



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

REVISED AGENDA**FEBRUARY 21, 2023****(Revised February 17, 2023)**

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-342>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 841 6722 7661 and Passcode: 097479. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council will take verbal comments.

Note: agenda item times are estimates and are subject to change.

Page #

1. **CALL TO ORDER** (6:00 p.m.)
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**

2. **ANNOUNCEMENTS** (6:01 p.m.) **2**

3. **PROCLAMATIONS AND AWARDS**
 - A. **Outstanding Milwaukie High School (MHS) Student – Award** (6:05 p.m.)
Presenter: Kim Kellogg, MHS Principal

4. **SPECIAL REPORTS**
 - A. **Celebrating Black Excellence Month – Report** (6:25 p.m.)
Presenter: Desi Nicodemus, Council President
 - B. **Clackamas Fire District #1 (CFD1) Levy – Report** (6:35 p.m.)
Presenter: Nick Brown, Fire Chief and Brian Stewart, Assistant Fire Chief

5. **COMMUNITY COMMENTS** (6:55 p.m.)

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**

6. **CONSENT AGENDA** (7:00 p.m.)

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

 - A. **Approval of Council Meeting Minutes of:** **6**
 1. **January 10, 2023, study session,**
 2. **January 17, 2023, work session,**
 3. **January 17, 2023, regular session, and**
 4. **January 28-29, 2023, retreat.** (Added to the agenda)

- 6. **CONSENT AGENDA (continued)**
 - B. **Council Communication Agreement Adoption – Resolution** 16
 - C. **Council Committee Assignments Approval – Motion** 20
(changed from resolution)
- 7. **BUSINESS ITEMS**
 - A. **Parks Levy Ballot Measure Referral – Resolution** (Removed from the agenda)
 - B. **Council Goals – Discussion (7:05 p.m.)** (Added to the agenda)
Presenters: City Council
- 8. **PUBLIC HEARINGS**
 - A. **Fireworks Ban Adoption – Ordinance (7:30 p.m.)** 27
Staff: Tim Salyers, Code Compliance Coordinator
- 9. **COUNCIL REPORTS**
 - A. **Legislative and Regional Issues – Resolution(s) (7:50 p.m.)**
Staff: Scott Stauffer, City Recorder
- 10. **ADJOURNMENT (8:00 p.m.)**

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city’s YouTube channel](#) and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



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Announcements

Join a BOARD or COMMITTEE

milwaukieoregon.gov/bc



Mayor's Announcements – Feb. 21, 2023

- **Annual Boards and Committees Recruitment Now Open – Apply by April 1**
 - Volunteer groups cover a variety of areas and work directly on local projects
 - Learn more and apply at milwaukieoregon.gov/bc
- **City Manager Open Door Session – Fri., Feb. 24 (9 – 10 AM)**
 - Ask questions, raise concerns, or just find out more about the city
 - No sign-up necessary. First-come, first-served.
 - Milwaukie City Hall Council Chambers (10722 SE Main St.)
- **Ledding Library Lecture Series – Wed., Mar. 1 (6 PM)**
 - Learn about the work of the city's councilors and how they have helped to shape the city's past and future
 - Ledding Library Community Room, 10660 SE 21st Ave., or attend on Zoom
- **25th Annual Watershed Wide Event (Johnson Creek) – Sat., Mar. 4 (8:45 AM – 12 PM)**
 - Volunteers will spread out at ten work parties
 - RSVP at jwcw.org/events/25th-annual-watershed-wide-event
- **Repair Fair – Sat., Mar. 11 (10 AM – 1 PM)**
 - Free event that brings skilled volunteers and people with broken items together
 - Ledding Library, 10660 SE 21st Ave.
 - Learn more at clackamas.us/recycling/repairfair
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**

SPONSORSHIP REQUEST

- The City is seeking sponsors for Carefree Sunday 2023
- If your business or organization is interested in helping to sponsor the event, please contact Dan Harris at events@milwaukieoregon.gov or 503-786-7519





RS Agenda Item

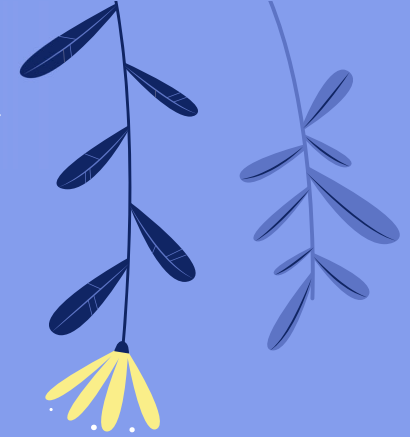
3

**Proclamations
& Awards**



Student of the Month
February 2023

Criteria for Student of the Month



We are looking for students that:

- contribute to and/or have made an impact on their community.
- strive for excellence in their academics, activities and/or their passion area.
- have overcome an obstacle and are showing growth and are thriving.



Khaicjae Kaleiohi

Milwaukie Academy of the Arts

- 12 Grade
- GPA: 3.8
- Taken (6) AP classes

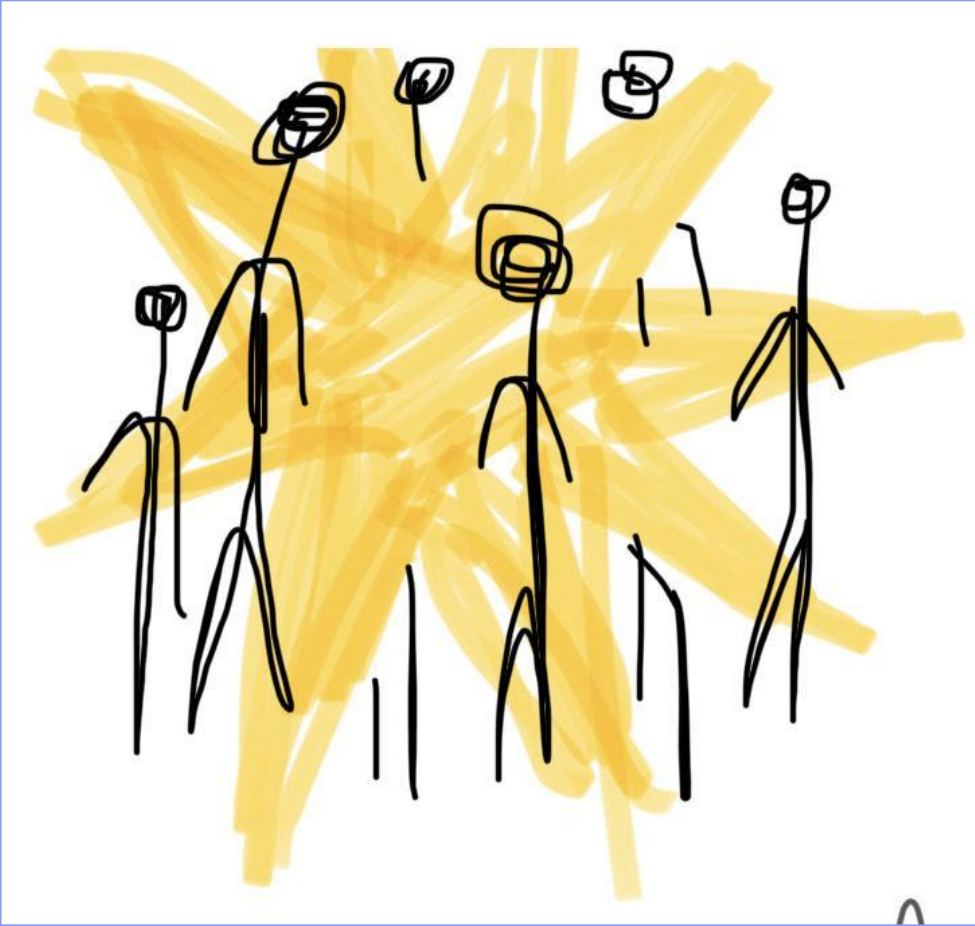
Yearbook

- Editor-in-Chief.
- Worked with local artist Chris Haberman
- Selling their Art at Made in Milwaukie

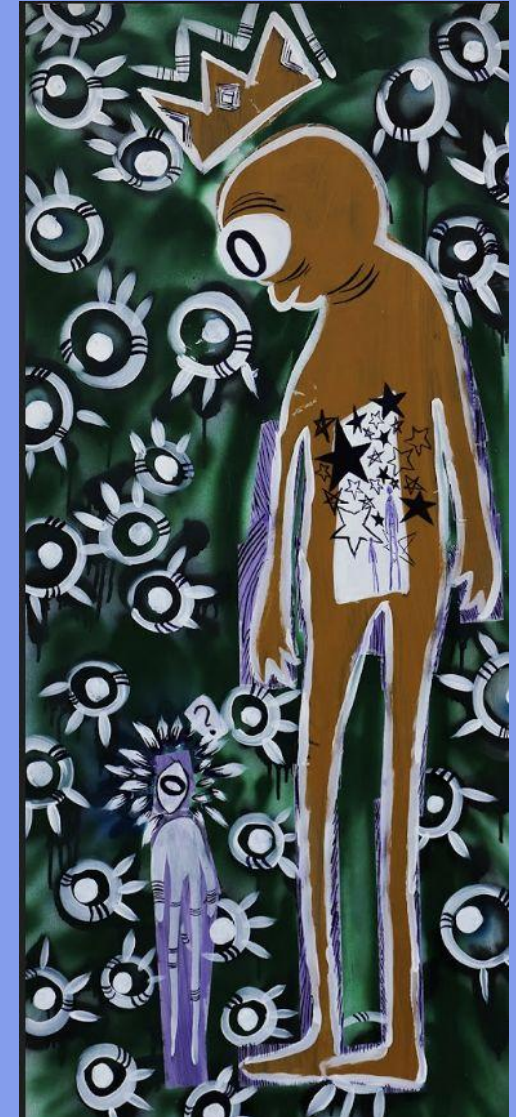
Current & Future

- Working at Milwaukie Bowl (8-16)
- CCC - Electrician or Theatre Technician
- Khai has the opportunity to work as an intern with professional sculptor, Tyler FuQua

Art by Khai~



Art by Khai~

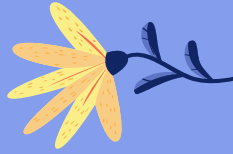


It gives me great pleasure to celebrate Khai and all of their achievements. Over the past three years I have taught Khai online and in person, as well as in multiple classes. They are a creative soul with much to say and express. Their love for music and art shines in everything they do. Whether they are painting, doodling, doing photography or just going to local house punk shows, Khai gains so much from the energy of art and music. For Khai, creating and being around art is as vital as water.

Khai has also been in Yearbook for the past three years and this year working closely as my editor-in-chief. Khai's creative fingerprints are all over the 2023 yearbook and it is a unique, fun, artsy and very punk rock yearbook with a DIY 'zine quality, which is everything Khai loves. We are confident the student body will also find it a very cool, one of a kind yearbook.

~ Michael Fell





I had Khai in AP US History (11th) and Government (12th)

Khai is an incredibly talented writer and their essays in APUSH were among the best I received last year. Even when discussing issue that they feel strongly about, Khai is able to see other points of view and include others in the conversation


Khai cares deeply about the welfare of others and is both aware and involved in social issues that affect many groups of people in their community. Over many lunches the last two years, Khai and I have been able to talk about music, games, part time jobs, art, going to college and a whole variety of topics. Throughout the course of those conversations, I am sure that I learned as much from Khai as they ever did from me!

~Dan Lee



Khai is a creative, kind, focused and determined student. Khai excels in both their “core” academic classes and their many art classes. Khai has a quiet, calm strength that is a welcome presence in all of their school spaces and beyond. Khai is a strong self-advocate and supporter of others and a skilled communicator. I have enjoyed working with Khai through their high school years and I am excited to see where Khai goes next! They have created and followed their own path – seeking out opportunities to grow and expand their many talents and strengths. Khai is going to shine in their next educational space and will be an inspiration to those around them!

~Baret Pinyoun

The slide features a blue background with decorative elements. In the top-left corner, there are three small yellow flowers on a black stem with a white leaf. In the top-right corner, there are blue leaves and a yellow flower on a white stem. In the bottom-left corner, there is a large, detailed yellow flower with a red center and dark blue leaves. In the bottom-right corner, there are white outlines of leaves. The text is centered in a dark blue, cursive font.

Congrats Khaicjae...I know you
don't seek out the spotlight, but
this award is well deserved!

MHS/MAA Updates

1. Reviewing semester data
2. Starting State Testing
3. Forecasting for next year
4. Preparing for our 8th Grade Night

Youth Truth Topics

Student Engagement	✓
Academic Rigor	✓
Relationship with Teachers	✓
School Culture	✓
Bullying	✓
Equity	✓
Drop Out Risk	✓
College & Career Readiness (High School)	✓

- It is given to students in grades 3-12
- **Survey Window:** Jan 30 - Feb. 24
- Offered in English, Spanish & Russian
- Taken electronically
- Confidential (no survey is linked to a student)
- Students/Teachers/Parents/Guardians

Black Excellence Month

Resources:

- Melissa created this wonderful document packed full of rich resources. [Link](#)
- Click on the resource slide below for additional resources.



2022-

National Honors Unified League

- Special Olympics came to the game on Thursday, February 16 to present the banner.
- We are one of 17 schools in Oregon. And one of _____ schools in the nation.

Criteria:



Unified 22-23

Juntos



- Spanish Speaking Families
- Information Session on March 16
- Sessions start the week of April 3
- Session Topics:
 - Explanation of High School Systems
 - Post High School Plans - How to get there
 - Scholarships/Grants/Loans
 - Post High School Plans
- Culmination - College visit to OSU

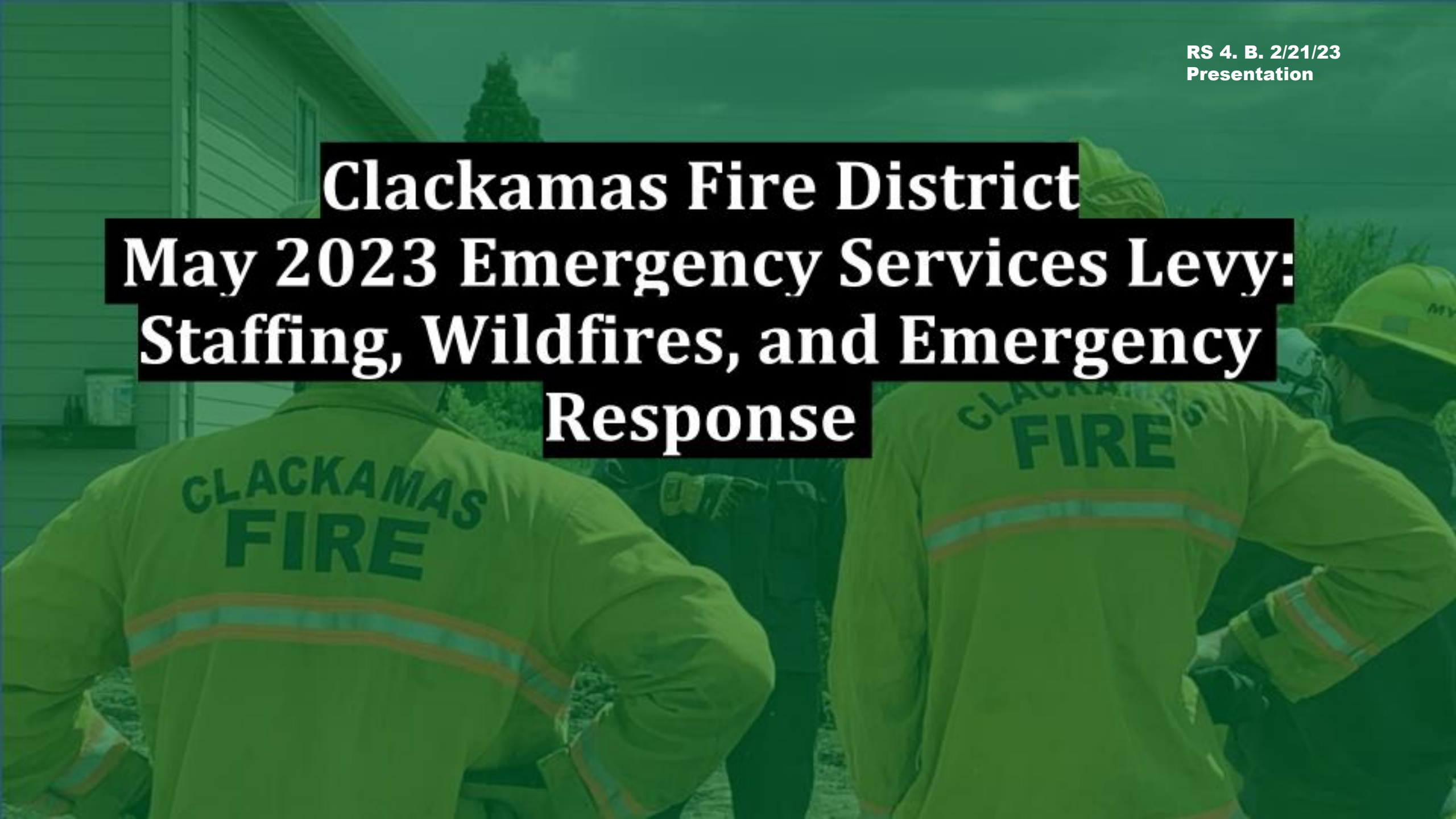


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Special Reports

Clackamas Fire District May 2023 Emergency Services Levy: Staffing, Wildfires, and Emergency Response



Purpose and Mission



Our Purpose:

To save lives and mitigate emergencies while bringing calm to chaos. To bring value to the communities we serve and to make people's lives better.

Our Mission:

Clackamas Fire strives to be a well-trained team, and empathetic professionals. Constantly improving and empowering our people to best serve those we are sworn to protect.

CLACKAMAS FIRE EMERGENCY SERVICES LEVY: KEY MILESTONES



Levy Elements



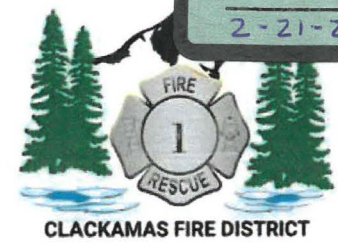
- **If the levy passes, it will fund:**
 - **Additional firefighters at most stations across the District**
 - **24/7 staffing of rural fire stations (Logan and Clarkes)**
 - **“Quick response vehicles,” which includes lighter resources to improve response efficiency in high-volume service areas**
 - **Equipment critical to emergency and wildfire response**
- **This five year emergency services levy, if passed, would provide annual funding of \$14.5 million at a cost of \$0.52 per thousand of assessed valuation, which is \$138 per year for the typical homeowner at the median assessed value.**
- **If the levy does not pass, these elements would not be funded. Further staffing and operational cuts may be required.**



CLACKAMAS FIRE DISTRICT



Clackamas Fire District Emergency Services Levy



Overview

The Clackamas Fire District Board of Directors has referred an emergency services levy to the May 2023 ballot. This is the first time Clackamas Fire District has referred a levy to the voters. If passed, the levy would fund enhanced firefighter staffing and equipment for emergency and wildfire response.

Why has the Board referred a levy to the ballot?

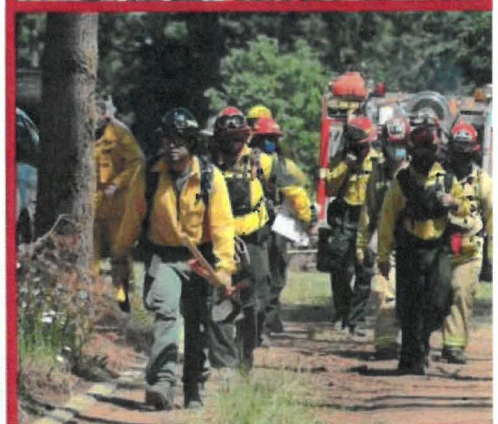
Clackamas Fire District is one of the largest and busiest fire agencies in the region, serving 220,000 residents across 235 square miles. Demands for emergency response are growing, with more than 30,000 annual calls. Since 2021, there has been a 15% increase in call volume yet budget constraints have resulted in a 9% decrease in emergency response staffing. With wildfire risk also increasing, the permanent tax rate is not able to keep up with the need.

What would a levy fund?

The levy, if passed, would hire 62 additional firefighters to provide increased staffing in most fire stations and enable 24/7 career staffing at two rural fire stations (Logan and Clarkes) that are critical to wildfire and emergency response. It would also fund quick response vehicles to improve response efficiency in high-volume service areas, equipment and operational costs connected to emergencies, and wildfire mitigation, prevention, and response supports.

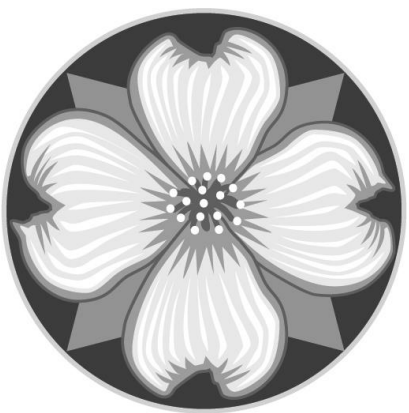
How much would it cost? What happens if the levy does not pass?

If passed, the emergency services levy would provide annual funding of \$14.5 million at a cost of \$0.52 per thousand of assessed valuation, which is \$138 per year for the typical homeowner at the median assessed value. If the levy does not pass, staffing reductions implemented in 2022 will remain in place and the Logan and Clarkes fire stations will not be staffed by career firefighters. Further staffing and operational cuts may be required.



Learn more about
the levy at:
www.ClackamasFire.com





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Community Comments

Scott Stauffer

From: Ben Boggess <blboggess@aol.com>
Sent: Friday, February 10, 2023 7:41 PM
To: OCR
Subject: new fees

This Message originated outside your organization.

I oppose city council unilaterally enacting new fees added to our city water and sewer utility bills.

ben boggess

Re: Written Testimony for Agenda 5, **Community Comment**, Regular Session, February 21, 2023

To: Mayor Batey; Councilors Nicodemus, Khosroabadi, Massey, and Stavenjord; and City Manager Ann Ober.

Re: Additional information concerning Milwaukie's Urban Renewal draw on City general operating property tax revenues.

I thank the Milwaukie Budget Committee for taking up the issue of Urban Renewal and its draw against Milwaukie General Operating Revenues (Budget meeting February 13, 2023).

I highlight that the Clackamas County Tax Assessor posts on-line the calculation of urban renewal's allocation of City of Milwaukie property tax proceeds. Here's the link to Clackamas County Tax Assessor's summary of Urban Renewal allocation:

<https://dochub.clackamas.us/documents/drupal/ae541a80-f4bd-44d0-8db1-85abdbe08d4d>

I attach this Tax Assessor Urban Renewal Report for Milwaukie and highlight the key figures in calculating the urban renewal draw. It shows the total assessed value of property in Milwaukie versus the frozen assessed value of property in Milwaukie, with the difference representing the amount of assessed value assigned to urban renewal (just about \$37 million in fiscal year 2022-23). Applying Milwaukie's property tax billing rate of approximately \$4.14 per \$1,000 in tax assessed value, yields just over \$150,000 re-allocated from Milwaukie General Fund to Milwaukie Urban Renewal account.

I expect the draw on Milwaukie's General Fund from Milwaukie's Urban Renewal will climb from about \$150,000 this current fiscal year to over \$200,000 this next fiscal year, as the new Monroe Apartment complex (37th and Monroe) adds millions of dollars in new assessed value over frozen assessed value.

As upgraded buildings come on-line in the urban renewal district (for instance, Co-ho and Kellogg Bowl sites), the **Urban Renewal plan document prepared in the year 2016 indicates the urban renewal draw on Milwaukie's General Fund will increase to over \$800,000 per year by the end of this decade.**

The Finance Director stated at the Budget Committee meeting that urban renewal is approved by voters, but this is not the case. Milwaukie City Council enacted Milwaukie's urban renewal program without voter approval. Given that property taxpayers are now being asked to approve increases in property taxes, as in the case of Clackamas Fire District, it seems only fair

that the Council re-consider its urban renewal plan so as to lessen the need for further property tax increases.

Sincerely,
Elvis Clark
Ardenwald neighborhood
Milwaukie 97222

Source: Clackamas County
Tax Assessor Office

TAX YEAR: 2022-2023

1 PLAN AREA NAME:	CITY MILWAUKIE	DOR PLAN AREA NUMBER	30008844
2 TAXING DISTRICT NAME:	CITY MILWAUKIE		
3 DOR TAX DISTRICT NUMBER:	32390000		

4 COUNTY WHERE SHARED VALUE RESIDES	CLACKAMAS	MULTNOMAH	TOTAL SHARED VALUE
5 SHARED VALUE BY COUNTY	2,472,275,325	32,965,990	2,505,241,315
6 % OF TOTAL SHARED	98.7%	1.3%	0.0%

7 PLAN AREA CURRENT VALUE	172,968,162	
8 PLAN AREA FROZEN VALUE	135,994,953	
9 EXCESS VALUE USED	36,973,209	36,973,209

← Urban Renewal Assessed Value Amount

	PERMANENT RATE	LOCAL OPTION(S)	"GAP" BONDS	BONDS OUTSIDE	TOTAL
10 DISTRICT BILLING RATE	4.1367				4.1367
11 AMT RATE WOULD RAISE (dot)	152,947.07				152,947.07
12 URBAN RENEWAL RATE (dot)	0.0610				0.0610
13 AMT UR RAISE CTY 1	150,808.79				150,808.79
14 AMT UR RAISE CTY 2	2,010.93				2,010.93
15 AMT UR RAISE CTY 3	0.00				0.00
16 TOT AMT ALL COUNTIES	152,819.72				152,819.72
17 AGENCY TRUNC LOSS	127.35				127.35
18 AMOUNT EXT CTY 1	150,808.79				150,808.79
19 AMOUNT EXT CTY 2					
20 AMOUNT EXT CTY 3					
21 TOTAL AMT EXTENDED	150,808.79				150,808.79
22 GAIN/LOSS EXT CTY 1	0.00				0.00
23 GAIN/LOSS EXT CTY 2					
24 GAIN/LOSS EXT CTY 3					
25 TOTAL GAIN/LOSS EXT	0.00				0.00
26 UR COMP LOSS CTY 1	678.63				678.63
27 UR COMP LOSS CTY 2					
28 UR COMP LOSS CTY 3					
29 TOTAL COMP LOSS	678.63				678.63
30 AMT IMPOSED CTY 1	150,130.16				150,130.16
31 AMT IMPOSED CTY 2					
32 AMT IMPOSED CTY 3					
33 TOTAL AMT IMPOSED	150,130.16				150,130.16

Current Fiscal Year '23
urban Renewal take
from Milwaukie's
General Fund

$$= \$36,973,209 \times 4.1367$$

19:23:01 From Council Chambers to Hosts and panelists:

hi Jason - do you want to speak to the fireworks Ban?

19:23:16 From Council Chambers to Everyone:

Hi Jason - do you want to speak to the fireworks ban?

19:51:48 From Council Chambers to Everyone:

Hi Jason - Council has closed the public comment part of the hearing.



RS Agenda Item

6

Consent Agenda

COUNCIL STUDY SESSION

Ledding Library, 10660 SE 21st Ave
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES**JULY 14, 2023**

Council Present: Councilors Adam Khosroabadi, Robert Massey, Desi Nicodemus, Rebecca Stavenjord, and Mayor Lisa Batey

Staff Present: Steve Adams, City Engineer
Kelly Brooks, Assistant City Manager
Jennifer Garbely, Assistant City Engineer
Toby LaFrance, Finance Director
Brandi Leos, HR Director

Nicole Madigan, Deputy City Recorder
Ann Ober, City Manager
Michael Osborne, Assistant Finance Director
Peter Passarelli, Public Works Director

Mayor Batey called the meeting to order at 5:15 p.m.

Ober introduced the new Finance Director, Toby LaFrance.

1. City Finances Overview – Discussion

LaFrance provided a brief introduction to the city's finance department, commented on the audit process, what is included in a quarterly report, and how the city plans for a budget. **Osborne** presented who was on the finance team, the current unaudited figures for the fund balance, biennium budget, fiscal year (FY) 2022 revenue, noted the types of bank accounts the city uses, and shared the current count of the city's full-time employees (FTE).

Osborne presented the different types of funds the city has for dedicated operations. **LaFrance** explained how the city fund balance contains delegated funds for various city operations, and that funds are carried over because of when the city receives property taxes. **Mayor Batey, Councilor Khosroabadi, and LaFrance** discussed the fund balance in relation to the city's financial policies.

Osborne presented an overview of the city's FY 2022 fourth quarter revenue and expenditures, and **Mayor Batey** clarified the date range and noted why certain fund balances were less.

Osborne broke down the city's revenue sources. **Mayor Batey** asked why fund transfers were tracked as revenue and **LaFrance** explained how transfers to the general fund were accounted for and used. **Batey and LaFrance** discussed how proceeds from debt are tracked as revenue before becoming an expenditure. **Councilor Massey, LaFrance, and Mayor Batey** discussed forecasting for grants.

Osborne explained when the city receives revenue. **Councilor Nicodemus** asked if the city collected marijuana tax and **Osborne** noted that was part of monthly revenues.

Osborne and LaFrance presented the city's expenses and debt. The group discussed new debt the city expects to take on and how revenue sources fund specific debts.

Osborne explained the purpose and process of the Budget Committee.

Ober and LaFrance informed Council of the city's AA2 bond rating, the importance of protecting the rating, how a rating is obtained, and what the rating means for the city.

The group discussed appreciation city of assets, staff employment rates and vacancies, and officer training.

Councilor Stavenjord asked about public employee retirement system (PERS) liability and **Ober** responded there would be future discussions on that topic.

Leos informed Council of trainings that were being assigned to them and **Mayor Batey** asked about the trainings. Council confirmed training instructions had been received.

2. Capital Improvement Program (CIP) Update – Discussion

Brooks provided a brief overview on how the CIP operates, how the city has previously used CIPs, and touched on the roles that **Garbely**, **Passarelli**, and **Adams** play within the CIP. **Mayor Batey** and **Brooks** discussed unfunded CIP project lists.

Garbely and **Passarelli** discussed how the city creates a CIP, plans, and programs that have been a part of the CIP, goals within those programs, and where the city is at in reaching those goals. **Mayor Batey** and **Garbely** clarified that on the Surface Streets Maintenance Program (SSMP) Condition presentation slide there should not be a percentage sign on the 56% under Pavement Condition Index (PCI) collector. **Garbely** informed Council how slurry seal is used to preserve the condition of residential low traffic streets. **Garbely** and **Passarelli** noted how cul-de-sac street repairs are added into nearby projects. **Councilor Khosroabadi** asked what prevents a cul-de-sac from being included in the project. **Garbely** explained that available funding determined when cul-de-sac projects were done and provided an example of how a cul-de-sac can be added to a project.

Garbely explained how combining projects into a single neighborhood project can save money and be less of an impact on the community. **Councilor Stavenjord** asked about project contingencies and **Garbely** explained the process for determining a contingency. **Mayor Batey** asked how staff determined which projects within a master plan would be selected to complete first. **Garbely** and **Passarelli** responded, noting an importance in updating masterplans every 10 years and evaluating current needs.

Passarelli and **Garbely** explained where the funding for CIPs is generated from. The group discussed adjusting costs for inflation and supply chain issues.

Garbely presented how many sidewalks, paths, bike lanes, and ramps had been completed as part of the Safe Access for Everyone (SAFE) program. **Garbely**, **Adams**, and **Batey** commented on accessible street ramps and **Garbely** noted a 77% satisfaction rate for safe places to bike and walk per a recent survey.

Garbely began presenting upcoming projects starting with Meek North Phase, and **Batey** shared where the program is located. **Garbely** provided a timeline for Meek North Phase.

The group discussed the Monroe Street Neighborhood Greenway project.

Garbely provided an update on the Washington Street Area Improvements project. **Garbely**, **Councilor Stavenjord**, and **Adams** discussed traffic communication with schools. **Mayor Batey**, **Garbely**, and **Adams** discussed the Washington culvert and pond.

Garbely provided an update on the Ardenwald North Improvements project and the group commented on the image on the slide.

Passarelli presented current and upcoming water and wastewater projects. **Mayor Batey** and **Passarelli** commented on the last time the city had needed to use the Portland-Milwaukie intergovernmental water agreement. **Garbely** and **Passarelli** commented on the Stanley Reservoir project.

Garbely shared upcoming CIP projects including three that are out for design. **Mayor Batey**, **Garbely** and **Passarelli** commented on inflow and infiltration (I&I). **Councilor**

Khosroabadi and **Garbely** discussed project easements. **Councilor Stavenjord, Garbely,** and **Ober** discussed the city’s request for qualifications (RFQ) process.

Garbely presented program concerns. **Mayor Batey** added a comment on staff shortages based off an economic report from the state.

The group discussed SAFE program spot improvements and to publicize SSMP accomplishments.

Mayor Batey asked staff to consider new terminology to replace the use of “master plan”, as previously discussed in other meetings.

Ober noted that the CIP is not a complete list of all the city’s projects, urged Council to allow LaFrance time to get acquainted and settled, and stated that any discussions on the procurement process is at least a six-months out.

2. Adjourn

Mayor Batey adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL WORK SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

JANUARY 17, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, and Rebecca Stavenjord, Council President
Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Community Development Director
Kelly Brooks, Assistant City Manager
Mandy Byrd, Development Project Manager
Dan Harris, Events & Emergency Management
Coordinator

Justin Gericke, City Attorney
Nicole Madigan, Deputy City Recorder
Ann Ober, City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 3:59 p.m.

1. Winter Events Debrief and 2023 Events Preview – Discussion

Harris summarized what the Umbrella Parade and Tree Lighting event is, acknowledged event staff and community partners, pointed out changes from previous years, and touched on what 2023 may hold for the event. **Mayor Batey** and **Harris** pointed out that the 2023 Umbrella Parade and Tree Lighting would take place on December 2. **Councilor Khosroabadi** commended Councilor Nicodemus for their part in the event.

Harris reviewed the 2022 Winter Solstice event by sharing why the event occurs on the third Saturday of December, noting the 2023 event would occur on December 16, thanking the community partners without whom the event could not occur, explaining traffic flow changes that would need to be made for 2023, sharing attendance stats, and noting the inclusion of stationary fire sculptures. **Mayor Batey** and **Harris** discussed the fire sculptures and managing the number of attendees.

Harris shared the city's five signature events for 2023 and expanded on tentative plans for Carefree Sunday. **Councilor Khosroabadi**, **Harris**, and **Mayor Batey** shared ideas on consultants for the event. **Harris** suggested an extended route option beyond the planned event that could take advantage of the city's greenways but would not be closed to vehicle traffic. **Mayor Batey** expressed interest in the extended bike route and noted the event is for more than just bicyclists. **Mayor Batey** and **Harris** discussed Carefree Sunday event fundraising efforts.

The group discussed tree lighting options, who retains the current tree once the current city hall is sold, and how power for lights will be accessed once the building is sold.

Councilor Stavenjord thanked staff for their work during the Winter Solstice.

2. North Clackamas Watersheds Council (NCWC) – Annual Report

Neil Schulman, NCWC Executive Director, shared background information on NCWC, provided history on the Kellogg Creek Dam removal and restoration project, advised what the goals for the project were, and a timeline of the phases of the project. **Schulman** presented the project's next steps with project partners, advised where construction funding would be coming from, explained the need for cooperation and

coordination from city of Milwaukie leadership and city staff from several departments as well as external government agencies.

Schulman shared watershed priority projects for the city as outlined in NCWC's the North Clackamas Watersheds Action Plan. **Schulman** explained that NCWC would be available and interested in working with the city in developing natural area plans and systems should the city decide to leave the North Clackamas Parks and Recreation District (NCPRD).

Councilor Massey, Schulman, and Mayor Batey discussed how fish would not need to be reintroduced to Kellogg Creek after the removal and restoration project was completed. **Schulman** shared vegetation barrier plans meant to address concerns from landowners adjacent to the planned restored creek area.

Councilor Stavenjord asked what opportunities would be available for youth to get involved in the Kellogg Creek project and **Schulman** shared how NCWC had, before COVID, partnered with Milwaukie High School (MHS) and explained that NCWC has plans for the project to involve people of all ages and was looking to start community engagement in April or May.

Mayor Batey and Schulman noted the next NCWC meeting and what would be discussed.

3. Adjourn

Mayor Batey announced that after the meeting Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Mayor Batey adjourned the meeting at 5:05 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

JANUARY 17, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Community Development Director
Kelly Brooks, Assistant City Manager
Mandy Byrd, Development Project Manager
Justin Gericke, City Attorney
Ann Ober, City Manager

Scott Stauffer, City Recorder
Kelli Tucker, Accounting & Contracts Specialist
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:01 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the volunteer of the year award nomination process, the Ledding Library Heritage Lecture Series, Lunar New Year celebrations, a habitat enhancement event, and a city manager open door session.

3. PROCLAMATIONS AND AWARDS

A. Milwaukie High School (MHS) Outstanding Student Achievement – Award

Kim Kellogg, MHS Principal, introduced Ja'bar'e Dent-Nelson, the outstanding student for January 2023 and Council congratulated them on their academic and extra-curricular activities. **Kellogg** provided a brief update on ongoing events and activities at MHS.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. There was no follow-up report from the January 3 comments and no audience member wished to address Council.

6. CONSENT AGENDA

It was moved by Councilor Nicodemus and seconded by Councilor Khosroabadi to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. December 13, 2022, study session, and
2. December 20, 2022, regular session.

B. Resolution 3-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing execution of a contract with Umpqua Bank for card payment services.

- C. **Resolution 4-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing a contract with Convergent Technologies for security and access control systems.**
- D. **Resolution 5-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing a contract with Northwest Office Interiors (NWOI) for furniture supply and install.**
- E. **Approval of an Oregon Liquor Control Commission (OLCC) application for Cha Cha Cha Mexican Taqueria, 11008 SE Main Street – Change of Owner.**

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

7. BUSINESS ITEMS

A. Preliminary Housing Capacity Analysis (HCA) Review – Report

Weigel introduced ECONorthwest consultant Beth Goodman and provided a brief overview of the ongoing work of the Housing Capacity Technical Committee (HCTC).

Goodman reviewed the city’s housing affordability work, the policy questions the HCA addressed, and where the HCTC was in the project timeline. **Goodman** presented and discussed data showing Milwaukie’s current mix of housing types. The group remarked on the number of new housing units to be built in the coming years.

Goodman discussed Milwaukie housing data, including demographic information and median home sale and rental prices, which reflected increases in the cost of living. **Councilor Nicodemus** commended the report for noting the historic and existing racist housing policies in Clackamas County. **Councilor Khosroabadi** and **Goodman** commented on the home sale price data which showed that Milwaukie was more affordable than other cities but not affordable for low-income individuals.

Briglio commented that the HCA’s new building permit data did not include other housing projects in the works that had been reported by staff in other reports.

Goodman presented housing affordability data for Milwaukie and other cities, including household income levels. **Councilor Khosroabadi** expressed frustration with the lack of affordable housing in Milwaukie. **Goodman** discussed household cost burdens for renters, homeowners, and people experiencing houselessness. **Councilor Nicodemus** and **Goodman** noted that houselessness data may be under reported.

Goodman presented data on Milwaukie residents’ ability to pay for housing by race, ethnicity, age, and for those with disabilities. **Mayor Batey** and **Goodman** remarked on what percentage of older residents own versus rent their home.

Goodman provided an overview of Milwaukie’s vacant and buildable land capacity and potential for middle housing infill developments and reported that the city had residential sites that could be redeveloped to higher density units. The group remarked on the average size of lots suitable for higher residential density and how the HCA’s analysis narrowed down the number of re-developable sites.

Goodman discussed the HCA’s forecast for how many new housing units Milwaukie could see in the next 20 years, reporting that the city could see between 600 and 1,640 units. **Mayor Batey** and **Weigel** remarked on what neighborhoods of SE Portland were used to predict Milwaukie’s growth.

Goodman discussed the potential for new mixed-use housing in Milwaukie, reporting that the HCA forecasted a capacity of between 2,900 and 3,900 new units. **Mayor Batey** and **Weigel** noted recent code changes meant to increase housing density.

Goodman reported that the HCA concluded there was capacity for housing growth in Milwaukie, reviewed the results of an online Engage Milwaukie survey, and noted feedback on the HCA from the city's Equity Steering Committee (ESC).

Mayor Batey and **Weigel** commented on the make-up of the HCTC.

The group discussed the use of the term Black, Indigenous, and People of Color (BIPOC) versus each of those groups individually in the HCA and other reports. They noted the challenges of collecting enough data on specific groups to be able to call them out in a report and Council's goal to be mindful of the groups people identify with.

Mayor Batey asked if proposed legislation could impact the HCA and **Goodman** remarked on potential changes to state housing production requirements. **Mayor Batey** observed that the HCA did not reference the city's tree code or the potential for some vacant land being used as parks. **Councilor Nicodemus** remarked on financial and cultural issues that could impact the city's overall housing affordability over the next six years. The group commented on proposed housing legislation that could impact affordability and what the city could do to keep housing affordable.

Ober and **Briglio** noted that the housing discussion would continue with the HPS report at the February 7 regular session and suggested that Milwaukie's housing data was like other cities across the country. **Mayor Batey** suggested additional outreach was needed to engage more residents around housing issues.

Mayor Batey and **Briglio** remarked on whether state law allowed the city to enact inclusionary zoning laws and **Councilor Khosroabadi** noted what percent of new multi-unit housing projects were required to be affordable.

Mayor Batey recessed the meeting at 7:59 p.m. and reconvened at 8:06 p.m.

B. New City Hall Guaranteed Maximum Price (GMP) – Update

Brooks provided an overview of the new city hall project and noted which internal improvement elements had been cut from the project scope. **Councilor Nicodemus** and **Brooks** remarked on the city's ability to sell naming rights to fund the project.

Brooks summarized and clarified the new city hall project costs and funding sources.

Councilor Stavenjord and **Mayor Batey** suggested staff contact the Portland Winter Light Festival for input on how to do an internal light wall at the new city hall, which was an element likely to be cut from the project due to funding. **Brooks** reported that a request for proposals (RFP) for public art in the new city hall had been posted and noted next steps in the project.

C. Council President Election – Motion

Mayor Batey explained the role of the Council President.

It was moved by Councilor Khosroabadi and seconded by Councilor Massey to appoint Councilor Nicodemus to serve as Council President. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Council President Nicodemus remarked on being the city's first Black person to serve as Council President.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

A. Legislative and Regional Issues – Discussion

Mayor Batey and **Councilor Stavenjord** discussed a request for Council to submit a letter to the Clackamas Board of County Commissioners (BCC) in support of the county purchasing a hotel near Interstate-205 for houseless transitional services. **Mayor Batey** reported that the city had submitted a request for a housing grant to support Northwest Housing Alternative's services in Milwaukie. It was Council consensus to send a Council letter to the BCC supporting the hotel purchase.

The group discussed Council's participation in the League of Oregon Cities (LOC) Cities Day at the Capitol, the beginning of the state legislative session, and noted that Stauffer would be taking the lead on legislative tracking.

The group acknowledged that Brooks had accepted a position in the office of incoming Oregon Governor Tina Kotek and would be leaving employment with the city. **Mayor Batey** and **Ober** thanked Brooks for serving Milwaukie.

10. ADJOURNMENT

Mayor Batey announced that after the meeting Council would hold a reception for departing employee Brooks at the Beer Store Milwaukie, 10610 SE Main Street.

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

Mayor Batey adjourned the meeting at 8:38 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL RETREAT

Milwaukie Community Center
5440 SE Kellogg Creek Drive, Milwaukie, OR 97222
& Zoom Video Conference
(www.milwaukieoregon.gov/meetings)

MINUTES

JANUARY 28-29, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, and Rebecca Stavenjord, Council President
Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Community Development Director Ann Ober, City Manager
Justin Gericke, City Attorney Peter Passarelli, Public Works Director
Brent Husher, Library Director Scott Stauffer, City Recorder
Toby LaFrance, Finance Director Luke Strait, Police Chief
Brandi Leos, Human Resources Director

Mayor Batey called the meeting to order at 9:00 a.m.

Day One: Saturday January 28

1. Call to Order

Council and staff participated in a facilitated discussion regarding relationship building, goals, and community vision facilitated by Ashley Sonoff and Sara Singer Wilson with Sara Singer Wilson (SSW) Consulting.

The group recessed at 12:00 p.m. for lunch and reconvened at 1:00 p.m.

2. Adjourn

The group adjourned the retreat session at 4:00 p.m.

3. Dinner

After the retreat, Council gathered for dinner at Oswego Grill – Clackamas (9073 SE Sunnyside Road, Clackamas, OR 97015). The dinner began at 5:00 p.m. and concluded by 7:00 p.m. No city business was discussed.

Day Two: Sunday January 29

The retreat was reconvened at 9:00 a.m. by Singer of SSW Consulting.

4. Reconvene

Council and staff continued to participate in a facilitated discussion regarding relationship building, goals, and community vision.

5. Adjourn

The group adjourned the retreat at 2:00 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: (none)

From: Scott Stauffer, City Recorder

Subject: **Council Communication Agreement 2023**

Date Written: Feb. 9, 2023

ACTION REQUESTED

Council is asked to adopt its communication agreement by resolution.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[February 7, 2023](#): Council reviewed the draft communication agreement and directed staff to bring it forward for adoption on February 21.

ANALYSIS

To facilitate open and efficient government, Council adopts a communication agreement to guide Council, staff, and public behavior and conversations. The proposed communication agreement is based on the last adopted Council communication agreement in 2022 and was reviewed by the current Council on February 7.

BUDGET, CLIMATE, AND WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Council, the city manager, and city attorney concur with the proposed communication agreement.

STAFF RECOMMENDATION

Staff recommends Council adopt the proposed communication agreement.

ALTERNATIVES

Council could decline to adopt the proposed communication agreement.

ATTACHMENTS

1. Resolution
2. Communication Agreement

COUNCIL RESOLUTION No.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
ADOPTING THE COUNCIL COMMUNICATION AGREEMENT.**

WHEREAS open, direct, and positive communication among the Mayor and Councilors and between them, staff, and the public is critical to ensuring clear and easily understood public information, and

WHEREAS open, direct, and positive communication among the Mayor and Councilors and between them, staff, and the public is essential to a healthy community-wide debate on issues, and

WHEREAS the Council Communication Agreement is intended to ensure open public processes that lead to closure.

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

- Section 1: The Council Communication Agreement (Exhibit A) is adopted.
- Section 2: Resolution 23-2022 adopted March 15, 2022, is repealed.
- Section 3: This resolution is effective immediately upon adoption.

Introduced and adopted by the City Council on **February 21, 2023.**

This resolution is effective immediately.

Lisa M. Batey

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL COMMUNICATION AGREEMENT

Guaranteed access to clear and easily understood information is a value of the City of Milwaukee. This agreement is intended to foster conduct that realizes that value and ensures a healthy debate about competing ideas. Finally, it seeks closure and a community that moves forward together, secure in the knowledge that decisions were made openly and fairly.

This agreement has one common behavioral thread—mutual respect. Thus, if the list does not anticipate a situation, a response that is respectful of all concerned should suffice.

1. In all city business, in my role as a member of Council, I will:
 - a) demonstrate respect for all who are involved,
 - b) respect various thoughts and avoid denigrating others,
 - c) clarify facts and opinions to ensure understanding,
 - d) clearly state my own opinion as being mine,
 - e) look for ways to praise worthwhile efforts and accomplishments, and
 - f) stay focused and participate.
2. In working with the Mayor and other Councilors, I will:
 - a) provide prompt notice of items requiring Council action I am introducing at meetings,
 - b) always represent the city's position before other jurisdictions unless none has been adopted, in which case I will inform the Mayor and Council in a timely manner of the position(s) I have taken,
 - c) work toward consensus,
 - d) not publicly (including all internet and written content) criticize Council, individual members of Council, or Council decisions, but may respectfully disagree with a decision, and
 - e) first address a concern about either a violation of these agreements or any other matter in a direct, appropriate, private, and timely manner.
3. In working to seek broad-based community support, I will:
 - a) communicate with the community openly and freely to exchange information and ideas,
 - b) engage the community in a shared dialogue, and
 - c) listen and respond to well-founded and constructive criticism made to, or by, Council or city staff, or citizens.
4. In working with staff, I will:
 - a) provide direction through the city manager with the concurrence of the Mayor and Council and with respect given to the city's chain of command,
 - b) refrain from contacting line staff (non-management) with requests or inquiries; this does not apply to questions stemming from Council packets when in preparation for the upcoming meeting,

- c) respect the city's "one-hour" guideline, not requesting work product from the city manager, assistant city manager, or responsible city manager / director that takes more than an hour to produce without first securing the support of a majority of Council, and
- d) never, in any public way, insult or denigrate any staff member, and if I have an unresolved disagreement concerning a staff member's actions, I will bring it to the city manager.

5. In working with the city attorney, I will:

- a) respect that the city attorney represents the city as a whole, and if the Council's direction to the city attorney conflicts with the city attorney's ethical obligations to the city, the city attorney must resolve this conflict in favor of the city,
- b) remember that information a Council member shares with the city attorney is not confidential with respect to other Council members, and the information may be disclosed to the entire Council,
- c) contain my requests for information or assistance to items that can be responded to quickly and will work to secure the support of the majority of Council for items taking more than an hour, and
- d) respect that all responses to legal questions will be sent to the entire Council in an effort to protect all parties, keep all City Councilors informed, and ensure there is no perception of favoritism.

Council Position 1 – Adam Khosroabadi

Council Position 2 – Robert Massey

Council Position 3 – Desi Nicodemus

Council Position 4 – Rebecca Stavenjord

Mayor – Lisa Batey



COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 9, 2023

Reviewed: (none)

From: Scott Stauffer, City Recorder

Subject: **Council Committee Assignments 2023**

ACTION REQUESTED

Council is asked to confirm its 2023 committee assignments.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[February 7, 2023](#): Council reviewed its committee assignments and directed staff to bring the final assignments list forward for confirmation on February 21.

ANALYSIS

To support the ongoing work of the city, Council members serve on a variety of city, county, and regional boards and committees. The attached matrix of committees and their assignments provide detail on these groups' work and the role played by Council members. Council reviewed and finalized the attached list on February 7.

BUDGET, CLIMATE, AND WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Council and staff concur with the proposed committee assignments.

STAFF RECOMMENDATION

Staff recommends Council confirm the committee assignments.

ALTERNATIVES

Council could decline to confirm the committee assignments resulting in a lack of representation of the city in various city, county, and regional boards and committees.

ATTACHMENTS

1. Committee Assignments

2023 Local and Regional Committee Assignments

Committee	Focus	2022 Appointee	2023 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
Audit Committee	The City of Milwaukie created an Audit Committee of the Milwaukie City Council to ensure that audits of the City's financial statements are completed annually in accordance with Oregon state law, to share oversight responsibility of the City's independent auditors with management, and to assist City management in the review and selection of the City's independent auditor (Res. No. 56-2012).	<u>Kathy Hyzy</u>	<u>Robert Massey</u>	Toby LaFrance, Michael Osborne	Yes	Meetings are held at least twice annually
Boards, Committees, and Commissions (BCC) Selection Committee	Purpose is to interview citizens who have applied to serve on citywide Boards, Committees, and Commissions.	<u>Mayor: Mark Gamba</u> <u>Councilor: Rotating</u>	<u>Lisa Batey</u>	Scott Stauffer	Yes	Interviews are held as needed.
Budget Committee	The Budget Committee is established in accordance with the provisions of ORS 294.336 to review the annual city budget document as prepared by the city budget officer and to recommend an approved budget to the City Council for adoption.	<u>Mayor and Council</u>	<u>Mayor and Council</u>	Toby LaFrance, Michael Osborne	Yes	Meetings are held quarterly
Clackamas Cities Association (CCA)	12 cities in Clackamas County get together for dinner and speaker events to share ideas and to network.	<u>Mayor and Council</u>	<u>Mayor and Council</u>	Ann Obers, Scott Stauffer	No	Dinners are held monthly. Typically, dinners are held on the third Thursday of the month.
Clackamas County Coordinating Committee (C-4)	C-4 was founded by the County to promote a partnership between the County, its Cities, Special Districts, Hamlets, Villages and Community Planning Organizations (CPOs). C-4 provides Councilors with an opportunity to network and work on building consensus on regional issues.	<u>Primary: Kathy Hyzy</u> <u>Alternate: Mark Gamba</u>	<u>Adam (alternate) Rebecca (primary)</u>	Ann Ober	Yes	Meetings are held on the first Thursday of the month starting at 6:45 p.m. in the Public Services Building of Clackamas County.

2023 Local and Regional Committee Assignments

Committee	Focus	2022 Appointee	2023 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
Clackamas County Coordinating Committee (C-4) – Metro Sub-Committee	C-4 members who are within the Metro jurisdiction shall be a subcommittee of C-4 named Metro subcommittee to discuss JPACT and MPAC issues. This subcommittee shall at a minimum be the body which nominates and elects cities' representatives to: JPACT, MPAC, TPAC, MTAC, respectively.	<u>Primary: Kathy Hyzy</u> <u>Alternate: Mark Gamba</u>	<u>Adam (alternate) Rebecca (primary)</u>	Ann Ober	Yes	Meetings are held on the third Wednesday of the month from
Clackamas County Fire District #1 District Board Subcommittee	Purpose is to discuss collaborative opportunities, long-term facility needs, emergency preparedness, impacts of compression, and other challenges facing communities being served.	<u>Lisa Batey</u> <u>Angel Falconer</u>	<u>Adam Khosroabadi</u> <u>Desi Nicodemus</u>	Ann Ober	Yes	Development Services Building 150 Beaver Creek Rd. Oregon City, OR 97045
Clackamas County Library District Advisory Committee	Purpose is to advise the Clackamas County Library Service District (Board of County Commissioners) to support two county libraries and ten city libraries.	(Recommendations for this Committee come from the Library Board.)	<u>No Council Rep Needed</u>	Katie Newell	No	Meetings are held as needed.
Clackamas County Childcare for All Task Force	A group convened by Clackamas County and Clackamas Education Service District on ways to provide greater access to affordable childcare options.	<u>Angel Falconer</u> <u>Kathy Hyzy</u>	<u>Desi Nicodemus</u>			Meeting schedule under development.
Clackamas County Mayor and Chair	Broad topics that fall outside the scope of C4.	<u>Mark Gamba</u>	<u>Lisa Batey</u>	Ann Ober	No	Oregon City Library
Community Action Board	Members are appointed by the Clackamas County Board of County Commissioners. The group advocates both locally and at the state level on issues related to people and households with low-incomes.	<u>Mark Gamba</u> <u>Alternate: Yelena Voznyuk</u>	<u>Lisa Batey</u> <u>Alternate: Adam Khosroabadi</u>		No	Clackamas County Social Services is looking for an elected official representative to serve on the Community Action Board, an advisory board to the Board of County Commissioners. The Community Action Board is an advisory group that advises Clackamas County Social Services Division on their Community Action Agency programs for low-income persons. Members are appointed by the Clackamas County Board of County Commissioners. The group advocates both locally and at the state level on issues related to low-income individuals and households. Meetings are the first Wednesday of each month, 7:30 a.m. to 9 a.m.
Homeless Solutions of Clackamas County (HSCC)	HSCC's purpose is to bring together citizens, agencies, governments, churches, businesses, and schools in the Oregon City region to create partnerships that reduce homelessness.	<u>Angel Falconer</u>	<u>Rebecca Stavenjord</u>		No	Meetings are held on the second Wednesday of the month from 2:00 p.m. to 3:30 p.m. at Providence Community Center in Oregon City. *Steering committee is expected to attend community meetings quarterly.

2023 Local and Regional Committee Assignments

Committee	Focus	2022 Appointee	2023 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
League of Oregon Cities	Legislative Committees (any councilor can participate)	<u>Kathy Hyzy</u> <u>Mark Gamba</u>	<u>Not ACTIVE in 2023</u>	Ann Ober	Yes	
Local Contract Review Board	Purpose is to review and adopt public contracting rules and findings as to amendments of professional services contracts.	<u>City Council</u>	<u>City Council</u>	Kelli Tucker	Yes	Meetings are held as needed.
Metro Mayor's Consortium	Advocate at Metro and State on issues that affect all metro cities.	<u>Mark Gamba</u> Executive Committee Energy and Climate (Chair) Transportation and Land Use housing and Homelessness Employer Benefits and General Government	<u>Lisa Batey</u>	Ann Ober	Yes	Meetings are held monthly on Wednesdays during lunchtime.
Milwaukie Center/Community Advisory Board (C/CAB)	The Milwaukie Center/Community Advisory Board is the primary policy advisor to Milwaukie Center staff and the North Clackamas Parks District Advisory Board.		<u>Wilda Parks</u>		No	Meetings are held on the second Friday of every month at 9:30 a.m. at the Milwaukie Center.
Milwaukie Redevelopment Commission	Facilitate and support urban renewal efforts in targeted areas of the City of Milwaukie	<u>City Council</u>	<u>City Council</u>		Yes	Meet as needed during Council work, study, and regular sessions
Milwaukie Redevelopment Commission Community Advisory Committee	Advise MRC on investment opportunities within the tax increment financing district.	<u>Kathy Hyzy</u>	<u>Rebecca Stavenjord</u> (notify all of Council re MRCCAC meetings)		Yes	Meets as needed to develop recommendations for MRC.
Milwaukie Parks and Recreation Board (PARB)	Advises City Council on parks related issues.	<u>Desi Nicodemus (Council Liaison)</u>	<u>Desi Nicodemus</u>	Natalie Rogers	Yes	Meetings are held on the 4th Wednesday of every month at 4:30 at the Ledding Library.
North Clackamas Chamber of Commerce and Public Policy Team	Purpose is to discuss policy issues in front of the Chamber for position consideration.	Suggest councilors rotate through, but always have a presence	<u>Adam Khosroabadi</u>	Leila Aman Vera Koliass Kelly Brooks Ann Ober	No	Meetings are held on the first Monday of the month from 12 p.m. to 1:15 p.m. at the Chamber Offices.
North Clackamas Parks and Recreation District Advisory Board (DAC)	Purpose is to make recommendations to the District Board of Directors on the design, planning and development of parks and the provision of recreational programs in the district.	<u>Desi Nicodemus</u> <u>Ben Johnson</u>	<u>Lisa Batey</u>	Peter Passarelli	No	DAB meets monthly on the second Wednesday of every month from 5:00 to 7:00 PM
North Clackamas Social Needs Roundtable	Purpose is to prevent the spread of homelessness and food insecurity in Clackamas County.	<u>Angel Falconer</u>	<u>Desi Nicodemus</u>		No	Meetings are held as needed. Typically, two to three times per year at a Milwaukie Church.
North Clackamas Watershed Council	The North Clackamas Watershed Council's purpose is to advocate for the protection and	<u>Lisa Batey</u>	<u>Robert Massey</u>	Peter Passarelli	No	Meetings are held on the third Wednesday of the month from 6:00 p.m. to 8:00 p.m. at Oak Lodge

2023 Local and Regional Committee Assignments

Committee	Focus	2022 Appointee	2023 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
Oregon Mayors Association (OMA), Portland Metro Region Team	<p>Purpose is to create a forum for discussing a wide variety of issues, and, most importantly, a unified voice in Salem.</p> <p>Established in 1972, the Oregon Mayors Association is a voluntary association of persons who hold the office of mayor.</p> <p>OMA is recognized as an affiliate organization in cooperation with the League of Oregon Cities.</p> <p>Over two-thirds of Oregon mayors are active members of OMA.</p>	<u>Mark Gamba</u>	<u>Lisa Batey</u>	Ann Ober	Yes	Meetings are held as needed either by way of teleconference or at League of Oregon Cities' Meetings.
WES Advisory Committee	On Sept. 14, 2017, the Board of County Commissioners of Clackamas County (BCC) acting as the governing body of WES, created a standing advisory committee consisting of customers, stakeholders and city representatives referred to as the Water Environment Services Advisory Committee.	<u>Angel Falconer</u>	<u>Adam Khosroabadi</u>	Peter Passarelli	Yes	
Regional Water Providers Consortium	<p>The Regional Water Providers Consortium serves as a collaborative and coordinating organization to improve the planning and management of municipal water supplies in the greater Portland, Oregon metropolitan region.</p> <p>Primary focus is conservation and planning interties of water systems to address emergency needs.</p>	<u>Lisa Batey</u>	<u>Robert Massey</u>	Peter Passarelli	No	Meetings are held three times per year. Typically, from 6:00 p.m. to 8:30 p.m. at Metro. Usually in the Metro Chambers.
Transportation System Plan Advisory Committee (temporary duration, Spring 2023-early 2024)	Community based committee that will advise on the update of the TSP.	Appointment in Feb. 2023.	<u>Rebecca Stavenjord</u>	Laura Weigel	Yes, as determined by City Council	Approx. 12/16 meetings over 12-18 months. Meeting time TBD. Likely on Thursday evenings from 6:00-8:00.

2023 Local and Regional Committee Assignments

Committee	Focus	2022 Appointee	2023 Appointee	Staff Resources	Elected Rep Required	Meeting Schedule
Housing Capacity Technical Committee (temporary duration, work ends May 2023)	Technical committee reviewing and advising on the Housing Capacity Analysis and Housing Production Strategy required by the state.	Angel Falconer (early 2022) Currently Adam Khosroabadi	<u>Adam Khosroabadi</u>	Laura Weigel	Yes, as determined by City Council	Only three meetings left on 4th Thursday evening of the month.



RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Justin Gericke (as to form), City Attorney,
Luke Strait, Chief of Police, and
Ryan Burdick, Police Captain

From: Tim Salyers, Code Compliance Coordinator

Subject: Ordinance- Fireworks Ban

Date Written: Feb. 10, 2023

ACTION REQUESTED

Council is asked to adopt the proposed ordinance, which would ban the sale, possession, and use of fireworks in Milwaukie.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[May 2, 2017](#): Milwaukie Municipal Code (MMC) Chapter 9.18 Fireworks was adopted, which made the sale, possession, and use of fireworks that are not available to the general public, a violation of the code.

[July 1, 2021](#): Council adopted Resolution 39-2021, which ratified the city manager's declaration of emergency and banned the use of fireworks from June 29, 2021, through July 9, 2021.

[November 15, 2022](#): Council had a discussion and received a presentation from Clackamas Fire District #1 (CFD1). Council provided direction to city staff to prepare a proposed ordinance to ban fireworks.

[February 7, 2023](#): Council had a discussion, received the proposed ordinance, and requested staff bring it for a public hearing on February 21.

ANALYSIS**Current Code**

The MMC currently authorizes police and code enforcement staff to issue citations for the sale, possession, and use of fireworks that are not sold to the general public in Oregon with a maximum fine of \$1,000. The code also prohibits the use and possession of any fireworks in city parks, which is subject to citation and a maximum fine of \$500.

Proposed Ordinance

The proposed ordinance would prohibit the sale, possession, and use of all fireworks, except exempt fireworks as defined by Oregon Revised Statute (ORS) 480.111. This would prohibit the sale, possession and use of firecrackers, bottle rockets, Roman Candles, sparklers, fountains, cones, wheels, and any consumer fireworks, display fireworks, pyrotechnic articles, and special effects. The proposed ordinance will prohibit professional shows and does not provide a permitting process.

BUDGET IMPACT

Minimal budget impacts are anticipated. There are no anticipated budgetary impacts for additional staffing or additional overtime from prior years of enforcement. Some outreach materials have not been budgeted but should not impact overall budget.

WORKLOAD IMPACT

The code compliance department anticipates some workload impacts related to this ordinance. Outreach to retailers of fireworks, community groups that have permitted sales with the city in the past, and to the public through the Pilot and social media.

The Lake Oswego Communications Center (LOCOM) handles all emergency and non-emergency calls for service in Milwaukie. LOCOM can expect some increased call load if the proposed ordinance is adopted. They will not adjust staffing specifically related to anticipated calls regarding violation of this ordinance. LOCOM does adjust staffing on holidays to account for general call-load and anticipated safety factors.

Milwaukie enforcement workload will not change.

CLIMATE IMPACT

The proposed ordinance is not intended to reduce emissions but is partially in response to the increased drought and wildfire risk due to climate change. Many times when a fire is created by fireworks, vegetation, and trees are lost. Tree loss and wildfire smoke increase community emissions and worsen air quality in the region.

COORDINATION, CONCURRENCE, OR DISSENT

The code enforcement department, police department administration, and city attorney have reviewed the ordinance and concur that this ordinance is written in a manner that fireworks will not be allowed in the city for sale, possession, or use.

STAFF RECOMMENDATION

None.

ALTERNATIVES

Council may decline to adopt the code amendment or give direction to staff to modify the ordinance prohibitions in some fashion.

ATTACHMENTS

1. Ordinance
2. Strikethrough version of code change

COUNCIL ORDINANCE No.**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) CHAPTER 9.18 FIREWORKS TO PROHIBIT THE SALE, POSSESSION, AND USE OF CONSUMER FIREWORKS.**

WHEREAS the citizens of Milwaukie value a safe and livable community; and

WHEREAS the use of fireworks has a negative impact on veterans and other citizens, as well as pets in our homes and wildlife in our yards, parks, and natural areas; and

WHEREAS fireworks also pose a public safety threat due to fire hazard to both homes and other structures as well as parks and natural areas, especially in dry summer months.; and

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

Section 1. Amendments. The Milwaukie Municipal Code (MMC) is amended:

9.18.010. Prohibited Acts.

Unless otherwise permitted by the terms of ORS 480.120(1)(a-g), it is unlawful for any person to sell, offer for sale, expose for sale, possess, use, explode or have exploded any fireworks.

9.18.020. Definitions

As used in this chapter:

“Fireworks” means the same as defined in ORS 480.111, but does not include “Exempt fireworks” as defined in ORS 480.111.

“Person” means a natural person, firm, partnership, association, or corporation.

9.18.030. Violation-Removal

The City may confiscate, destroy, remove or have removed at the owner's expense all stocks of fireworks in violation of this chapter, when necessary to preserve public safety.

9.18.040. Violation- Penalty

A. Any person who violates this chapter is subject to a fine not to exceed \$1,000.

B. Each day a violation of a provision of this chapter occurs will constitutes a separate offense.

Section 2. Effective Date. The amendments will become effective 30 days from the date of adoption.

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 _____.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Strikethrough Version

9.18.010. Prohibited Acts.

Unless otherwise permitted by the terms of ORS 480.120(1)(a-g) ~~through ORS 480.124~~, it is unlawful for any person to sell, offer for sale, expose for sale, possess, use, ignite, explode or have exploded any fireworks.

9.18.020. Definitions

As used in this chapter: ~~the term "fireworks" means the same as that defined in ORS 480.111 as in effect on May 1st, 2017 or as later amended.~~

"Fireworks" means the same as defined in ORS 480.111, but does not include "Exempt fireworks" as defined in ORS 480.111.

"Person" means a natural person, firm, partnership, association, or corporation.

9.18.030. Violation-Removal

The City may confiscate, destroy, remove or have removed at the owner's expense all stocks of fireworks in violation of this chapter when necessary to preserve public safety.

9.18.040. Violation- Penalty

A. Any person who violates this chapter is subject to a fine not to exceed \$1,000.

B. Each day a violation of a provision of this chapter occurs will constitute a separate offense.

Clean Version

9.18.010. Prohibited Acts.

Unless otherwise permitted by the terms of ORS 480.120(1)(a-g), it is unlawful for any person to sell, offer for sale, expose for sale, possess, use, ignite, explode or have exploded any fireworks.

9.18.020. Definitions

As used in this chapter:

"Fireworks" means the same as defined in ORS 480.111, but does not include "Exempt fireworks" as defined in ORS 480.111.

"Person" means a natural person, firm, partnership, association, or corporation.

9.18.030. Violation-Removal

The City may confiscate, destroy, remove or have removed at the owner's expense all stocks of fireworks in violation of this chapter when necessary to preserve public safety.

9.18.040. Violation- Penalty

A. Any person who violates this chapter is subject to a fine not to exceed \$1,000.

B. Each day a violation of a provision of this chapter occurs will constitute a separate offense.

Scott Stauffer

From: Jason Trout <TroutJ@tntfireworks.com>
Sent: Tuesday, February 14, 2023 3:25 PM
To: OCR
Cc: Tim Salyers
Subject: Fireworks Ban
Attachments: We sent you safe versions of your files; TNT Interactive Flyer Illegal issue.pdf; Nail Em.pdf; Milwaukie, OR temp.pdf

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This Message originated outside your organization.

Mayor and Council,

I am the regional manager for TNT FIREWORKS. TNT is the largest wholesaler in the United States as well as in Oregon. TNT has worked with many municipalities in helping craft ordinances that make sense as well as partnering with cities on safety and education campaigns to help the consumer understand not only what is legal and illegal in a municipality but also how to safely use fireworks to celebrate our rights and freedoms as a nation. Milwaukie has a unique situation in the proximity to Washington where illegal fireworks are easily purchased. If the largest issue in the city is the use of illegal fireworks that fly in the air and cause loud noise how do we reduce the amount of people that are already breaking the law? As evidence in Portland a total ban does not work. The city of Portland had more fire calls last year than in 2020 which was the last time purchase of ground based sparklers was legal. The ban drove consumers to the nearest place to purchase fireworks which were illegal fireworks in WA. Fining a child that wants to use sparklers is not the answer. Eliminating families and neighbors from celebrating our country's birthday together is not the answer. TNT wants to work with the city of Milwaukie in helping to support the nonprofit groups of the city with safe and legal fireworks. I would recommend the following but not limited to:

1. Limit the days of use to June 23rd- July 4th. Fireworks can only be sold during this time, make sure that they are only used during that time.
2. Increase the fine for illegal fireworks. Some municipalities have made fireworks fines civil which allows them to increase the amount of fines.
3. When conditions warrant, ban the use of fireworks. Clark Co. Washington has an ordinance that prohibits fireworks when 3 conditions are met by a certain date. If the criteria are met the council chairperson with the fire marshal can ban fireworks
 1. The burning index is extreme as determined for the entire county; and
 2. The fuel moisture content of the ten hour fuels is below 8
 3. The energy release component is in the 90th percentile.
4. Educate at the Point of Sale. We hand out safety brochures with every sale but if the city has specific items handed out such as not using fireworks in a specific area, or focusing on the proper disposal of fireworks, or being respectful of your neighbors when shooting fireworks TNT would be happy to partner with the city to help to educate the consumers on the safest way to use fireworks.

I am attaching two flyers that each can help eliminate illegal fireworks. Finally, I am attaching the high temperature over the last 11 years in Milwaukie on the 4th of July. The trend does not show that the temperature is increasing each year.

TNT wants to be part of the solution to help the city of Milwaukie celebrate our freedoms, liberties, and our rights to be free. Thank you for your time. My contact information is below. Please feel free to contact me with any questions

I am apt to believe that it will be celebrated, by succeeding generations, as the great anniversary Festival. It ought to be commemorated, as the Day of Deliverance by solemn Acts of Devotion to God Almighty. It ought to be solemnized with Pomp and Parade, with Shews, Games, Sports, Guns, Bells, Bonfires and Illuminations from one End of this Continent to the other from this Time forward forever more.- Thomas Jefferson

Jason Trout

Regional Manager

American Promotional Events Inc

dba TNT FIREWORKS

O:503-653-9655

O:253-922-0800

C:503-545-7948



TNTFIREWORKS.COM



CELEBRATESAFELY.ORG

How can TNT Fireworks Help You with YOUR Illegal Fireworks Issue?

For the past 100 years, TNT Fireworks has distinguished itself throughout the nation as a company that is committed to safety, quality and service, as well as supporting public safety agencies' efforts in those communities to combat the sale and use of illegal fireworks.



Recognizing that local jurisdictions have not only become the **"first line of defense"** but regrettably the **"only line of defense"** against illegal fireworks, TNT Fireworks has been partnering with cities, counties, and states in a joint effort to curb illegal fireworks. [\(Click here to see why illegal fireworks problems keep getting worse.\)](#)



TNT Fireworks has developed several tools, that when used in conjunction with each other will have an impact on your community's illegal fireworks problem.

LOCAL PSA's AND EDUCATION VIDEOS

TNT Fireworks has worked to create a variety of education materials to help educate the public about the safe and proper use of legal fireworks. Resources are also available to inform the public about the difference between Colorado legal-fireworks and illegal fireworks. These resources are available in print form, digital content and videos. TNT Fireworks can also hand out fliers to customers informing them of local PSA's.

[\(Click here for an example safety video.\)](#)

FIREWORKS SOCIAL HOST ORDINANCE

An increasing number of cities, counties and fire districts are adopting "Fireworks Social Host Ordinances" in order to make owners, renters, leasees, and/or those that have possession of a residence or other property ("Responsible Person"), responsible for dangerous illegal fireworks possession



and use on that property. Law enforcement and fire authorities in a jurisdiction only need to verify on what property the fireworks were launched or used. Once that is verified, the jurisdiction may pursue the "Responsible Person" for that jurisdiction's fine. In most instances, in general law cities, it is the maximum fine of \$1,000.

[\(Click here for rationale for and samples of Social Host Ordinances.\)](#)

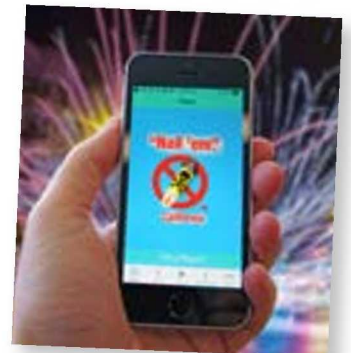
RESPONSE COST RECOVERY ORDINANCE

Response Cost Recovery Provision is a safety net to allow you to seize illegal fireworks and minimize your exposure of being stuck with the costly disposal costs associated with them if the State fails to pick them up. [\(Click here for rationale for and a sample Response Cost Recovery Ordinance.\)](#)



ILLEGAL FIREWORKS REPORTING SMARTPHONE APP – "NAIL'EM"

This new, unique smartphone app, appropriately named **"Nail'em"**, places the power of illegal fireworks enforcement in the palm of your residents' hands. It allows them to easily report the possession, sale and use of illegal fireworks in your community along with photos and GPS locations.



When your jurisdiction fully participates with **"Nail'em"**, the citizen's complaint is automatically routed to the correct law enforcement and/or fire personnel. Your jurisdiction can then follow up using their Social Host / Administrative Fine / Response Cost Recovery Ordinances.

Using this tool in conjunction with the others listed above will allow your jurisdiction to issue more citations/fines resulting in fewer people choosing to use and/or sell in illegal fireworks next year.

[\(Click here for more information on this amazing new free app and how you can get it for your jurisdiction.\)](#)

“Nail’em”

*Illegal Fireworks
Reporting
Smartphone App*



This last fall we embarked on an effort to either develop or identify a dual platform smartphone mobile application that would allow residents in individual cities/counties to take pictures of the sale and/or use of illegal fireworks in that jurisdiction and email that photo with its GPS coordinates to that jurisdiction so that it can either issue a warning or an administrative fine.

In conducting our research on phone apps we came across a broad cross section of uses for a number of code enforcement activities, ranging from water waste to graffiti to reporting potholes and street light outages. As a result of this extensive research and issuance of an RFP, we identified an app developer who currently has a code enforcement reporting app deployed in a host of cities in California, Arizona, Ohio and numerous other states, counties and cities across the country. We are currently in the final stages of negotiations to modify this app and execute a license agreement whereby we can offer this app.

It is anticipated that this app will function as simply and in as uncomplicated a fashion as one could imagine, basically a “smartphone app for dummies”. The anticipated process would be as follows:

- We offer and give the app free of charge to any city that allows State-Approved Fireworks sale and use, and the city offers it to its residents to be downloaded free of charge to both the city and the user. This app would be available on both Android and iPhone platforms.
- When a user opens the app they would be greeted by an “About Tab” explaining what the app is for and who’s sponsoring it.
- Initially the app will be limited to a maximum participation of 50 cities and/or counties. The app would automatically geo-code the jurisdiction of the user at the time they open the app. If their city is not listed it will allow the user to send a report anyway but this report will go to an “other jurisdiction” location on our cloud storage. We can then selectively forward those to the appropriate jurisdiction.
- Upon witnessing the use and/or sale of illegal fireworks, this app would allow the user to do the following:
 - ❖ Take and append up to four photos of the illegal firework activity;
 - ❖ Possibly take a video of some duration and append the video to the report (this function may not be deployed initially and added later);
 - ❖ Select whether they want to append a 30 second audio note or unlimited text note to the report:
 - ❖ Capture the correct street address down to the exact parcel address where the activity is taking place.

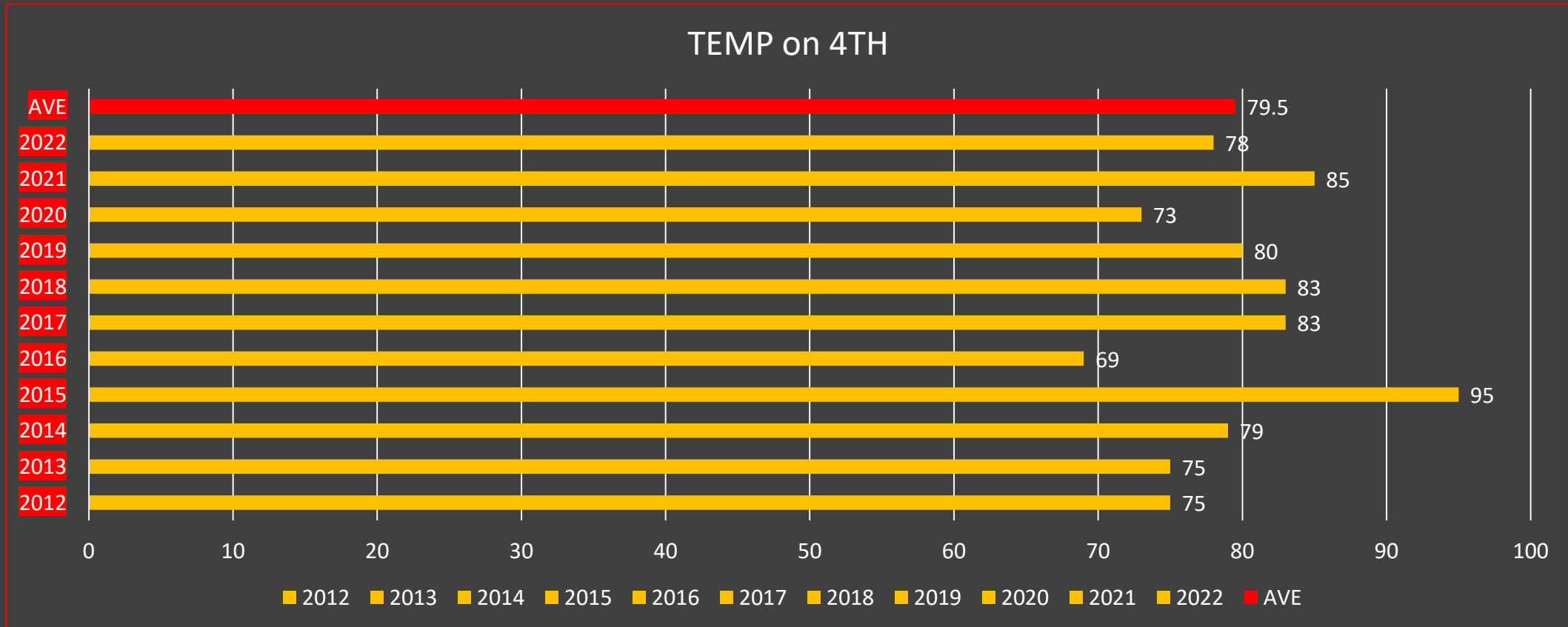
- ❖ Opt to be identified as the reporting party or remain anonymous;
- ❖ Elect to receive updates from the city about this report and receive text announcements from the city;
- ❖ Review and approve the report before the user submits it to the city.

This app would be linked to a web-server Report Management System (RMS) hosted by the app developer. This function would be available to each jurisdiction that accepts this app from us for this purpose. The jurisdiction would be able to review their reports. Each report would generate an email to the jurisdiction where that incident/activity took place and multiple persons could receive that notification email (i.e., Fire Marshal, Police Chief, City Manager, Dispatcher, etc). However, one individual with every jurisdiction would have to be noted as the “primary responding party”. When received on the smartphone of the “primary responding party”, the email can launch the phone’s mapping function and route the phone’s current location to the reported activity’s location. Thus police, fire and code enforcement personnel could respond immediately should the jurisdiction so desire without the necessity of a dispatch computer in their vehicle.

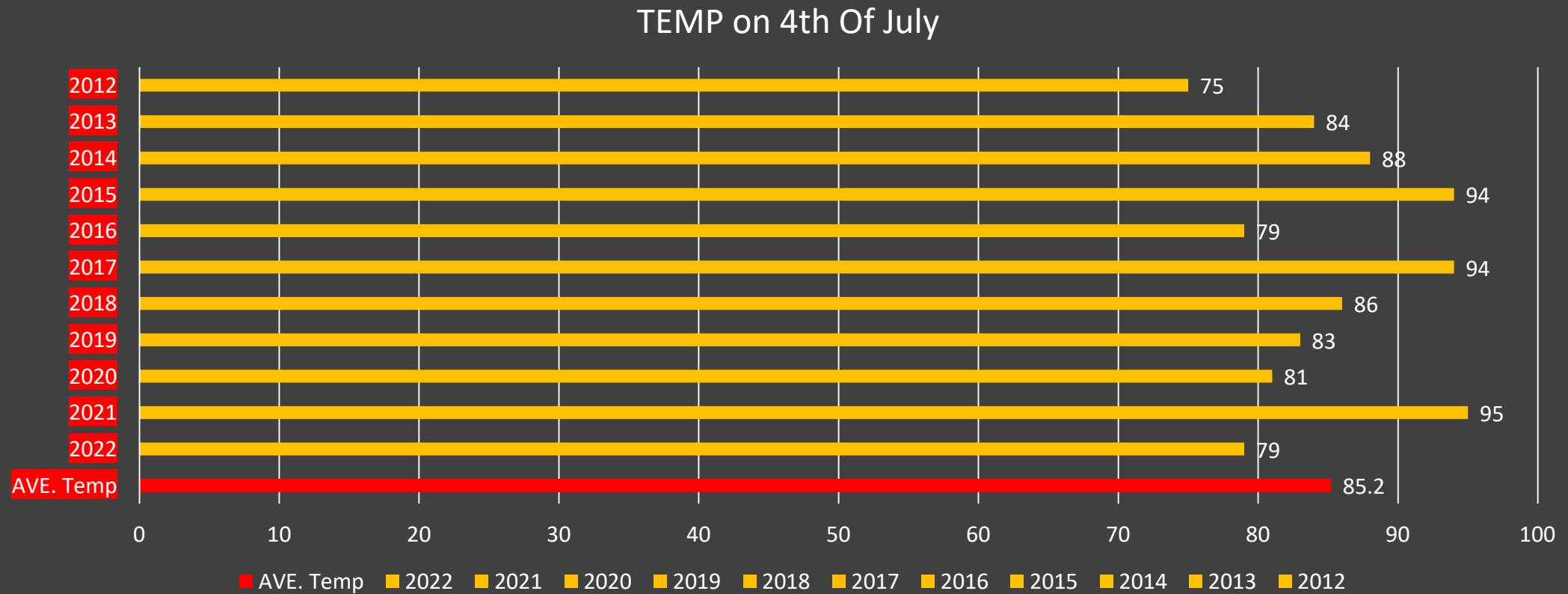
Should you need further information or have more questions, please feel free to contact:

Jason Trout TNT FIREWORKS
503-653-9655
503-545-7948
troutj@tntfireworks.com

HIGH TEMP ON 4TH OF JULY IN MILWAUKIE, OREGON



AVERAGE TEMPERATURE ON 4th OF JULY IN REDMOND, OREGON



Scott Stauffer

From: Bernie Stout <usabs1@nethere.com>
Sent: Tuesday, February 21, 2023 9:28 AM
To: OCR
Subject: FIREWORKS BAN

This Message originated outside your organization.

Tuesday, February 21, 2023

Dear Milwaukie City Council,

Please vote to ban Fireworks.

As the city of Milwaukie has plans to increase population density, this means more people and their pets occupying less space.

From Linn County,

“For those with post-traumatic stress disorder, the random pops, bangs, whistles and flashing lights from fireworks can trigger a host of problems, according to David Neale, a counselor at PeaceHealth Sacred Heart Medical Center.”

Most fireworks are not manufactured in Milwaukie or for that matter the U.S.A.. Fireworks contribute to pollution.

“It’s not just the immediate risks of accidental fire and life-threatening injury you might expect. Everyday fireworks — ones that any amateur pyro could acquire — emit “absurdly high” amounts of harmful toxins, including lead and copper, said Dr. Terry Gordon.”

Please vote to ban Fireworks.

Bernie Stout

Hector Campbell Resident

Scott Stauffer

From: Debby Patten <debby.patten@gmail.com>
Sent: Tuesday, February 21, 2023 11:51 AM
To: OCR
Subject: Fireworks

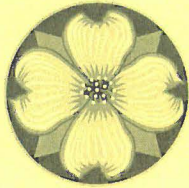
This Message originated outside your organization.

Please consider a complete ban. Waiting to see how things will be is financially inefficient. Additionally, many are affected by PTSD and many animals, including pets, are very scared when fireworks go off.

Thank You,

Debby Patten

Sent from my iPhone



**CITY OF MILWAUKIE
CITY COUNCIL**

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

Speaker Card

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

Name: Carol Addison

Organization:

Address:

Phone:

Email:

Meeting Date: 2-21-23

Topic: Fireworks Ban

Agenda Item You Wish to Speak to:

- #5 Community Comments
- #7 Other Business, Topic:
- #8 Public Hearing, Topic:

You are Speaking...

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

Comments:



RS Agenda Item

9

Council Reports

**RS 9. A. 2/21/23
Presentation**

Legislative & Regional Issues

February 21, 2023

Scott Stauffer, City Recorder



Key Legislative Dates

- ~~1/17 – Session Begins~~
- ~~1/25 – City Day at the Capitol~~
- 2/21 – Measure Introduction Deadline (**today!**)
- 2/22 – Revenue Forecast (1st)
- 4/4 – 1st Chamber Work Session Deadline
- 5/19- 2nd Chamber Work Session Deadline
- 5/17 – Revenue Forecast (2nd)
- 6/25 – Constitutional Sine Die



Scheduled Hearings

- **HB3111 – exempts personnel records held by PERS – hearing 2/21**
- **SB510 – creates independently funded PRA – hearing 2/21**
- **HB2001 – requires state housing study – hearing 2/23**
- **SB275 – aligns state educational agencies – hearing 2/23**
- **HB2505 – allows cities to increase marijuana tax rate – hearing 2/28**



Council Letters

- HB2571 – drafted by Mayor Batey
- Others?



Resources

- OLIS: [Oregon Legislative Information System](#)
- LOC: [CM3 – LOC Bill Summary](#)
(Username/password: [loc@orcities.org](#))
- Thorn Run Partners
(Metro Mayors Consortium)



Questions?

Scott Stauffer, City Recorder
stauffers@milwaukieoregon.gov



[address block]

RE: House Bill 2571

Dear Chair Marsh and members of the House Committee on Climate, Energy and the Environment:

The Milwaukie City Council supports the proposal in House Bill 2571 to establish a program for providing rebates to qualifying individuals who purchase electric assisted bicycles (e-bikes) or cargo electric bicycles and qualifying equipment. Establishing a statewide e-bike rebate program as a companion to the statewide electric vehicle (EV) rebate program aligns with Milwaukie's Climate Action Plan, is included as a recommendation in the Oregon Department of Transportation's recently released "Electric Micromobility in Oregon: A TEINA Supplemental Report," and would demonstrate the Legislature's commitment to climate goals and safe, affordable, active transportation options.

Given the benefits and popularity of e-bikes, an e-bike incentive program could further help Milwaukie and the State achieve our ambitious decarbonization goals. Recent results from Denver, Colorado's e-bike rebate program found that the 4,734 e-bikes purchased through the program in 2022 are replacing roughly 100,000 vehicle miles every week and will reduce approximately 1,450 MT of CO₂ annually – the equivalent of removing 312 cars from the road.¹ E-bikes are attractive to many people who might not ride a bicycle, due to physical ability, time concerns, etc. Studies have found that e-bike riders frequently report feeling safer riding an e-bike than a human powered bike, with women, individuals over fifty-five, and individuals with physical limitations reporting an even greater feeling of safety. While e-bikes do not provide as much intense physical activity as human powered bikes, studies have found that e-bike riders tend to go longer distances and ride more frequently. By limiting the rebate to purchases made from in-state retailers, bike rebates can also help small businesses around the state thrive.

In Milwaukie, we have built a number of multi-use paths as well as new bike lanes in the past six years, and have the Monroe Greenway under development, which will stretch from the Willamette River to our eastern edge, where it will join with a similar project by Clackamas County, connecting to the Clackamas Town Center area and I-205 trail. With more safe infrastructure for bike riding than ever before, e-bikes offer an affordable transportation option for communities that have otherwise become car dependent. One comparison calculated that commuting by an e-bike could save an individual \$17,927 after four years compared to commuting by a car.² In addition to being a lower-cost transportation option in car dependent communities, e-bikes offer more flexibility than public transportation and allow people to easily commute to work or run errands on their own time. Additionally, e-cargo bikes can be a versatile and reliable tool, as they make it easier to move children, haul groceries, and provide mobility after disasters. Shifting trips from gasoline vehicles to e-bikes can have an impact on local air

¹ [Denver's popular e-bike rebate program gears up for 2023 with multiple release dates \(denverpost.com\)](https://www.denverpost.com/2023/02/21/denver-e-bike-rebate-program-2023/)

² <https://www.radpowerbikes.com/blogs/the-scenic-route/ebike-vs-car-by-the-numbers>

quality, especially since low-income communities and communities of color often suffer disproportionately from motor vehicle pollution.

For these reasons, we, the undersigned members of the Milwaukie City Council, support this bill and encourage its passage this session.

[signature block]

[address block]

Re: H.B. 3125

Dear Chair Helm and members of the House Committee on Agriculture, Land Use, Natural Resources and Water:

The Milwaukie City Council supports H.B. 3125, which would establish the Public Drinking Water and Sewer Ratepayer Assistance Fund and allocate \$15mil to that fund to provide assistance to low-income residential households in paying water and sewer bills.

During the pandemic, we allocated funds from federal CARES Act allocations to assist households in Milwaukie that were struggling with utility bills, and had a moratorium on water shut-offs for households that fell behind in paying water/sewer bills. In 2022, we started working with ratepayers who were in arrears to establish a payment plan to get back on track. Since that time, a number of households have been able to take advantage of one-time federal funding for assistance in paying past-due amounts. But dozens of Milwaukie households remain delinquent and those federal funds are predicted to run out in the coming months.

Inflation and financial instability continue, and the proposal in H.B. 3125 to standardize a system of providing assistance for low-income residential ratepayers is an appropriate approach to the ongoing struggles many Oregon households face.

For these reasons, we, the undersigned members of the Milwaukie City Council, support this bill and encourage its passage this session.

[signature block]