may not lower the actual percentage of lodging tax revenues that were dedicated to tourism prior to 2003. This means that cities have varied percentages of restricted local lodging taxes revenues. These numbers are arbitrary as they were set based on circumstances in 2003 that have often greatly changed. In addition, the legislative history shows that the legislature intended to provide some revenue flexibility and provide that certain infrastructure (roads, sewer lines, etc.) would qualify as tourism-related but the statutes need revision and clarification.

State law requires local governments to provide a 5 percent collector reimbursement charge if they impose a new lodging tax or tax increase after January 1, 2001. This is a deduction from the taxes that would otherwise be due. The state also provides a 5 percent collector reimbursement charge for state lodging taxes. In addition, local governments that had a reimbursement charge, must continue it. Thus, cities have very different reimbursement requirements—some are at zero, others are at 5 percent, and some are in between. When coupled with the state deduction, the deduction seems too generous.

The Oregon Department of Revenue now collects state lodging taxes throughout the state and could collect and enforce local lodging taxes at the same time if given statutory authority. Local governments could then enter into voluntary agreements with the state to delegate the collection. This option could make collection much more efficient and cost-effective for some local governments. In addition, cities continue to struggle with collections and auditing, particularly from online companies and private home rentals (through Airbnb, etc.) and this area of the law could be improved.

## Finance and Tax (Continued)

Legislation	Background
<p data-bbox="110 201 573 228"><b>K. <u>Nonprofit Property Tax Exemption</u></b></p> <p data-bbox="110 275 773 478"><b>Clarify and reform the statutory property tax exemption provided to nonprofit entities to address cost-benefit concerns for the continued full exemption in light of cost of city services provided to nonprofits and the changing services and business models of some nonprofit entity types.</b></p>	<p data-bbox="797 201 1528 512">Nonprofit organizations that are charitable, literary, benevolent or scientific are provided a property tax exemption that will cost more than \$194 million in the 2015-17 biennium. In addition, exemptions for the property of nonprofit religious organizations costs more than \$113 million for the biennium. For many cities, much of the city is exempt from property taxes due to the public property exemption and these nonprofit exemptions. This includes hospitals, nursing homes, etc.</p> <p data-bbox="797 558 1528 905">The Legislature has formed a work group to look at the nonprofit property tax exemption issue as the nature and number of nonprofits is changing and the administration of the exemption has become complex for county tax assessors. Nonprofit entities require significant services, including transportation, water, sewer, police, fire, etc. Thus, the legislature is looking at property taxes more as a service tax and considering how the full exemption could be adjusted to have nonprofits pay for their fair share of costs of services or otherwise meet a benefit test for continuing an exemption.</p>
<p data-bbox="110 951 500 978"><b>L. <u>Marijuana and Vaping Taxes</u></b></p> <p data-bbox="110 1024 773 1188"><b>Defend against restrictions and preemptions regarding local marijuana and vaping taxes and advocate for appropriate state shared revenue levels and distribution formulas for state marijuana taxes and potential vaping taxes.</b></p>	<p data-bbox="797 951 1528 1188">There are no revenue use restrictions on local marijuana taxes, but the local marijuana tax rate is capped at 3 percent. There are no restrictions on local governments imposing a vaping tax. The state has not imposed a tax on vaping products to date but is considering a tax. Often when the state imposes a tax (for example, cigarette or liquor), the state preempts local governments from also imposing a tax.</p> <p data-bbox="797 1234 1528 1581">10 percent of state marijuana taxes will be distributed to cities after state administrative costs. Distributions will be made per capita for revenues received prior to July 1, 2017. After July 1, they will be distributed based on the number of the various marijuana licenses issued in a city. Cities that prohibit establishments for recreational marijuana producers, processors, wholesalers or retailers will receive no state shared revenue. Likewise, cities that prohibit a medical marijuana grow site or facility will receive no state shared revenue.</p>

# General Government

Legislation	Background
<p><b>M. <u>Restore Recreational Immunity</u></b></p> <p><b>Cities should enjoy protection from unreasonable litigation when offering recreational opportunities to the public.</b></p>	<p>ORS 105.682 grants that a land owner is not liable for any personal injury, death or property damage that arises out of the use of their land for recreational purposes as long as no fee is charged in order to access that property. This statute allows cities to operate parks and trails without fear of lawsuit.</p> <p>However, in the recently decided Oregon Supreme Court case, <i>Johnson v Gibson</i>, It was held that even though the landowner may be immune from liability, their employees are not. As a result, two employees of the City of Portland were found liable for injuries sustained by a jogger in a park, employees who are indemnified by their employer.</p> <p>The practical effect of this ruling is that the immunity previously enjoyed by cities that allowed for robust park development have been eroded to the point of being non-existent. This priority directs LOC staff to seek to amend the ORS 105.682 to restore that immunity.</p>
<p><b>N. <u>Increase Local Liquor Fees</u></b></p> <p><b>Cities play an important role in the review and investigation of liquor license applicants and should be able to recoup costs associated with that role.</b></p>	<p>ORS 471.166 allows cities to adopt fees that are “reasonable and necessary to pay expenses” associated the review and investigation of liquor license applicants. However, the same statute limits the amounts of those fees to between \$25 and \$100 depending on the license or approval being sought by the applicant.</p> <p>This priority is to pursue changes to this statute that allow cities to recoup the actual costs associated with performing their role in the liquor licensing process and allowing for periodic increases.</p>

## General Government (Continued)

Legislation	Background
<p><b><u>O. Continue Marijuana Legalization Implementation</u></b></p> <p><b>Allow for civil enforcement of marijuana laws. Ensure equitable distribution of marijuana shared revenues. Eliminate limitations on shared revenue use.</b></p>	<p>One of the promises made by marijuana legalization advocates is that illicit sales and production of marijuana would shift into a legalized and regulated market. This has occurred to a large extent but many producers and retailers continue to seek the financial benefits or participation in the marijuana industry while avoiding the inconvenience of its regulatory framework. This priority seeks legislation that gives the Oregon Liquor Control Commission (OLCC) the same civil and administrative authority to prevent unlicensed sales and production of marijuana as it has in regards to liquor.</p> <p>Beginning in 2017, state shared revenue from marijuana will be distributed to cities based in the number of OLCC licensed commercial marijuana entities exist in their jurisdiction. This priority is to alter that arrangement so that is it distributed on a per capita basis to ensure equitable distribution among cities that are incurring costs.</p> <p>Measure 91 required that money distributed by the state to cities be used exclusively for costs associated with marijuana legalization. Tracking a dollar though a city's general fund and determining if a service was related to marijuana is inefficient if not impossible, and is not imposed for the receipt of liquor revenue. This priority is to advocate for legislation that removes this burden.</p>
<p><b><u>P. Protect Mental Health Investments Made in 2015</u></b></p> <p><b>Oregon made significant and strategic investments in protecting and caring for the mentally ill in 2015 that should be maintained.</b></p>	<p>The Legislature increased access to mental health care and expanded existing, proven programs designed to de-escalate police contacts with the mentally ill. Those programs could be vulnerable in a difficult budget environment made challenging by increased PERS rates.</p> <p>This priority is defensive in nature and seeks to preserve investments that are improving the lives of mentally ill Oregonians.</p>
<p><b><u>Q. Remove Qualification Based Selection Mandate</u></b></p> <p><b>Cities should be allowed to consider cost when making initial contract award decisions when hiring architects and engineers.</b></p>	<p>Cities are currently required to use a procurement method that prevents the consideration of cost when contracting with architects and engineers for public improvements. Instead, cities must base their initial selection for these services based solely on qualifications and can only negotiate the price after an initial selection is made.</p> <p>This mandate is not a cost effective means for procuring services and is poor stewardship of the public's dollars. This priority is to seek the removal of this mandate.</p>

# Human Resources

Legislation	Background
<p><b>R. <u>Repeal Requirement to Subsidize Retiree Health Insurance</u></b></p> <p><b>Public employers should not subsidize the health insurance of former employees when reasonable, cost competitive options exist.</b></p>	<p>ORS 243.303 mandates that local governments provide retirees with access to health insurance and requires that they be placed in the same risk pool as active employees. As retirees are approximately 2.5 times more expensive to insure than active employees this mandate results in employers and current employees subsidizing the health insurance costs of former employees. This subsidization, according to the Government Accounting Standards Board, must be shown on an audit as long term liability, thus creating an inaccurate perception of a city’s financial condition. Further, this requirement could be described as anachronistic as individuals are now able to purchase health insurance under the Affordable Care Act.</p> <p>This priority is to eliminate ORS 243.303 from Oregon’s laws.</p>
<p><b>S. <u>PERS Reform</u></b></p> <p><b>PERS benefits should be adjusted where legally allowable and investments should be maximized to ensure a sustainable and adequate pension system.</b></p>	<p>The PERS unfunded liability stands at \$22 billion and employer rates are anticipated to approach 30 percent of payroll in the coming biennium. Rates are expected to remain at that level for the next twenty years. This is not sustainable.</p> <p>This priority is to seek any equitable changes to benefits that will reduce employer rates while not pursuing options that are legally tenuous or counterproductive. Additionally, changes are to be sought to the investment portfolio that will maximize returns through improved risk management and efficiencies.</p>

## Human Resources (Continued)

Legislation	Background
<p><b>T. <u>Arbitration Changes</u></b></p> <p><b>Public employers should have greater influence over the disciplining of their employees.</b></p>	<p>Currently under the Public Employee Collective Bargaining Act, contested employee discipline matters must be submitted to an outside arbitrator for adjudication. Decisions by arbitrators are binding unless the conduct was a violation of public policy as defined by the state, there was serious criminal conduct or an egregious inappropriate use of force.</p> <p>This priority is to seek the following changes to the statute:</p> <ul style="list-style-type: none"><li>• Arbitrator decisions should also comply with local policies;</li><li>• Decisions should comply with policies related to any inappropriate use of force a;</li><li>• Arbitrator decisions should recognize all criminal misconduct related to employment not just “serious”;</li><li>• Employer disciplinary decisions as it regards employees who are supervisors as defined by the EEOC and BOLI should be given more weight.</li></ul>
<p><b>U. <u>Veterans Preference Clarifications</u></b></p> <p><b>Requirements that veterans be given preference in public sector hiring should be clear and unambiguous for the benefit of veterans and employers.</b></p>	<p>The State of Oregon requires and the League agrees that honorably discharged veterans deserve special consideration in public sector hiring. However, statutes describing how this is to be accomplished are unclear and ambiguous. Vague statutes do not serve the interests of employers or veterans.</p> <p>This priority seeks a clear definition of “preference” in the statute, ensure that recently separated veterans receive the consideration necessary for them to successfully enter the workforce and establishes clarity as to when the preference is to be applied.</p>

# Telecommunications, Cable & Broadband

Legislation	Background
<p><b>V. <u>Rights of Way</u></b></p> <p><b>Oppose legislation that preempts local authority to manage public rights-of-way and receive compensation for their use.</b></p>	<p>In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of franchise fee and rights-of-way management authority discussions, proposals to restriction to this authority arise. These include a statewide franchise policy and revenue collection system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority, the ability to enter into agreements with service providers either by agreement/contract or ordinance and to derive revenues from business fees charged to users of public rights-of-way.</p>
<p><b>W. <u>Franchise Fees</u></b></p> <p><b>To ensure market fairness and equity, prepare legislation for possible introduction repealing ORS 221.515 (HB 2455 -7 in 2013, and HB 2172 in 2015) to remove franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers but not to competitive local exchange carriers.</b></p>	<p>Oregon statute currently contains a discrepancy between how cities collect franchise fees from incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). ORS 221.515 limits cities collecting franchise fees from ILECs to a maximum of 7 percent of revenues derived from dial-up services, which represents only a portion of ILEC total revenues due to the addition of a broader array of customer services. There is no such rate cap or revenue restriction on CLECs, hence the discrepancy. In the past the League has worked with CLECs to “level the playing field.” Repeal of ORS 221.515 would accomplish that.</p>
<p><b>X. <u>9-1-1 Emergency Communications</u></b></p> <p><b>Support legislation enhancing the effectiveness of the state’s emergency communications system through an increase in the 9-1-1 tax and/or a prohibition of legislative “sweeps” from accounts managed by the Oregon Office of Emergency Management.</b></p>	<p>The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 (HB 3317). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax (HB 4055). As concerns mount with regard to disaster preparedness and recovery and as new upgrades to communications technology becomes available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities. Additional funding is needed and the practice of periodically sweeping funds out of the state’s emergency management account for other uses should cease. It is worthy of note that the practice of “sweeps” disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.</p>

# Telecommunications, Cable & Broadband (Continued)

Legislation	Background
<p><b>Y. <u>Technology Funding</u></b></p> <p>Seek additional funding to assist for cities in:</p> <ul style="list-style-type: none"> <li>• <b>Increasing high speed broadband deployment and close the digital divide.</b></li> <li>• <b>Purchasing upgraded emergency management communications equipment.</b></li> <li>• <b>Providing local match money for federal funding programs, such as high speed broadband deployment.</b></li> </ul>	<p>The deployment of broadband throughout the state of Oregon is critical to economic development, education, health and the ability of citizens to link with their governments. Additional funding, from various sources, including the state and federal government, needs to be allocated for this purpose. The need becomes even more acute when consideration is given to the certainty of a major seismic event. Often federal assistance comes with the requirement of a state or local match which is problematical for cities. A state mechanism for providing matching fund assistance would be helpful to those communities seeking to take control of their broadband destiny.</p>

# Transportation

## Legislation

### Z. Comprehensive, Multi-modal Transportation Funding and Policy Package

The League of Oregon Cities proposes that transportation infrastructure be raised to the same level of importance as other utilities, and be funded at a level capable of maintaining appropriate standards of operation and service. Therefore, the League will help draft and advocate for a comprehensive, inter-modal and statewide transportation funding and policy package that:

1. Provides a significant increase in resources available for the preservation and maintenance of city streets by:
  - Substantially increasing the state gas tax and licensing and registration fees.
  - Indexing the state gas tax.
  - Continuing efforts to identify and implement alternative funding mechanisms (VMT, tolling, public-private partnerships, etc.).
  - Disaster resilience and seismic upgrades for all transportation modes.
  - The completion of transportation projects begun but not yet completed due to lack of funding or changes in funding criteria.
  - Providing additional funding for voluntary jurisdictional transfer.
  - Funding transportation enhancements such as bike-ped facilities.
  - Increasing funding for the statutory Special City Allotment program while maintaining the 50%-50% ODOT/city split.
  - Repealing the referral requirement (2009 Jobs and Transportation Act) on cities seeking to create/increase local gas tax.
  
2. Addresses statewide needs relating to intermodal transportation through:
  - Additional funding for transit operations and capital projects.
  - Additional funding for freight rail capital projects and operations (*ConnectOregon*, short-line rail and transload facilities).

## Background

Maintenance and preservation needs have outpaced the resources available for streets, roads and highways. In its March, 2016 Infrastructure Survey Report the League identifies a \$3.7 billion capital need for highway and non-highway transportation projects (\$2.6 billion highway / \$1.1 billion non-highway). In addition, the report shows, for the 120 cities that participated, an aggregated street budget shortfall for operations and maintenance of approximately \$217 million per year. Safety and disaster resilience were cited as major challenges and needs by most cities. Cities also expressed support for a voluntary jurisdictional transfer program (the sensible alignment of highway facilities and management responsibility) provided the availability of adequate funding to facilitate the transfer and to maintain the asset.

Given the threat that inadequate funding represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets. Notwithstanding its emphasis on the need to preserve and maintain existing streets, the League of Oregon Cities agrees that the state's transportation system and the policy and funding programs that support it must be multimodal and statewide in scope. The League will therefore work to pass legislation in 2017 that addresses funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing address such issues as:

- Connectivity and capacity (especially truck mobility/rail)
- Safety for all users across all modes
- Resiliency and recovery (seismic retrofit across all modes)
- Jobs and economic development
- Impact on climate change
- Active transportation and public health
- Transportation access available on an equitable basis to all Oregonians
- Continuing and extending *ConnectOregon*
- Ensuring adequate new revenues for program/equipment such as the Oregon Department of Motor Vehicles technology upgrade
- Creative solutions to ongoing challenges (dedicated non-roadway fund, increased local authority to fund transit, bike-ped funding, etc.)

- **Additional funding for passenger rail operations, equipment and capital projects (federal matching money and AMTRAK Cascades).**

**3. Does not:**

- **Preempt local government ability to self-generate transportation revenues for street maintenance and preservation.**
- **Change the dedication of State Highway Fund dollars to highway, road and street projects contained in Article 8, Section 3a of the Oregon Constitution.**
- **Reduce cities 20% share of the State Highway Fund.**
- **Create unfunded mandates requiring cities to undertake specific programs, such as greenhouse gas reduction scenarios.**
- **Further complicate the planning and regulatory process that currently governs the project delivery process.**

- **Maximizing local benefits of the federal FAST Act in Oregon**

# Water & Wastewater

## Legislation

### AA. Funding for Water System Resilience

**Secure dedicated funding for water and wastewater system resilience and emergency preparation. This would include additional funds to plan for and upgrade water systems to increase seismic resiliency and funding to better position communities to better prepare for water supply shortages due to drought, climate change or other emergency scenarios.**

## Background

In general, Oregon’s drinking water and wastewater systems are woefully underprepared for a catastrophic earthquake event. Restoration of water supply following such an event is critical for fire suppression, first aid, and for human health and safety. In 2013, the Oregon Resilience Plan provided estimates for service recovery of water and wastewaters systems in the event of a Cascadia earthquake under current infrastructure conditions. According to the plan, the estimated timeframe for service recovery in the valley ranges from one to twelve months. For the coast, service recovery is estimated between one to three years.

In addition to risks associated with significant natural disaster events, recent drought conditions in Oregon have demonstrated the need for emergency supply planning and coordination with other water users to better address water supply challenges. It is critical that communities are able to acquire alternative and back-up water supplies from multiple sources in order to better prepare for supply shortages or emergency situations, such as natural disasters or supply contamination.

The League will work to identify and secure low-interest loans or grants to seismically upgrade drinking water and wastewater system infrastructure and to help ensure that these systems are more resilient and better positioned to respond to water supply shortages resulting from drought, climate change, natural disasters, or other system failures.

## Water & Wastewater (Continued)

Legislation	Background
<p><b>BB. <u>Promote an Enhanced Prescription Drug Take-Back</u></b></p> <p><b>Advocate for enhanced prescription drug take-back program funding and additional collection locations to reduce contamination of water from unwanted prescription drugs.</b></p>	<p>Unused prescription drugs are problematic from both a public health and safety perspective as well as from a water quality perspective. Drug take-back programs help to ensure that unused prescription drugs are properly disposed of which keeps them from being abused, keeps them out of the hands of children, and keeps them from entering Oregon’s waterways. Unwanted prescription drugs are often flushed down the toilet and despite wastewater treatment systems, they can end up contaminating lakes, streams and rivers. In 2014, U. S. Drug Enforcement Administration (DEA) expanded the types of locations allowed to accept unwanted medications including retail pharmacies and drug manufacturers. Prior to 2014, drug-take back programs were primarily supported through police department drop boxes. The challenge in expanding prescription drug take-back programs is now focused on the cost of transporting unused drugs from the take-back location to the disposal site and in educating the public about responsible disposal opportunities.</p> <p>The League will work with a variety of stakeholders, including public health advocates, to identify additional funding mechanisms to increase drug take-back collection locations across Oregon. Funding should support the transportation and responsible disposal of unused prescription drugs. Funds should also be dedicated for enhanced education of disposal opportunities and the establishment of convenience standards to ensure that all Oregonians have reasonable access to drug take-back locations.</p>
<p><b>CC. <u>Increased Funding for Water Supply Development</u></b></p> <p><b>Support additional water supply funding through the state’s Water Supply Development Account.</b></p>	<p>According to a survey conducted by the League, Oregon’s water and wastewater infrastructure needs for cities alone are estimated to be \$9 billion over the next twenty years. In addition, the survey identified 66 percent of respondent cities as being in need of additional water supply storage. The 2015 drought highlighted the need for additional investments in water supply infrastructure, including storage and water delivery system efficiencies. Additional storage project investments are not only critical for adequate drinking water supply, they are an important tool for supplementing streamflows and habitat restoration.</p> <p>The League will work to secure additional funding for existing water supply development programs. This includes support for feasibility grants and for the state’s Water Supply Development Account which provides funding for water supply storage, reuse, restoration and conservation projects.</p>

**Nieman, Mitchell**

---

**From:** Flores, Alma  
**Sent:** Thursday, June 16, 2016 8:58 AM  
**To:** Nieman, Mitchell  
**Cc:** Monahan, Bill; Flores, Alma  
**Subject:** RE: 2017 Legislative Agenda

**Importance:** High

**Community Development's Top 4 Legislative Agenda Items (per your request):**

**Needed Housing Assistance Program:** Housing In April 2016, in response to rapidly increasing rents and home sale prices and a historically low vacancy rate, the City of Milwaukie declared a Housing State of Emergency and adopted a 90 Day No Cause Eviction Ordinance. Since that time, the City has been looking for additional financial resources and is considering alternative housing types that can help to increase the supply of affordable housing in Milwaukie. The City recently submitted a letter of interest to Metro for its Equitable Housing Planning and Development Grant program to allow the city to do a feasibility analysis of several sites throughout the city for a cottage cluster development or other equitable housing development type, and is proposing to work with Clackamas County and community partners such as Northwest Housing Alternatives and Providence Milwaukie Hospital on this work. A Housing Assistance Program would be of great benefit to the City by providing additional financial resources and technical assistance to provide affordable housing solutions, and provide a model and best practices for low income and senior housing development that could be replicated across the entire Metro region.

**Floodplain Technical Assistance:** A functioning floodplain is important for the health of the surrounding ecosystem, as well as for the economic and cultural activities that rely on it. Healthy, functioning floodplains are hugely important for the many values they provide: clean water, flood storage, and abundant fish and wildlife among others. As well as providing key economic opportunities for urban and rural communities, they also help make those communities more resilient to the effects of a changing climate. Floodplain land and adjacent waters combine to form a complex, dynamic physical and biological system found nowhere else. When portions of floodplains are reserved in (or restored to) their natural state, they provide many benefits to both human and natural systems. These benefits range from providing aesthetic pleasure to reducing the number and severity of floods, helping handle storm-water runoff, and minimizing water pollution. Such natural processes cost far less money than it would take to build facilities to correct flood, storm-water, water quality and other community problems.

The City of Milwaukie has several Special Flood Hazard Areas within the city limits. The cost of previous development in floodplains is significant, and cannot be borne by our community alone. Insurance covers only a small part of the financial toll, and thus taxpayers, individuals, and businesses shoulder much of the financial burden of clean up and rebuilding after floods. Those who live far from flood prone areas also pay through taxes that support building and rebuilding in flood risk locations. Federal and state disaster funds often function as a subsidy that reduces financial risk, shielding people, communities and businesses from the true risks and costs of locating in flood-prone areas. An example of the flooding in the Clackamas area is the Johnson Creek Watershed where seven major floods have occurred during the past 35 years. While only 6% of the Portland area 100-year floodplain is associated with Johnson Creek, 78% of the City of Portland's repetitive loss claims come from there. Floods during Feb. '96 on Johnson Creek totaled \$4.7 million in damages. Yet this is a significant underestimate of the true costs of flooding. When the full range of impacts to the economic and transportation systems are tallied, the price may even go higher. It is critical to plan for both management and mitigation of these areas reduce the overall impacts to the community. The goals is: To protect life and reduce injuries resulting from natural hazards; to minimize public and private property damages and the disruption of essential services from natural hazards; to increase the resilience of local, regional, and statewide economies; and to minimize the impact of natural hazards while protecting and restoring the environment.

**Updates to Oregon Energy Codes:** The residential building energy code is developed and administered by the International Code Council (ICC) and the commercial building energy code development processes are administered by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) and the (ICC). These organizations perform periodic revisions through separate established processes, allowing stakeholder participation from industry, the public and governmental entities during the code hearings. Once the revision process is completed, a new edition of the model code is published, which allows for adoption by states and localities. Oregon Building Codes Division's decision to go to a six year code cycle change, has left Oregon homeowners, business owners, building designers and contractors out in the cold and behind the latest developments in energy efficiency. It is important to keep up with the most current energy code to stay on top of the latest edge of technology that the industry has tested and designed. When a building is completed, to go back and upgrade that building at a later date to meet current energy codes, can be very expensive to a homeowner, business owner or government agency. In today's society, energy efficiency and energy conservation is a regular topic to find more efficient ways to conserve energy in our homes and businesses. The result of conserving energy is putting more money back in our pockets and helping our environment, which is an increasingly high topic item today. In addition, the State of Oregon will allow anyone to submit under the new codes an alternative so code officials need to be ready to know the most current national code cycles. Oregon Building Codes Division only offers updated classes when there is a code change and without a code change, code officials would not have the knowledge of the most current national code. Oregon needs to go back to the 3 year code cycle change.

**Transportation Funding and Policy Package:** The City's current funding situation allows for maintenance of existing transportation infrastructure, but money for improvement projects is very limited. Especially considering the changing landscape of what improvements the City can require with infill development, it is increasingly challenging to fund the more than \$80 million in improvement projects listed in the City's Transportation System Plan (TSP). Currently, the City is working to identify funding sources for construction of improvements listed in the Bicycle and Pedestrian Accessibility Plan, Safe Routes to Schools action plans for 4 local schools, and the concept plan for the Monroe Street Neighborhood Greenway (adopted by City Council in December 2015). With the September 2015 opening of the new light rail line into the City, it is even more important to improve the City's transportation network for safe, enhanced connections to transit. We fully support this legislative action.

---

**From:** Nieman, Mitchell  
**Sent:** Friday, June 10, 2016 2:40 PM  
**To:** \_Department Heads  
**Subject:** 2017 Legislative Agenda

All- per our meeting this morning, I've attached a list of LOC legislative priorities that will help Council set its agenda for the 2017 season.

As Bill requested, we need you to review and select priorities that will (realistically) impact your department in the soon-to -near future. Additionally, we need you to submit a brief paragraph explaining why you feel the priority(s) you selected will have an impact to your department.

After you send me your priority(s) and respective paragraph(s), I will draft a report to Council that will ask them to choose four priorities in total, which will be forwarded to the League for their consideration prior to start of session.

\*Community Development Department: please combine all of your priorities into one submission.

Please send me your submissions by noon on Friday, June 17, or earlier.

Thanks,

Mitch Nieman

Assistant to City Manager

City of Milwaukie

10722 SE Main St | Milwaukie, OR 97222

T 503.786.7573 | F 503.653.2444

City Hall 503.786.7555

Join us on the [web](#), [facebook](#) and [twitter](#)!

## Nieman, Mitchell

---

**From:** Fuchs, Clare  
**Sent:** Sunday, June 26, 2016 11:27 PM  
**To:** Monahan, Bill  
**Cc:** Nieman, Mitchell  
**Subject:** RE: 2017 Legislative Agenda

I apologize for getting this in so late. I would be happy to amend the staff report tomorrow night so Mitch does not have to. The four recruitments I have underway right now have been a bear. Here are Fleet, Facilities, Parks, and Sustainability's priorities.

1. Proposal "E" makes a lot of sense to provide jurisdictions with the flexibility to use either off-site or on-site renewable energy the most efficient way possible. For instance, with our new Library it may not have the best solar access. If we were able to use this 1.5% to add to community solar, we could get the most for our energy dollar. This in turn would provide for more renewable energy on the whole if it were not required to be attached to one location. It would also allow governments to place the renewable energy use where it is the most effective or the most needed.

2. Proposal "F" is important and timely for Milwaukie. As the City embarks on community solar, adding electric vehicles, and possibly adding on-site solar in the near future financing tools and rebates are crucial. The City will also be looking at how it can bring in energy retrofits into repair and replacements of our aging building parts. Staff can foresee the following repair and replacements coming up: new windows, new roofs, and new heating and cooling systems. These tools would allow the City to buy more energy efficient equipment that may cost more at first purchase, but save the taxpayers money over the decades. The public sector should not have to internalize the former negative externalities of the private sector in this arena.

3. Proposal "G" is no brainer in my experience. In Arizona the building code at the local government level is updated every year to match the national code. If Arizona and their political climate can keep up, then so can Oregon. We owe it to our citizens to stay at the forefront of the safest, most efficient technology. Oregon should be a leader given our political climate in this sector. There is technology out there right now that would allow homes to become net zero in terms of trash, energy, and water. The City needs to make sure that citizens who want to take advantage of this technology can do so in Milwaukie. Global warming is perhaps the biggest issue facing the earth today. Sea level rise and more dangerous storms are already threatening and destroying sensitive communities around the globe. These communities are some of the poorest in the world. The Portland area and Oregon could itself see drastic expenses along the Willamette River in a little as 5-10 years. The time for change was 25 years ago. It is this generation's responsibility to now take as drastic measures as possible to reverse any more damage while we are still able.

4. Proposal "M" should go without saying. Employees acting in good faith should not sustain a greater threat to litigation than the employer they work for. This has the potential to be a threat not only for all of my divisions, but for the entire City. Can a car owner personally sue an employee that paves over potholes, but not the City? Can a developer sue an Assistant Planner for making an decision in error, but not the City. This has the potential to have a chilling effect on hiring across all government sectors.

Clare L. Fuchs, AICP  
Sustainability Director

City of Milwaukie  
6101 Johnson Creek Blvd | Milwaukie, OR 97206  
D 503.786.7680 T 503.786.7600

Join us on the [web](#), [facebook](#) and [twitter](#)!

---

**From:** Nieman, Mitchell  
**Sent:** Friday, June 10, 2016 2:39 PM

**To:** \_Department Heads  
**Subject:** 2017 Legislative Agenda

All- per our meeting this morning, I've attached a list of LOC legislative priorities that will help Council set its agenda for the 2017 season.

As Bill requested, we need you to review and select priorities that will (realistically) impact your department in the soon-to -near future. Additionally, we need you to submit a brief paragraph explaining why you feel the priority(s) you selected will have an impact to your department.

After you send me your priority(s) and respective paragraph(s), I will draft a report to Council that will ask them to choose four priorities in total, which will be forwarded to the League for their consideration prior to start of session.

\*Community Development Department: please combine all of your priorities into one submission.

Please send me your submissions by noon on Friday, June 17, or earlier.

Thanks,

**Mitch Nieman**  
Assistant to City Manager

City of Milwaukie  
10722 SE Main St | Milwaukie, OR 97222  
T 503.786.7573 | F 503.653.2444  
City Hall 503.786.7555

Join us on the web, facebook and twitter!