



Work Session

WS

Milwaukie City Council

COUNCIL WORK SESSION

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

AGENDA

JULY 18, 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-work-session-329>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 847 1299 8920 and Passcode: 331507. To raise hand by phone dial *9.

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

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

Page #

1. Risk Management for Elected Officials – Training (4:00 p.m.)

Staff: Toby LaFrance, Finance Director

2. Consolidated Fee Schedule Updates – Discussion (4:30 p.m.)

13

Staff: Toby LaFrance, Finance Director

3. Historic and New City Hall Celebrations – Report (5:00 p.m.)

Staff: Joseph Briglio, Community Development Director, and
Scott Stauffer, City Recorder

4. Adjourn (5:30 p.m.)

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

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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.



CITY OF MILWAUKIE

Memorandum

To: City Council
From: Joseph Briglio, Community Development Director
CC: Ann Ober, City Manager
Date: July 18, 2023
Re: Community Development Department Update

Community Development, Economic Development, & Housing	Planning	Building	Engineering
<ul style="list-style-type: none">▪ City Hall▪ Economic Development▪ Affordable Housing	<ul style="list-style-type: none">▪ Comprehensive Plan Implementation▪ Planning Commission▪ Design and Landmarks Committee▪ Land Use/ Development Review	<ul style="list-style-type: none">▪ June Review	<ul style="list-style-type: none">▪ CIP▪ Traffic/Parking Projects▪ Right-of-Way Permits▪ PIP▪ Document Administration

COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/HOUSING

City Hall Projects

Historic City Hall

- After a formal solicitation and bid process, the city hall evaluation committee selected Henry Point Development as the next owner of the historic building. They plan to repurpose it into a commercial venture that includes a bakery, coffee shop, restaurant, tap-house, and non-profit office space.
- City staff and representatives from Henry Point Development have officially executed the disposition and development agreement (DDA). The DDA serves as the roadmap for preparing city hall for its next intended use and ensuring that conditions such as maintaining the historic façade, among others, are compulsory with the property transfer.
- Henry Point Development has conducted several site and building inspections to further understand the costs associated with purchasing and rehabilitating city hall. These have so far included a phase I environmental assessment, topographical survey, mechanical, electrical, and structural inspections, exploratory demolition, and historic preservation consultations.
- During the initial site inspections, two underground storage tanks were located at the rear of city hall. Both tanks needed to be properly decommissioned per the DEQ standards and

have since been physically decommissioned by an environmental contractor. The city is now waiting for official DEQ clearance, which can take a few months.

- Staff are still working with Henry Point Development on an MOU that will help ensure that the city and the new ownership continue to partner in events, improvements, and other complementary operations.
- Henry Point Development received land use approval from the Planning Commission on June 27 for modifications to the site. They intend to submit their building permit package this month in order to be able to immediately initiate construction once the property officially transfers in Oct/November.

New City Hall

- The third floor is almost all painted out, wainscoting and carpet are being installed. Countertops will be installed this week.
- On the first floor, the ceiling is about to go in, then finish paint and flooring.
- In the basement, shower rooms and changing rooms are getting updates.
- Building wide, card readers and other security devices are being installed. Signage is being fabricated and stairwell paint is getting started in preparation for the vinyl graphics.
- The project schedule is on track for our target move-in timeline between September 11-15.

Economic Development

- Downtown: Staff worked closely with the owner of Spoke and Word, an independent bookstore, to find a location on Main Street. They will be taking over the old Elle Cree storefront at 10863 SE Main Street and plan to open in early August. Their website is here: <https://www.spokeandwordbooks.com/>
- Milwaukie Marketplace: Planet Fitness is open, and Luna's Ice Cream will be opening in the coming months. Construction has stalled for the New Seasons space, which was originally planned to open in the Fall of 2023; however, New Seasons notified the city that they will be pushing out the opening date to early 2024 due to supply and material delays.
- Milwaukie Station: In order to address new state wastewater requirements for food cart pods, staff worked on improving the site with sewer and grease interceptor traps. Without these upgrades, the food carts would no longer be allowed to operate at Milwaukie Station. The project is now 100% complete and fully operational.
- Enterprise Zone: Staff recently met with two businesses relocating to Milwaukie's north innovation area and taking advantage of the North Clackamas Enterprise Zone tax incentives. The two businesses are Swagelock and Overland Van Project. The Overland Van Project was recently approved for the incentive. Additionally, City and County staff recently met with Alpine Foods who are interested in applying in order to help offset their current expansion costs.

Affordable Housing

- Sparrow Site: The city purchased the parcel ("main property") at the northeast corner of SE Sparrow Street and the Trolley Trail from TriMet for the purpose of land banking to support affordable housing several years ago. More recently, staff received a Metro Brownfields grant to support due diligence for the acquisition of 12302 SE 26th Avenue ("auxiliary property") from TriMet in order to help rectify access constraints to the main property. The city recently closed on the 12302 SE 26th Ave ("auxiliary") property and is considering next steps.
- Coho Point: The Developer presented an update to the city council during its February 21 work session and requested a 12-month extension of the Disposition and Development Agreement (DDA) due diligence period because of extenuating circumstances involving supply chain and subcontractor timing issues related to the COVID-19 pandemic. The due diligence period was officially extended to March 31, 2024. City Staff recently signed off on the Developer's conditional letter of map revision (CLOMR) submittal to FEMA so that they can begin the approval process for building within the flood plain. Staff were notified on May 10, 2023, that Black Rock had submitted the CLOMR to FEMA. The review process will take several months to complete.
- Construction Excise Tax (CET) Program: The CET Program was established by the city council in 2017 and codified within chapter 3.60 (Affordable Housing Construction Excise Tax) of the municipal code. The CET levy's a one percent tax on any development over \$100,000 in construction value. In example, a property owner who is building an addition that has an assessed construction value of \$100,000 would have to pay \$1,000 in CET to the city. As development continues throughout the city, the CET fund increases in proportionality.

The city released its inaugural competitive bid process for CET funds through a formal Request for Proposals (RFP). The RFP prioritized both workforce and affordable housing with a preference for the greatest number of income-restricted units for the longest duration. It further prioritized projects that offered deeply affordable (30% AMI) units designed to transition people out of homelessness, provide supportive services on-site, prevent displacement, involve community land trusts, provide first-time homebuyer education, serve historically underserved communities (i.e. BIPOC), and serve other high priority special needs populations as outlined in the Milwaukie Housing Affordability Strategy (MHAS). Lastly, since the city lacks the resources to manage income-restricted units and qualify tenants on an on-going basis, it was imperative that each proposal guaranteed continuing income-verification administration and unit restriction management for at least a 30-year term.

The selection committee scored the Hillside Park Phase I project highest; however, it also felt that the Milwaukie Courtyard Housing Project warranted some award amount due to its unique land trust model and ownership niche. Therefore, Hillside Park Phase I was awarded \$1.7M (requested \$2M) and the Milwaukie Courtyard Housing Project with \$300K (requested \$600K).

On March 7, 2023, the city council authorized the city manager to execute the necessary grant agreements in the amounts listed above. The grants agreements for both projects were signed and executed within the last month. Therefore, the next step will be disbursing the funds, which should happen in the coming weeks.

- Housing Capacity Analysis/Housing Production Strategy: Public hearings were held with the

Planning Commission on May 23 and Council on June 6. The Housing Capacity was adopted as an ancillary document to the Comprehensive Plan. The Housing Production Strategy was adopted via resolution. Staff will be working through the implementation of the Housing Production Strategy over the next several years.

PLANNING

Comprehensive Plan Implementation

- Planning and community development staff continue to meet regularly with the consultant team to work on the Neighborhood Hubs implementation project. Staff provided updates to all NDAs in May and June and provided an update to the Planning Commission on April 25th. A survey for property and business owners in the identified Hubs was posted and responses were collected. Staff conducted interviews with property and business owners and community organizations. Initial outreach to underrepresented communities has begun, and the consultants are continuing the code audit (with summary findings expected soon) and identifying potential economic development programs to incentivize the development of Hubs.
 - Summary of outreach:
 - Engage Milwaukie: 19 survey responses, 321 page visits, 15 new Engage Milwaukie registrations
 - Interviews: 18 meetings; 23 participants
 - 7 NDA presentations and discussions
 - Overview of results
 - Broad support for hubs; virtually no opposition
 - Allow multiple uses and increase development flexibility
 - Allow broad array of temporary uses throughout Hubs and neighborhoods.
 - Support for a city-wide small business alliance/association
 - Consider expanding identified Hub boundaries
 - Coordinate TSP with Hubs to support activation and connectivity
- Planning and Engineering staff selected a consultant for the Transportation Systems Plan (TSP) in May of 2022. The Council appointed the TSP Advisory Committee on February 6 comprised of members with geographic representation within the city and community members that historically have been excluded from transportation planning processes. The city has received the notice to proceed on the project from ODOT. The project will kick-off this summer internally and with the public in early fall 2023.

Planning Commission

- ZA-2023-002: A Type V application for a package of more substantive code amendments. The original goal of this package was to review recent Type III variances in an effort to streamline the code and reduce barriers for residents. The package includes amendments to access spacing standards modification process in Title 12, allowing attached cottages in cottage clusters in the R-MD zone, allow encroachments for back decks into the rear yard setback, and revise the minimum lot size for townhouse corner lots, among other proposed amendments. The Planning Commission held a work session on February 28th to discuss the amendments. The public hearing was held on April 25, where the Commission voted 4-1 in favor of a motion to recommend approval to City Council. A Council work session to discuss the amendments was held on June 20. The public hearing with the Council has been scheduled for August 15.
- ZA-2023-003: A Type V application for code amendments related to psilocybin facilities. The City Council held two work sessions to discuss the issue and provided direction to staff regarding amendments related to home occupations and manufacturing (grow) facilities in the NMIA zone. The public hearing with the Planning Commission was held on May 23 where

the Commission voted to recommend approval of the amendments. The public hearing with the Council has been scheduled for August 1.

- ZA-2022-005: A Type V code amendment application related to Climate Friendly Equitable Communities rulemaking. The Planning Commission held a public hearing on February 14th and voted 6-0 to recommend approval of the code amendments. The City Council discussed the amendments during the regular session on March 7th. These code amendments are currently on hold while the rulemaking process continues through the fall of 2023. The city requested and received an alternative date to implement required CFEC code changes until rulemaking is complete.
- The Planning Commission acting as the Community Involvement Advisory Committee held a joint meeting with the NDA's last fall. A result of that meeting was the development of an NDA training titled "So You Received a Land Use Notification, Now What?" Staff has been presenting the training to NDA's.
- ZA-2023-004: A Type V code amendment application to update the bicycle parking quantity and development standards for new and redevelopment projects. The Planning Commission is scheduled to hold a work session on the proposed amendments on July 25th.
- ZA-2023-005: A Type V code amendment application to retire the Design and Landmarks Committee, based on a June 6 discussion with City Council. The proposed amendments are scheduled for a hearing with the Planning Commission on July 25 and City Council on August 15.

Design and Landmarks Committee

- The DLC remains on hiatus unless needed for land use review (see note above on file #ZA-2023-005).

Land Use/Development Review

- HR-2023-001: A Type III application for historic resource review of the adaptive re-use of historic city hall. The review is required because the proposal is to remove a window on the north façade of the building and replace it with new storefront doors to provide access to a new tenant. Type I Downtown Design Review is required for the proposed weather protection and improvements to the plaza in front of the building. The DLC held a public review meeting on June 5 and recommended approval of the application. The Planning Commission held a public hearing on June 27 and voted unanimously to approve the application. The Notice of Decision was issued on June 28; the 15-day appeal period runs until July 13.
- A-2023-004: An application for expedited annexation of the property 9931 SE Hollywood Ave. The property is zoned Urban Low-Density Residential (R-10) in the county and will take the City's Moderate Density Residential (R-MD) zoning designation upon annexation. The property's owner wants to connect to the City sewer.
- A-2023-003: An application for expedited annexation of the property at 9214 SE 55th Ave. The property is zoned R7 in the county and will take the City's Moderate Density Residential (R-MD) zoning designation upon annexation. The property owner is trying to sell the property and wants to facilitate a future connection to City sewer. This annexation is scheduled to go

before Council for a decision on June 20.

- R-2023-003: A Type II application to partition the property at 11932 SE 35th Ave to create a second developable lot. Public notices and referrals were sent on June 30 and comments are due on July 14.
- CSU-2023-002 & -003: Type III applications for community service use approval to develop Balfour and Bowman-Brae Parks, respectively. Referrals were sent the week of July 10, and a public hearing with the Planning Commission is scheduled for August 22. *(The application to develop Scott Park has also been submitted but is being handled with the standard development review process because parks are permitted outright in the underlying Open Space and Downtown Mixed-Use zones.)*

¹ Only land use applications requiring public notice are listed.

BUILDING

Permit data for	June	FY to Date:
New single-family houses:	1	8
New ADU's	1	6
New Solar	1	71
Res. additions/alterations	2	58
Commercial new	1	5
Commercial Alterations	10	90
Demo's	3	12

Total Number of Permits issued: 1432

(includes fire, electrical, mechanical, plumbing, and other structural)

Total Number of Inspections: 3097

Total Number of active permits: 1042

ENGINEERING

Capital Improvement Projects (CIP):

CIP 2018-A13 Washington Street Area Improvements

Summary: This project combines elements of the SAFE, SSMP, Water, Stormwater, and Wastewater programs. SAFE improvements include upgrading and adding ADA compliant facilities along 27th Ave, Washington St, and Edison St. Street Surface Maintenance Program improvements are planned for Washington Street, 27th Avenue, and Edison Street. The Spring Creek culvert under Washington Street at 27th Avenue will be removed, and a new structure added. The water system along Washington Street will be upsized from a 6" mainline to an 8" mainline. The stormwater system along Washington Street will be upsized from 18" to 24" storm lines. The project is being designed by AKS Engineering and Forestry.

Update: Project is out for bid. Bid packets are due July 25th.

CIP 2016-Y11 Meek Street Storm Improvements

Summary: Project was identified in the 2014 Stormwater Master Plan to reduce flooding within this water basin. The project was split into a South Phase and a North Phase due to complications in working with UPRR.

Update: Staff received approval from Council on March 21st for property purchase and pipeline easements. Land use application is moving through the process. Staff put the project out to bid for construction in mid-May, with a bid opening in mid-June. A project authorization for the construction contract will be presented council on July 18.

CIP 2020-A12 SAFE & SSMP FY 2021 Improvements (Home Ave & Wood Ave)

Summary: Project includes the Home Avenue SAFE and SSMP improvements and the Wood Avenue SSMP improvements.

Project is mostly completed; a few items remain that needed to be done during warm weather.

Update: Staff is working on closing out the Project. Final payment has been submitted to finance. Contractor has been largely un-responsive for the past 3+ months.

CIP 2022-W56 Harvey Street Improvements

Summary: The project includes water improvements and stormwater improvements on Harvey Street from 32nd Avenue to the east end, on 42nd Avenue from Harvey Street to Johnson Creek Boulevard, 33rd Avenue north of Harvey Street, 36th Avenue north of Harvey Street, Sherry Street west of 36th Avenue, 41st Street north of Wake Court, and Wake Court. Sanitary sewer work will be done on 40th Avenue from Harvey Street to Drake Street. The project also includes the installation of an ADA compliant sidewalk on Harvey Street from 32nd Avenue to 42nd Avenue and 42nd Avenue from Harvey Street to Howe Street. Roadway paving will be done throughout the project area.

Harvey Street: A design consultant will be selected by June. The design contract is coming to council in July for approval.

CIP 2021-X39 FY 2021 Wastewater Improvements

Summary: Project includes replacement of old, high maintenance sanitary sewer mainlines at Kent Street, 37th Avenue, and Washington Street. Project also includes the installment of new sanitary connections for the trucks at the Milwaukie Station Food Carts and lining existing sanitary mains at Home Street and Harrison Street.

Update: Construction is on schedule and planned to be completed by end of July.

CIP 2021-W61 Ardenwald North Improvements

Summary: Project includes street repair on Van Water Street and Roswell Street with a shared street design for bicycles, pedestrians, and vehicles. Stormwater catch basins in the project boundary will be upgraded, the water system will be upsized on 29th Avenue, 30th Avenue, and 31st Avenue, and there will be wastewater improvements on 28th Avenue, 29th Avenue, and 31st Avenue to address multiple bellies and root intrusion to reduce debris buildup.

Update: Work is progressing on 90% design. Staff anticipates bidding the project this summer.

CIP 2022-A15 King Road Improvements

Summary: King Road (43rd Avenue to city limits near Linwood Avenue) SAFE/SSMP Improvements will replace existing sidewalk and bike lane with a multi-use path, improve stormwater system, replace water pipe, and reconstruct roadway surface.

Update: Kittelson & Associates is finishing the existing condition data collection. Memorandum of findings and design recommendations for transportation assessment, drywell investigation and stormwater analysis, and pavement investigations will be sent to city staff in mid-July.

Milwaukie Bay Park

Update: Project was put on hold indefinitely.

Waverly Heights Sewer Reconfiguration

Summary: Waverly Heights Wastewater project was identified in the 2010 Wastewater System Master Plan. The project may replace approximately 2,500 feet of existing clay and concrete pipe.

Update: Staff advertised a RFQ in mid May, with a consultant selection scheduled for early July. The contract is expected to go to council in early August.

Monroe Street Greenway

Summary: The Monroe Street Greenway will create a nearly four-mile, continuous, low-stress bikeway from downtown Milwaukie to the I-205 multi-use path. Once complete, it will serve as the spine of Milwaukie's active transportation network connecting users to the Max Orange Line, Max Green Line, Trolley Trail, 17th Avenue Bike Path, I-205 path, neighborhoods, schools, and parks. Funding grants through ODOT and Metro will allow the city to complete our 2.2-mile section of the Monroe Greenway from the Trolley Trail to Linwood Ave in the next five years.

Update: East Monroe Greenway - 37th Avenue to Linwood Avenue: Presently, staff is working with ODOT and CONSOR to develop a scope of work and design cost. This will be installed using RFFA and City Funds over Fiscal years 2025 and 2026.

Monroe Street & 37th Avenue (34th to 37th): This segment is being constructed as part of the private development of the Seven Acres Apartments under the review and inspections of the Engineering Department during Fiscal Year 2023.

Central Monroe Greenway - Monroe/Campbell/Oak streets (29th to 34th): The city has received the draft IGA from ODOT, and it is under review. This is needed to transfer \$1.55 M in STIP funding to the city to manage this segment of the Monroe Street Greenway. City UR and Transportation Funds will also be used for the design and construction of this segment during Fiscal Years 2025 and 2026.

Monroe & Hwy 224 Intersection: This project has now been combined with a larger project which will mill and overlay Highway-224 from Rusk Road to 17th Avenue. Staff have begun regular meetings with the ODOT team managing the Highway-224 mill & overlay project. This project will also include permanently closing several crosswalks, however, none of the proposed closures are currently striped, or being used. Construction is anticipated in Fiscal Year 2025.

West Monroe Greenway - Milwaukie Bay Park to 29th Avenue: This segment is currently unfunded.

Kellogg Creek Restoration and Community Enhancement Project

Summary: Project to remove the Kellogg Creek dam, replace the McLoughlin Blvd. bridge, improve fish passage, and restore the wetland and riparian area. City of Milwaukie staff are part of the project Leadership Team, Core Technical Team, and the Technical Advisory Committee. The Leadership Team and Core Technical Team both meet monthly. In addition to city staff, these groups include staff from North Clackamas Watershed Council (NCWC), Oregon Department of Transportation (ODOT), and American Rivers. The Technical Advisory Committee (TAC) for the Kellogg Creek Restoration & Community Enhancement Project involves all collaborative partners that include the Confederated Tribes of the Warm Springs Indian Reservation of Oregon, the Confederated Tribes of Grand Ronde, Clackamas Water Environment Services, Metro, North Clackamas Parks and Recreation District, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Division of State Lands, the Native Fish Society, and the Natural Resources Office of Governor Kate Brown.

Update: The Project Leadership Team met on June 9th to select their preferred alternative recommendation for the TAC. The next TAC meeting is still to be scheduled but planned for later this summer.

The geotechnical work is complete.

Traffic / Parking Projects, Issues

Right-Of-Way (ROW) Permits (includes tree, use, construction, encroachment)

Downtown Trees and Sidewalks

Update: Staff has a contract with AKS; working on what type of design works best now and in the future with both the trees and sidewalks & curbs.

Private Development – Public Improvement Projects (PIPS)

Seven Acres Apartments (formerly Monroe Apartments) – 234 units

Update: We anticipate completion of all ROW improvements in summer 2023; Contractor is working on installing the main driveway on 37th Ave. (opposite from Washington Street) and ADA ramps on both sides of 37th Ave. at Washington Street. The developer has received a TCO for two buildings.

Henley Place (Kellogg Bowl redevelopment)- 175 units

Update: A Right-of-Way permit has been issued; construction of improvements is underway.

Walnut Addition Subdivision – 9 lot subdivision at Roswell St. & 33rd Ave.

Update: Most of the street work has been completed; construction is in the project correction phase.

Elk Rock Estates – 5 lot subdivision at 19th Ave & Sparrow St.

Update: Most of the street work has been completed; construction is in the project correction phase.

Shah & Tripp Estates – 8-lot subdivision at Harrison Street and Home Ave.

Update: Design plans are under review.

Jackson / 52nd – 5-unit development.

Update: Design plans are under review. Staff and developer have agreed on a development agreement to have the developer pave Jackson Street from Home to 52nd Ave. and be reimbursed for areas outside of their responsibility. Pre-construction meeting has been scheduled. Construction is anticipated to start this summer.

Document Administration

Master Plans

Summary: WSC is preparing the Stormwater System Plan.

Political vs Legal Reality

City of Milwaukie Discussion



Presented by:

Marcus Pitts

Account Executive – Public Entity Practice
Brown & Brown Northwest

Geoff Sinclair

Vice President – Public Entity Practice
Brown & Brown Northwest





**City County
Insurance Services
(CIS)**



1

Who we are

2

**What services do we
provide**

3

How can we help You

O.R.S. 30.260 – Oregon Tort Claims Act

What Is a Tort

- Wrongful act that results in injury to person or property
- Duty Owed | Duty Breached
- Who is covered by the tort claims act
- What are the limits of damages (June 2023 – June 2024)
 - » \$830,300 – liability - single
 - » \$1,660,400 – liability multiple
 - » \$136,200 – property damage
 - » \$680,900 – PD – multiple
- What is not limited
- Why do you care?



Get Under the Umbrella ...



CIS Insurance Policy Coverage

Who is a “Member”

- A. Officers:
- B. Employees;
- C. Agents;
- D. Volunteers

All members must be acting within the course and scope of their employment or duties, whether arising out of a governmental or proprietary function.



Political vs. Legal Reality



The Oregonian



Political vs. Legal Reality

COUNCIL Members

- Council Members are empowered only during sanctioned Council meetings where a quorum is present.
- All members must be acting within the course and scope of their employment or duties, whether arising out of a governmental or proprietary function.
- Otherwise they may not be “members” as defined in the CIS Policy.



Discussion



Chain of Command - Approached in Fred Meyers by a friend demanding help with a storm drain

Online - Wrote a response to an unfair criticism on Facebook.

The Press - Called at your home by the Oregonian asking for comments

Elections – Alleged to have taken signs of competitor and burned them.

Auto Damage - Personal vehicle struck while driving to the CIS annual conference

Board Member Ethics Compliant

Coverage Discussion – (OGEC)

\$7,500 defense costs – Per official
\$15,000 Per calendar year

- Must Notify the Trust
- Attorney selection must be approved
- Defense costs are not covered unless you “prevail”






Volunteer

- Direction and Control
- Course and Scope

Be Intentional

“Approved” vs “On your own”



Driving home from work
and strikes a pedestrian
in a sidewalk.



Employee ...

Your Political Reality vs. Legal Reality

As a Council – be deliberate about:

- WHO you are asking to speak
- WHEN they speak for the City

How Often

What Context, and

Delivering What Message

As a Council Member:

- Think twice about your actions
- Don't assume you are “under the umbrella” if things go wrong.





QUESTIONS?

M a r c u s P i t t s | 5 0 3 . 6 1 6 . 8 7 8 5

G e o f f S i n c l a i r | 5 0 3 . 3 2 9 . 2 3 9 1



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COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: May 22, 2023

Reviewed: Michael Osborne, Assistant Finance Director

From: Toby LaFrance, Finance Director, and
Peter Passarelli, Public Works Director

Subject: **Overview of Proposed Changes to the Consolidated Fee Schedule for FY2024**

ACTION REQUESTED

Council is asked to review proposed changes to the Consolidated Fee Schedule for fiscal year (FY) 2024 and provide guidance on the changes. The proposed changes are scheduled to come before Council for adoption on the August 1, 2023, regular session consent agenda.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The fees and charges table were adopted as part of the budget process on June 7, 2022.

ANALYSIS

The following sections of the Consolidated Fees Schedule, formerly known as the Master Fee Schedule, are proposed to be amended effective August 1, 2023.

Section 7 - Library

Across the county, libraries have been simplifying, consolidating, and unifying the fees and charges for library materials and services. The same fees and charges proposed in this report have already been adopted by libraries in Lake Oswego, Molalla, and Happy Valley. These fees and charges are also being proposed in Sandy, Hoodland, Wilsonville, Oregon City, and Canby.

Section 11 – Trees in the City

The current bonding requirement based on appraised value adds administrative burden, time, and cost to the applicant. The use of appraised value to determine the required bond amount has not surprisingly resulted in a range of bonded values. To simplify this process for both staff and the applicant, staff is proposing that the city require a uniform \$3,500 bond amount. Staff is recommending a fee be added when an applicant fails to replant and that the fee be twice the current fee in lieu (\$675). In addition, staff is adding language for violations related to tree topping and some minor edits for clarification.

Section 14 – Utilities

Staff is recommending two changes.

First, where an accessory dwelling unit (ADU) is placed on a single-family lot and has a separate meter, the city's current practice is to charge a separate stormwater fee for the ADU on top of the stormwater fee paid by the primary residence. For all other single-family lots that have only one meter, a single uniform stormwater fee is charged regardless of the amount of impervious surface area. Staff is recommending that when an ADU is added to a single-family lot and has a separate water meter, a stormwater fee only be changed for the primary residence..

Second, staff is requesting that a “tamper” fee be added for the rare occasion when a meter has been turned off and locked and the utility customer “tampers” with the meter by removing the lock and turning the water service on without authorization from the city. A survey of four water providers in the area (the cities of Portland and Molalla, Clackamas River Water, and Oak Lodge Water Services) shows a range of \$125 - \$200 for this type of fee. Staff is recommending that a \$150 fee be added to the schedule for this situation.

Section 17 – Solid Waste Rates

According to Milwaukie Municipal Code (MMC) 13.24.160, Council must review and set solid waste rates on an annual basis. The rates must be set at a level that provides an operating margin of ten percent with a range of two percent in either direction. The city’s solid waste rate consultants have reviewed the performance of the city’s solid waste haulers and has made recommendations on needed changes to solid waste rates that are consistent with MMC. See attached Solid Waste Rate Study. The study recommends that Milwaukie set rate increases that are the same as the rest of Clackamas County. The reason for the proposed increase is the increased costs that the haulers must pay to Metro and the 14% pay increase that resulted from their union bargaining. The reason Milwaukie’s rates are higher than in the county is that the city includes food waste in our yard debris and has an annual collection day. These considerations result in an expected rate increase of 3.4% - 4.5% for residential customers and 5.6% - 6.9% for commercial customers.

BUDGET IMPACT

The changes to the library fees and charges would likely result in a slight decrease in library fine revenue; however, the overall impact should have a minimal effect on the revenues of the city.

CLIMATE & WORKLOAD IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

Coordination has occurred with the city’s waste haulers.

STAFF RECOMMENDATION

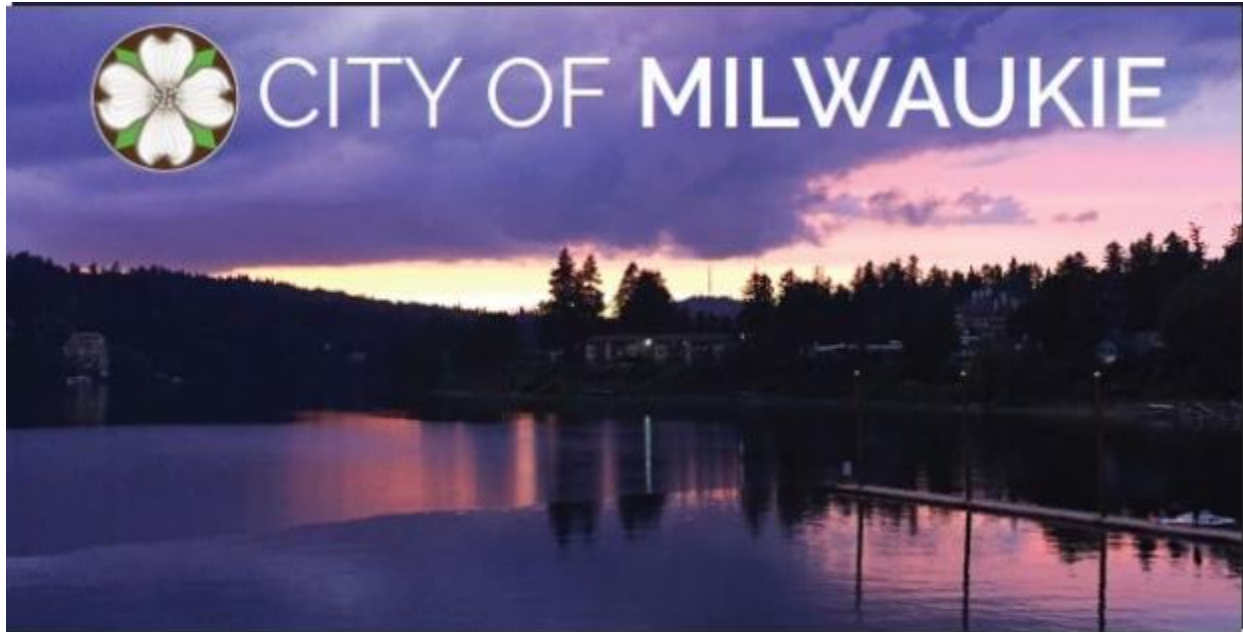
Staff is seeking guidance from Council so that fee changes can be approved by Council on August 1, 2023.

ALTERNATIVES

Council may choose to advise staff not to change the current fees and charges.

ATTACHMENTS

1. Proposed changes to the Consolidated Fees Schedule table
2. Solid Waste Rate Study



Fiscal Years 2023 & 2024

Consolidated Fee Schedule

7. LIBRARY

The Library collects fines for overdue books, lost or damaged items, and photocopying services.

Overdue Fines	Fiscal Year 2023 Fee	Fiscal Year Maximum	Fiscal Year 2024 Fee	Fiscal Year Maximum
Adult	\$0.25	\$3.00	\$0.25 \$0.10	\$3.00 \$1.00
Juvenile	\$0.25	\$1.00	\$0.25 \$0.10	\$1.00
Cultural Pass – State Parks pass	\$5.00	Replacement cost	\$5.00	Replacement cost
Library of Things	\$1.00 - \$5.00 per day	Replacement cost	\$1.00— \$5.00 per day	Replacement cost

Fees and Charges	Fiscal Year 2023	Fiscal Year 2024
Photocopies <u>Printing and Copies, per side</u>		
Black and white	\$0.10	\$0.10
Color	\$0.50	\$0.50
Microfilm copies	\$0.10	\$0.10
Lost or damage items		<u>Up to Replacement Cost</u>
Barcode	\$1.00	\$1.00
RFID tag	\$1.00	\$1.00
Book jacket	\$2.00	\$2.00
Barcode and book jacket	\$3.00	\$3.00
Audio book CD	\$10.00	\$10.00
Missing pages and booklets	Refer to librarian	
Lost item	Actual retail cost	
Damaged material	Refer to librarian	
Library of things item	Actual retail cost	
Bike lock	\$40.00	\$40.00
Replacement media		
CD, DVD Cover sheet	\$1.00	\$1.00
Audiobook case	\$5.00	\$5.00
CD, DVD case	\$1.00	\$1.00
Public Computer Printing, per side		
Black and white (first 5 free)	\$0.10	\$0.10
Color (first one 1 free)	\$0.50	\$0.50
Non-district citizen library use (annual pass)	\$95.00	\$95.00

11. TREES IN THE CITY

Trees are considered valuable urban infrastructure that should be nurtured and protected as a community asset. The Milwaukie Municipal Code Chapter 16.32 Tree Code, Council Ordinance 2197 is to establish, maintain, and increase the quantity and quality of tree cover on land owned or maintained by the City and within rights-of-way, and to ensure our urban forest is healthy, abundant, and climate resilient.

Per the City of Milwaukie Tree Code, a right-of-way (ROW) tree removal permit is required for all trees that are over 2" DBH (diameter at breast height) that are located in the ROW or on city property. A tree is considered to be in the ROW if any portion of its trunk falls in the ROW. A pruning permit is required if more than 20% of the tree's canopy is going to be removed or if more than 10% of its root system will be impacted. To prune or remove a tree that is in the ROW, an ROW permit application must be submitted along with a \$50.00 application processing fee. A permit application is typically approved if the tree is invasive, dead/dying, diseased, has significant infrastructure impacts that cannot be reasonably mitigated, or poses an unreasonable risk to public safety. Replanting a street tree from Milwaukie's approved Street Tree List is a condition of permit approval.

Public Trees	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Public Tree Removal or Major Pruning Permit	\$50.00	\$50.00
Public Tree Permit (Planting)	No charge	No charge
Healthy Public Tree Removal Fee		
2" or less diameter of breast height (DBH)	\$40.00	\$40.00
2" to less than 4" DBH	\$60.00 per inch DBH	\$60.00 per inch DBH
4" to less than 8" DBH	\$80.00 per inch DBH	\$80.00 per inch DBH
8" to less than 14" DBH	\$100.00 per inch DBH	\$100.00 per inch DBH
14" to less than 20" DBH	\$150.00 per inch DBH	\$150.00 per inch DBH
20" or greater DBH	\$200.00 per inch DBH	\$200.00 per inch DBH
Public Tree Planting and Establishment Fee (in lieu of planting)	\$675.00 per tree	\$675.00 per tree
Public Tree Enforcement/Restoration Fee		
<u>Failure to Replant</u>		<u>2X Planting and Establishment Fee</u>
Damaged Tree	\$225.00 per inch DBH	\$225.00 per inch DBH
Removed Tree <u>or Tree Topping</u>	\$450.00 per inch DBH	\$450.00 per inch DBH

Trees in the City continued

On April 19th, 2022, residential tree code (Ord. 2216) was adopted unanimously by city council as a way to compliment the comprehensive plan housing and parking code updates while preserving and enhancing tree canopy in Milwaukie. Being a primarily residentially zoned community, the majority of Milwaukie's tree canopy is located on private property. To meet the established canopy goals of 40% canopy cover by 2040, Milwaukie adopted residential tree protections as a way to preserve existing trees and require the replanting of trees if another is removed. Development sites must also meet robust tree standards to ensure that new housing units are constructed with the community's canopy goals in mind.

Effective May 19th, 2022, trees that are greater than 6" DBH on residentially zoned private properties are regulated by the Milwaukie Tree Code (MMC 16.32.042). Property owners looking to remove a tree in a non-development situation must apply for a Type 1 or Type 2 tree permit before removal. Type 1 tree permits are for removal circumstances where the tree is dead, dying, hazardous, or impacting infrastructure or public safety in ways that cannot be mitigated. Type 1 tree permit applications are available at no cost to the applicant, and no removal fees are required. Type 2 tree permits are for the elective removal of healthy trees. Type 2 tree permits incur a \$50.00 application fee and if approved, applicants must pay healthy tree removal fees. Replanting is a condition of approval for most permitted tree removals.

Development tree code applies when new or additional housing units are constructed on residentially zoned properties, or when a property is being subdivided with the intention of constructing new housing units. The development tree code includes standards for tree preservation, tree planting, tree protection and soil volume requirements which must be met or mitigated for. Milwaukie's urban forest staff work with the city's community development department and engineering department, as well as the developers themselves, to meet the standards of the new tree code and integrate the requirements with the existing land use code and Public Works standards to create development sites that achieve the city's housing, parking and canopy goals.

Trees in the City continued

Private Non-Development Tree Fees	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Residential Tree Application Fee (Type 1)	\$0.00	\$0.00
Residential Tree Application Fee (Type 2)	\$50.00	\$50.00
Healthy private tree removal fee beyond one tree per 12-month period ¹ Measurements are in diameter at breast height (DBH). 6 to <12" DBH (approx. 19" - 38" circumference) 12 to <18" DBH (approx. 38" -57" circumference) 18" to <24" DBH (approx. 57" -75" circumference) 24" to <30" DBH (approx. 75" -94" circumference) 30" to <36" DBH (approx. 94" -113" circumference) 36" or greater (greater than 113" circumference) Rare or Threatened Tree <u>Removal</u>	\$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$150.00 per inch DBH \$200.00 per inch DBH \$250.00 per inch DBH	\$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$60.00 per inch DBH \$150.00 per inch DBH \$200.00 per inch DBH \$250.00 per inch DBH
Planting and Establishment Fee in lieu of Replanting for Non-Development Private Residential Trees	\$675.00 per tree	\$675.00 per tree

Private Enforcement and Restoration Fees	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Violation Review Fee (Development)	\$200.00	\$200.00
Damaged Private <u>Tree and</u> Tree Protection Violation Zone Fee (Development)	\$225.00 per inch DBH	<u>\$225.00 per inch DBH</u> \$225.00 per inch DBH
Unpermitted Private Tree Removal Fee (Development) 6" to <12" DBH 12" to <18" DBH 18" to <24" DBH 24" to <36" DBH 36" or greater DBH Unpermitted Private Tree Removal <u>or Tree Topping</u> (Non-Development) <u>Failure to Replant a Tree (Non-Development)</u>	\$2,000.00 per tree \$167.00 per inch DBH \$200.00 per inch DBH \$250.00 per inch DBH \$300.00 per inch DBH 2 x Permit Cost	\$2,000.00 per tree \$167.00 per inch DBH \$200.00 per inch DBH \$250.00 per inch DBH \$300.00 per inch DBH 2 x Permit Cost <u>+\$200</u> <u>2 x Fee in Lieu</u>

Trees in the City continued

¹ No removal fee for 1st tree less than 12" DBH removed under type 1 permit.

Trees in the City continued

Private Development Tree Fees	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Residential Construction Tree Plan Review Fee	\$200.00	\$200.00
Site Inspection Fee	\$50.00	\$50.00
Site Re-inspection Fee	\$175.00	\$175.00
<p>Fee in lieu of preservation standard in residential development <i>Canopy percentage measurements are in sq ft canopy / total site sq ft</i></p>	<p>\$4000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.</p> <p>Remaining site canopy <30%-22.5%: \$4000.00 <22.5%-15%: \$4000.00 <15%-7.5%: \$4000.00 <7.5%-0%: \$4000.00</p>	<p>\$4000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.</p> <p>Remaining site canopy <30%-22.5%: \$4000.00 <22.5%-15%: \$4000.00 <15%-7.5%: \$4000.00 <7.5%-0%: \$4000.00</p>
<p>Fee in lieu of preservation standard for eligible residential affordable housing <i>Canopy percentage measurements are in sq ft canopy / total site sq ft</i></p>	<p>\$2000 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.</p> <p>Remaining site canopy <30%-22.5%: \$2000.00 <22.5%-15%: \$2000.00 <15%-7.5%: \$2000.00 <7.5%-0%: \$2000.00</p>	<p>\$2000 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction.</p> <p>Remaining site canopy <30%-22.5%: \$2000.00 <22.5%-15%: \$2000.00 <15%-7.5%: \$2000.00 <7.5%-0%: \$2000.00</p>

Trees in the City continued

Significant Tree Credits		
<i>Retained significant trees in diameter at breast height (DBH)</i>		
Retained significant tree 12" to <20" DBH	125% existing or future canopy multiplier	125% existing or future canopy multiplier
Retained significant tree >20" DBH	150% existing or future canopy multiplier	150% existing or future canopy multiplier
Retained significant tree >36" DBH	175% existing or future canopy multiplier	175% existing or future canopy multiplier
Rare or Threatened Tree	\$250.00 per inch DBH	\$250.00 per inch DBH
Fees in Lieu of Planting Standard	\$5.00 per square foot of canopy necessary to meet 40% site coverage	\$5.00 per square foot of canopy necessary to meet 40% site coverage
Bonding Requirements		
Tree Protection	150% of appraised value of protected trees held for 3 years	150% of appraised value of protected trees <u>\$3,500 per protected tree</u> held for 3 years
Post Development	\$3,500.00 per newly planted tree for a 5-year period	\$3,500.00 per newly planted tree for a 5-year period

14. UTILITIES

The City of Milwaukie provides water, wastewater, stormwater, and street maintenance service to residents. These services are billed monthly at the following rates¹:

Water	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Water Volume Charge (per CCF of consumption)		
0-3 Units (residential only)	\$4.14	\$4.24
4 or more units (residential or all multi-family/commercial)	\$4.27	\$4.38
Low Use Discount		
Single Family Residential low use discount (3 or less CCF per month)	\$(5.00)	\$(5.00)

Residential & Commercial Meters – Fixed Charge ²		
Meter Size	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
5/8" – 3/4"	\$9.08	\$9.25
1"	\$12.85	\$13.27
1 1/2"	\$20.71	\$21.40
2"	\$32.18	\$33.24
3"	\$79.33	\$81.95
4"	\$136.38	\$140.88
6"	\$201.20	\$207.84
Standby Service for fire Flow Purposes – Fixed Charge		
Meter Size	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
2"	\$13.72	\$14.17
4"	\$49.39	\$51.02
6"	\$71.91	\$74.28
8"	\$97.60	\$100.82
10"	\$123.31	\$127.38
12"	\$149.02	\$153.94

¹ The Citizens Utility Advisory Board reviews the existing rate structure and capital improvement plan to advise City Council on utility rates.

² Customers participating in the City's Low-Income Utility Assistance program are exempt from the monthly fixed charge.

*Utilities continued***Wastewater**

Account Type	Fiscal Year 2023 Fees		
	Treatment (per EDU)	Billing and Administration (per account)	Volume ¹ (per CCF of water consumption)
Residential	\$33.52	\$4.88	\$3.90
Low Income	\$16.76	\$2.44	\$1.95
Multi-family/Commercial – 3/4"	\$33.52/\$72.86	\$9.90	\$3.90
Multi-family/Commercial – 1"	\$33.52/\$72.86	\$11.99	\$3.90
Multi-family/Commercial – 1 1/2"	\$33.52/\$72.86	\$13.48	\$3.90
Multi-family/Commercial – 2"	\$33.52/\$72.86	\$14.98	\$3.90
Multi-family/Commercial – 3"	\$33.52/\$72.86	\$17.97	\$3.90
Multi-family/Commercial – 4"	\$33.52/\$72.86	\$20.96	\$3.90
Multi-family/Commercial – 6"	\$33.52/\$72.86	\$26.97	\$3.90

Account Type	Fiscal Year 2024 Fees		
	Treatment (per EDU)	Billing and Administration (per account)	Volume ¹ (per CCF of water consumption)
Residential	\$34.36	\$4.97	\$3.99
Low Income	\$17.18	\$2.48	\$1.99
Multi-family/Commercial – 3/4" ²	\$34.36/\$74.68	\$10.23	\$3.99
Multi-family/Commercial – 1"	\$34.36/\$74.68	\$12.38	\$3.99
Multi-family/Commercial – 1 1/2"	\$34.36/\$74.68	\$13.92	\$3.99
Multi-family/Commercial – 2"	\$34.36/\$74.68	\$15.48	\$3.99
Multi-family/Commercial – 3"	\$34.36/\$74.68	\$18.56	\$3.99
Multi-family/Commercial – 4"	\$34.36/\$74.68	\$21.66	\$3.99
Multi-family/Commercial – 6"	\$34.36/\$74.68	\$27.86	\$3.99

Stormwater

Fiscal Year 2023 Fee			
Account Type	Single Family Residential	Low Income	Commercial (per 2,706 sq. ft. of impervious area)
Stormwater	\$29.47	\$14.73	\$29.47
Fiscal Year 2024 Fee			
Account Type	Single Family Residential ³	Low Income	Commercial (per 2,706 sq. ft. of impervious area)
Stormwater	\$29.47	\$14.73	\$29.47

¹ Residential wastewater volume charges are determined by the average monthly water usage from November to February (winter average). The winter average is adjusted annually on March 31st.

² Based upon water meter size. Multi-family EDU is billed per unit. A Commercial EDU is equivalent to 10 CCF of usage.

³ Where an ADU is on the property, fee is only charged to the primary residence.

*Utilities Continued***Transportation - Street Maintenance & SAFE Rates for All Categories**

Account Type	Fiscal Year 2023 Fees SSMP	Fiscal Year 2024 Fees SSMP
Single Family Residential	\$5.49	\$5.74
Low Income	Exempt	
Commercial per daily trip generated ^{1,2}	\$0.56	\$0.59
Multi-Family Residential (per unit)	\$4.53	\$4.74
Elderly Housing/Mobile Homes (per unit)	\$2.26	\$2.36
Congregate Care (per unit)	\$1.13	\$1.18

Account Type	Fiscal Year 2023 Fees SAFE	Fiscal Year 2024 Fees SAFE
Single Family Residential	\$6.11	\$6.39
Low Income	Exempt	
Commercial per daily trip generated ^{1,2}	\$0.61	\$0.63
Multi-Family Residential (per unit)	\$4.90	\$5.12
Elderly Housing/Mobile Homes (per unit)	\$2.45	\$2.56
Congregate Care (per unit)	\$1.18	\$1.24

¹ Cost per commercial account are determined by type of use. Visit www.milwaukieoregon.gov/commercialfee for a detailed breakdown.

² Commercial daily trip generated is calculated based on type of use and building square feet. Some uses have monthly caps that are adjusted annually for CPI published by the Bureau of Labor Statistics. Current maximums are \$319.13 for the SSMP and \$419.42 for the SAFE programs as applicable. Visit www.milwaukieoregon.gov/commercialfee for more information.

*Utilities continued***Other Charges**

Water	Fiscal Year 2023 Fee	Fiscal year 2024 Fee
Connect Service 5/8" or 3/4" Residential Service	\$897.00 short side / \$972.00 long side	\$897.00 short side / \$972.00 long side
Connect Service 1"	\$1,237.00 short side / \$1,312.00 long side	\$1,237.00 short side / \$1,312.00 long side
Connect Service 1 1/2"	\$2,102.00 short side / \$2,200.00 long side	\$2,102.00 short side / \$2,200.00 long side
Connect Service 2"	\$3,630.00 short side / \$,3630.00 long side	\$3,630.00 short side / \$,3630.00 long side
3/4" Meter Equipment	\$250.00	\$250.00
1" Meter Equipment	\$370.00	\$370.00
1 1/2" Meter Equipment	\$610.00	\$610.00
2" Meter Equipment	\$740.00	\$740.00
Hydrant Meter Deposit (refundable less water usage)	\$2,250.00	\$2,250.00
Hydrant Meter usage Fee per CFF	\$8.25	\$8.65
Sewer Connection	Fiscal Year 2023 Fee (per EDU) ¹	Fiscal Year 2024 Fee (per EDU) ¹
A fee charged to the City by Clackamas County and collected to recover invoiced costs for each new connection to the public sanitary sewer system. Subject to change after County updates the rates.	\$8,600.00	\$8,600.00
A fee charged to the City by City of Portland and collected to recover invoiced costs for each new connection to the public sanitary sewer system. Subject to change after the City of Portland updates the rates.	\$8,299.00	\$8,299.00

Miscellaneous	Fiscal Year 2023 Fee	Fiscal year 2024 Fee
Delinquent Account – Past Due Notice	\$8.00	\$8.00
Delinquent Account – Notice of Termination	\$15.00	\$15.00
Shut-off/Turn-on	\$35.00	\$35.00
<u>Tamper Fee</u>		<u>\$150.00</u>
After-hours Restoration of Service ²	\$110.00	\$110.00
Reimbursement District Fee	To be determined by the scope of project	

¹ An EDU or "equivalent dwelling unit" is a unit of measurement of sewer usage that is assumed to be equivalent to the usage of an average dwelling unit.

² After hours service is Monday-Friday 3:00-8:00 p.m.; Saturday and Sunday 8:00 a.m.-8:00 p.m.

Utilities continued

17. SOLID WASTE RATES

~~Rates as of July 1, 2022, for Fiscal Year 2023 only.~~ Weekly collection includes recycling and yard debris service. Recycling carts and bins and yard debris carts must be placed at the curb.

Uniform Monthly Residential Rates:	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
20 gallon can (mini-can): 1 can/cart (1 time/week) <i>Weekly collection includes recycling and yard debris service</i>	\$31.85	<u>\$32.95</u>
32 gallon can/cart: 1 can/cart (1 time/week) 2 cans/cart (1 time/week) Each additional can/cart Extra can of garbage (occasional)* Extra can of yard debris (occasional) Court apartments – recycling only (1 time/week) <i>*This rate is for the first extra can collected, each additional at the stop is \$3.00. Maximum weight for a 20 or 32 gal. can/cart is 60lbs. Additional stops per week are charged at 100% of the first stop per week rate.</i>	\$36.70 \$73.40 \$35.30 \$6.65 \$4.45 \$30.00	<u>\$38.20</u> <u>\$76.40</u> <u>\$38.20</u> <u>\$6.90</u> <u>\$4.65</u> <u>\$31.50</u>
Roller carts: 60 gallon cart (1 time/week) 90 gallon cart (1 time/week) Extra can of yard debris (occasional) Cart deposit (Refunds will be made after return of cart or after five years – whichever comes first.) Redelivery charge (redelivery within one year, regardless of reason) <i>Additional stops per week are charged at 125% of the first stop per week rate. Maximum weight for 60 gal cart is 100lbs and for 90 gal cart is 120lbs.</i>	\$47.70 \$56.25 \$4.45 \$30.00 \$10.00	<u>\$49.80</u> <u>\$59.00</u> <u>\$4.65</u> <u>\$31.20</u> <u>\$10.00</u>
Monthly and On Call service: Monthly On call <i>Monthly service includes recycling but not yard debris service. Monthly and on call customers must subscribe for one year in advance for yard debris service. On call customers must provide hauler with 24 hours notice.</i>	\$19.00 \$18.75	<u>\$19.00</u> <u>\$19.80</u>

Solid Waste Rates continued

~~Rates as of July 1, 2022, for Fiscal Year 2023 only.~~ Weekly collection includes recycling and yard debris service. Recycling carts and bins and yard debris carts must be placed at the curb.

Uniform Monthly Commercial Rates:	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
32 gallon can/cart:		
1 can/cart (1 time/week)	\$31.15	<u>\$32.65</u>
2 cans/cart (1 time/week)	\$62.30	<u>\$65.30</u>
Each additional can/cart	\$26.40	<u>\$27.50</u>
Extra can of garbage (occasional)*	\$5.50	<u>\$5.75</u>
<i>Additional stops per week are charged at 100% of the first stop per week rate.</i>		
Roller carts:		
60 gallon cart (1 time/week)	\$44.10	<u>\$46.20</u>
90 gallon cart (1 time/week)	\$48.75	<u>\$51.50</u>
Cart deposit (Refunds will be made after return of cart or after five years – whichever comes first.)	\$30.00	<u>\$31.20</u>
Redelivery charge (redelivery within one year, regardless of reason)	\$10.00	<u>\$10.00</u>
<i>Additional stops per week are charged at 125% of the first stop per week rate.</i>		
Compacted Containers:		
2.2 times the loose container rate		
<i>Containers weighing in excess of 500 lbs per cubic yard will be charged this rate plus disposal for the excess weight.</i>		
<i>Compactors furnished by the customers shall be compatible with the equipment of the collector.</i>		
<i>If the collector agrees to furnish the compactor, the collector may charge a reasonable rental rate based on the value of the compactor and the cost of repair and maintenance.</i>		

Uniform Monthly Drop Box Rates:	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Loose material:		
10/20 yards	\$159.00*	<u>\$170.00</u>
30 yards	\$169.00*	<u>\$180.00</u>
40 yards	\$179.00*	<u>\$190.00</u>
Lidded/Specialized box that cannot be exchanged:		
10/20 yards	\$159.00	<u>\$170.00</u>
<i>*Plus disposal costs</i>		
<i>An additional \$40.00 per drop box may be charged for one-stop service (plus disposal costs).</i>		
<i>Deposits of no more than \$500.00 may be charged for each drop box.</i>		
Compacted material:		
Under 25 cubic yards		<u>\$170.00</u>
25-34 cubic yards		<u>\$209.00</u>
34+ cubic yards		<u>\$238.00</u>
<i>*Plus disposal costs</i>		
<i>Rental rate for permanent boxes hauled at least weekly is \$50.00 per month. Rental rate for occasional boxes after 48 hours on location is \$6.30 per day or \$63.00 a month, whichever is less, if less than one load per week is hauled. Monthly Equipment Fee of \$20.00 for Lidded/Specialty Drop Boxes. Mileage charge of \$4.70 per mile (over 18 miles round-trip from shop or Metro South). Deadhead round trip for boxes that cannot be exchanged: \$25.00.</i>		
Special Wastes delivered to an appropriately permitted landfill		
10/20 yards	\$170.00*	<u>\$181.00</u>
30 yards	\$187.00*	<u>\$198.00</u>
<i>*Plus disposal, monthly rental, mileage and monthly specialty drop box fees.</i>		

Solid Waste Rates continued

Uniform Rates for Misc. Services – Commercial and Residential:	Fiscal Year 2023 Fee	<u>Fiscal Year 2024 Fee</u>
Hourly fee:		
Truck + 1 person	\$80.00	<u>\$90.00</u>
Truck + 2 people	\$120.00	<u>\$130.00</u>
Other Miscellaneous:		
Furniture and recyclable appliance pick-up	\$5.45 to \$29.15*	<u>\$5.70 to \$30.35</u>
Tire pick-up (off rim)	\$2.00**	<u>\$3.00**</u>
Tire pick-up (on rim)	\$5.50**	<u>\$6.00**</u>
Over 18 inches	Special handling rate	
*Plus \$30.00 freon removal charge.		
**Plus disposal.		
Clean-up Containers:		
1 st collection	33% of regular container rate	<u>33% of Regular Container Rate + \$17.25</u>
	+ \$16.60 handling charge.	<u>Handling Charge</u>
Each additional collection	33% of regular container rate.	<u>33% of Regular Container Rate</u>
Rent of container after 5 working days (M-F) with no collection:		
1-2 yards	\$2.10/day	<u>\$3.00/day</u>
3 yards	\$3.10/day	<u>\$4.00/day</u>
4 yards	\$4.10/day	<u>\$5.00/day</u>
Rent not to exceed \$20.00 per container in a 30-day period.		

Non-Customer Services:	Fiscal Year 2023 Fee	<u>Fiscal Year 2024 Fee</u>
Recycling only:		
Weekly curbside collection of recyclables	\$4.70	<u>\$7.70</u>
Yard debris subscription service annual rate must be paid in full in advance of service		
60 gallon cart	\$5.70	<u>\$6.50</u>
Extra can of yard debris	\$2.60	<u>\$4.90</u>
Permanent second can	\$3.85	
Monthly rates are for weekly service.		
This service is provided only within the Urban Growth Boundary.		
The subscriber is required to pay for one year of service in advance.		

ANY OTHER TYPE OF SERVICE:

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

Solid Waste Rates continued

Commercial container fees as of July 1, 2022, and effective through June 30, 2023. Fees include garbage and recycling services. Collector shall furnish the container. Overweight charge for containers over 300 lbs. per cubic yard determined through mutual agreement between hauler and customer. Container cleaning, if required more than twice in 12 months, will be charged the actual cost of cleaning.

Stops/ Week	Size in Cubic Yards					
	1	Add'l	1 1/3	Add'l	1.5	Add'l
1	\$112.28	\$97.84	\$140.31	\$122.15	\$150.43	\$132.28
2	\$216.80	\$189.57	\$272.91	\$239.18	\$293.11	\$257.12
3	\$321.34	\$279.88	\$405.48	\$355.19	\$435.81	\$382.50
4	\$425.86	\$373.05	\$538.07	\$471.82	\$578.46	\$507.08
5	\$530.41	\$463.36	\$670.65	\$587.83	\$721.15	\$635.32
6	\$634.93	\$555.71	\$803.24	\$703.16	\$863.82	\$759.31

Stops/ Week	Size in Cubic Yards					
	2	Add'l	3	Add'l	4	Add'l
1	\$191.92	\$168.82	\$264.87	\$233.93	\$339.97	\$302.43
2	\$376.09	\$331.82	\$517.28	\$457.95	\$667.53	\$593.75
3	\$560.28	\$494.03	\$769.70	\$682.61	\$995.07	\$884.21
4	\$744.47	\$653.90	\$1,022.13	\$909.34	\$1,322.61	\$1,172.07
5	\$928.66	\$821.14	\$1,274.57	\$1,132.42	\$1,650.14	\$1,466.49
6	\$1,112.84	\$981.58	\$1,526.97	\$1,352.19	\$1,977.70	\$1,757.24

Stops/ Week	Size in Cubic Yards					
	5	Add'l	6	Add'l	8	Add'l
1	\$412.76	\$388.01	\$478.46	\$449.99	\$598.12	\$565.11
2	\$811.89	\$763.10	\$943.31	\$888.50	\$1,182.61	\$1,117.26
3	\$1,211.04	\$1,136.05	\$1,408.14	\$1,320.71	\$1,767.11	\$1,669.63
4	\$1,610.14	\$1,510.65	\$1,872.99	\$1,759.45	\$2,351.60	\$2,219.99
5	\$2,009.31	\$1,888.24	\$2,337.84	\$2,197.80	\$2,936.11	\$2,763.39
6	\$2,408.43	\$2,268.38	\$2,802.69	\$2,629.97	\$3,520.60	\$3,319.72

Commercial container fees as of August 1, 2023, and effective through June 30, 2024. Fees include garbage and recycling services. Collector shall furnish the container. Overweight charge for containers over 300 lbs. per cubic yard determined through mutual agreement between hauler and customer. Container cleaning, if required more than twice in 12 months, will be charged the actual cost of cleaning.

Container Size	Stops per Week					
	1	2	3	4	5	6
1 yard	\$ 117.74	\$ 227.71	\$ 337.71	\$ 447.68	\$ 557.69	\$ 667.66
Add'l Cont.	103.30	200.48	296.25	394.87	490.64	588.44
1-1/3 yard	147.57	287.42	427.25	567.09	706.93	846.78
Add'l Cont.	129.41	253.69	376.96	500.84	624.11	746.70
1-1/2 yard	158.61	309.48	460.36	611.19	762.07	912.92
Add'l Cont.	140.46	273.49	407.05	539.81	676.24	808.41
2 yard	202.83	397.91	593.01	788.12	983.22	1,178.31
Add'l Cont.	179.73	353.64	526.76	697.55	875.70	1,047.05
3 yard	281.24	550.01	818.80	1,087.60	1,356.41	1,625.17
Add'l Cont.	250.30	490.68	731.71	974.81	1,214.26	1,450.39
4 yard	361.79	711.18	1,060.54	1,409.90	1,759.26	2,108.64
Add'l Cont.	324.25	637.40	949.68	1,259.36	1,575.61	1,888.18
5 yard	440.04	866.45	1,292.88	1,719.26	2,145.71	2,572.10
Add'l Cont.	415.29	817.66	1,217.89	1,619.77	2,024.64	2,432.05
6 yard	511.19	1,008.78	1,506.34	2,003.93	2,501.51	2,999.10
Add'l Cont.	482.72	953.97	1,418.91	1,890.39	2,361.47	2,826.38
8 yard	641.77	1,269.90	1,898.05	2,526.19	3,154.34	3,782.48
Add'l Cont.	608.76	1,204.55	1,800.57	2,394.58	2,981.62	3,581.60

Commercial Recycling for Drop Box and Roll Off Compactor Customers

Stops/Week	1	2	3	4	5
1 to 4 yards	\$ 67.00	\$ 133.00	\$ 200.00	\$ 267.00	\$ 333.00
5 to 8 yards	92.00	185.00	277.00	369.00	461.00

Multi-Family Recycling for Roll Off Compactor Customers

Rate per Unit \$ 3.00

Solid Waste Rates continued

Bio-Medical Services Fees	Fiscal Year 2023 & 2024 Fee	
	Tub Rates per gallon	
Number of units:	20/21	35/48
1	\$81.45	\$83.25
2	\$61.85	\$63.50
3	\$54.30	\$56.00
4	\$49.35	\$51.00
5	\$46.35	\$48.00
6	\$44.35	\$46.00
7	\$41.85	\$43.50
8	\$40.40	\$42.00
9	\$37.35	\$39.00
10	\$35.85	\$37.50
11	\$34.75	\$36.50
12	\$33.25	\$35.00
13	\$32.75	\$34.50
14	\$32.00	\$33.75
15	\$31.25	\$33.00
16	\$26.30	\$28.00
17	\$26.30	\$28.00
18	\$26.30	\$28.00
19	\$26.30	\$28.00
20	\$26.30	\$28.00
60	\$17.90	\$18.75
75	\$17.45	\$18.05
90	\$12.80	\$13.10



**City of Milwaukie
10722 SE Main St
Milwaukie, OR 97222**

503-786-7555

<http://www.milwaukieoregon.gov/finance>



Solid Waste & Recycling Rate Review Report for 2022



BELL & ASSOCIATES, INC. | JULY 2023

City of Milwaukie 2022 Solid Waste Rate Review

Table of Contents

Background.....	1
Table 1: Milwaukie Solid Waste Franchise.....	1
Annual Cost Report.....	1
Table 2: 2022 Adjusted Milwaukie Results.....	2
Projected Cost of Service in 2022	2
Table 3: Projected 2023 Composite Revenues and Expenses.....	3
Figure 1: Projected Financial Performance by Service.....	4
Proposed Rates	5
Table 4: Proposed Residential Rates.....	5
Table 5: Proposed Rates for Commercial Container Waste and Recycling Service	5

Background

Collection of waste and recycling within the City of Milwaukie (City) is accomplished under exclusive franchise agreements between Waste Management (WM), Kahut Waste Services (Kahut), Clackamas Garbage¹, and the City. Table 1 summarizes the customer counts for each collection company.

Table 1: Milwaukie Solid Waste Franchise

Collection Company	Cart Customers	Commercial Customers	Drop Box Hauls
Waste Management	4,483	372	3,090
Kahut Waste	1,678	17	125
Milwaukie Total	6,161	389	3,215

As the regulator of waste and recycling, City Council is responsible for establishing collection rates for all waste and recycling collection services.

Annual Cost Report

The annual cost report provides line-item costs and revenues associated with providing service within the City and combined line-item totals for their non-Milwaukie operations. In addition, the format provides the capacity to calculate the cost of service for each line of business (cart, container, and drop box). Cart collection is primarily offered to residential customers, whereas business customers are serviced with a container.

In July 2022, the City increased residential collection rates by an average of 2.1% - most residential customers have a 35 gallon cart and incurred an increase of \$0.75 per month. Commercial collection rates were increased by \$0.54 per collected yard, an average increase of 2.1% over the previous rates. The rate increase was due to Metro's \$8.36 per ton increase for waste disposal.

In March 2023, both franchised companies submitted the annual detailed cost report to the City for the calendar year 2022. Reported results were analyzed, and the following tasks were completed:

- Analyze reported route collection hours to the reported customer counts for each line of business.
- Using a predictive test of revenue for each line of business, ensure the reported revenues are reasonable for the number of reported customers.
- By thoroughly reviewing the reported direct cost line items, determine if the expense is reasonable in relation to the customer and operational data entered from the detailed cost report.

¹ Clackamas Garbage did not submit a report to Milwaukie and its costs were not considered in the composite. Clackamas Garbage has only 11 customers and total Milwaukie revenues less than \$25,000.

- d. Utilize a predictive test of disposal to determine if the reported disposal expense is reasonable.
- e. Using the reported administrative line items, determine if the expense is reasonable in relation to the operational data entered from the detailed cost report and comparable to prior report submissions.
- f. Review the costs between the City and the franchised hauler's other collection operations to determine if the allocations are reasonable.

Adjustments were made to the reports of both companies. Table 2 details the return for each collection service provided within the Milwaukie franchise collection system.

Table 2: 2022 Adjusted Milwaukie Results

	Roll Cart	Container	Drop Box	Total
Revenues	\$3,030,966	\$1,834,318	\$1,428,198	\$6,293,482
Direct Costs of Operations	\$2,272,308	\$1,418,702	\$1,244,606	\$4,935,616
Indirect Costs of Operations	\$473,641	\$253,832	\$67,349	\$794,822
Total Costs for Rates	\$2,745,949	\$1,672,534	\$1,311,955	\$5,730,438
Franchise Income (Revenue – Total Costs)	\$285,017	\$161,784	\$116,243	\$563,044
Return on Revenue (Income / Revenue)	9.4%	8.8%	8.1%	9.0%

Projected Cost of Service in 2022

Projecting expenses for 2023 is achieved by applying known and measurable costs to the line item expenses and revenues. The factors used in the adjusted composite reports include the following:

- Revenue was increased by 1% for residential, and 1.9% for commercial service rate increase passed in July 2022.
- A Metro solid waste tip fee increase of \$14.21 to \$138.27 per ton will be effective July 1, 2023. The compounding effect from the previous Metro rate adjustments is an increase of 9.49% for waste disposal expenses in 2023.
- Last year, Metro Council proposed annual waste disposal increases of 7.4% over the next five years; however, as Metro's costs continue to escalate, this year's adjustment was significantly higher than planned. As a result, Milwaukie ratepayers should anticipate future collection increases from Metro's annual disposal increases.
- Union driver wages increased by 12.8%, primarily due to WM's renewed labor contract with the Teamsters for a five-year term.

According to the US Bureau of Labor and Statistics Western Consumer Price Index², inflation increased by 4.96% from April 2022 to April 2023. While inflation will continue to be significant, a general inflation assumption was **NOT** included in the 2023 projected results for Milwaukie.

² https://www.bls.gov/regions/west/news-release/ConsumerPriceIndex_West.htm

Table 3 summarizes the projected expenses for 2023, and Figure 1 on the following page details the expected financial performance for each line of business and the overall composite results for 2023.

Table 3: Projected 2023 Composite Revenues and Expenses

Description	2022 Adjusted	\$ ▲	2023 Projected
Revenue	\$6,293,482	\$124,572	\$6,418,054
Disposal Expense	\$1,937,677	\$161,660	\$2,099,337
Labor Expense	\$1,423,096	\$146,766	\$1,569,862
Truck Expense	\$729,409	\$-	\$729,409
Equipment Expense	\$496,853	\$-	\$496,853
Franchise Fees	\$280,872	\$-	\$280,872
Other Direct Expense	\$67,709	\$-	\$67,709
Management & Admin	\$794,822	\$1,906	\$796,728
Total Expense	\$5,730,438	\$310,332	\$6,040,770
Income (Revenue - Total Expense)	\$563,044		\$377,284
Return on Revenue (Income / Revenue)	8.9%		5.9%

Figure 1: Projected Financial Performance by Service

Projected 2023 Results
Return on Revenues
City of Milwaukee

	Residential Service			Commercial Service			Drop Box	Grand Totals
	Solid Waste	Recycling	Yard Debris	Solid Waste	Recycling			
	% ▲ from prior year	% ▲ from prior year	% ▲ from prior year	% ▲ from prior year	% ▲ from prior year	% ▲ from prior year		
Collection & Service Revenues	3,060,552	0	0	1,868,518	449	1,488,535		6,418,054
	1.0%	#DIV/0!	#DIV/0!	1.9%	0.0%	4.2%		
Direct Costs of Operations	1,142,519	665,446	589,262	1,002,546	507,017	1,337,252		5,244,042
Disposal Expense	543,978	124,508	261,677	625,024	109,695	696,132		2,361,014
Labor Expense	282,043	348,315	205,356	163,387	223,034	347,727		1,569,862
Truck Expense	107,130	138,834	77,124	86,521	116,682	203,118		729,409
Equipment Expense	47,139	43,705	39,459	40,530	51,006	13,337		235,176
Franchise Fees	137,614	0	0	81,507	0	61,751		280,872
Other Direct Expense	24,615	10,084	5,646	5,577	6,600	15,187		67,709
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
Indirect Costs of Operations	476,199			255,355		67,763		799,317
Management Expense	91,452			56,683		14,489		162,624
Administrative Expense	111,679			47,934		11,805		171,418
Other Overhead Expenses	273,068			150,738		41,469		465,275
	0.5%			0.5%		0.5%		
	0.7%			0.6%		0.6%		
	0.0%			0.0%		0.0%		
Less Unallowable Costs	1,342			971		276		2,589
Revenues	3,060,552			1,868,967		1,488,535		6,418,054
	% ▲ from prior year			% ▲ from prior year				
Direct Costs of Operations	2,397,227			1,509,563		1,337,252		5,244,042
	5.5%			6.4%		6.4%		
Indirect Costs of Operations	476,199			255,355		67,763		799,317
	0.3%			0.2%		0.2%		
Total Cost	2,873,426			1,764,918		1,405,015		6,043,359
	4.6%			5.5%		5.5%		
Less Unallowable Costs	1,342			971		276		2,589
	0.0%			0.0%		0.0%		
Allowable Costs	2,872,084			1,763,947		1,404,739		6,040,770
	4.6%			5.5%		5.5%		
Franchise Income	188,468			105,020		83,796		377,284
Projected Return on Revenues	6.16%			5.62%		5.63%		5.88%
2022 Return on Revenues	9.40%			8.82%		8.14%		8.95%

Proposed Rates

The projected composite results are outside the 8 to 12% range for the allowable return on revenues; therefore, City Council needs to address the shortfall. The expected increase for waste disposal in July 2023 and the increase due to the new union contract will increase the rate for the 35 gallon cart to \$1.50. Therefore, it is recommended that City Council pass through the increases for waste and labor. Table 4 combines these costs and calculates the proposed rate increase for Milwaukee's three primary cart sizes.

Table 4: Proposed Residential Rates

Service	20 gallon cart	35 gallon cart	65 gallon cart
Current Cart Rate	\$31.85	\$36.70	\$47.70
Waste Disposal Increase	\$0.28	\$0.62	\$1.14
Labor Increase	\$0.65	\$0.65	\$0.65
Margin & Franchise Fee	\$0.17	\$0.23	\$0.31
Total Rate Increase	\$1.10	\$1.50	\$2.10
Proposed Rate	\$32.95	\$38.20	\$49.80
% ▲ from Current Rate	3.45%	4.09%	4.41%

Commercial Container Waste Service

The proposed rates for commercial container service are the additional cost of waste disposal and labor. Table 5 details the calculation of the proposed rate increase for container waste and recycling services for three levels of service provided in Milwaukee.

Table 5: Proposed Rates for Commercial Container Waste and Recycling Service

Service	2 yard weekly	4 yard weekly	6 yard weekly
Current Container Rate	\$191.92	\$339.97	\$478.46
Metro Increase per Yard	\$0.78	\$0.78	\$0.78
Labor Increase per Yard	\$0.29	\$0.29	\$0.29
Margin & Franchise Fee	\$0.19	\$0.19	\$0.19
Total Cost per Yard	\$1.26	\$1.26	\$1.26
Monthly Yards	8.66	17.32	25.98
Rate Increase	\$10.91	\$21.82	\$32.73
Proposed Increase	\$202.83	\$361.79	\$511.19
% ▲	5.68%	6.42%	6.84%

Scott Stauffer

From: Lisa Batey
Sent: Sunday, July 16, 2023 4:50 PM
To: _City Council; Toby LaFrance
Subject: For Tuesday's work session: Complaint received about Waste Management

All:

Please do not reply all. Scott, please add to the record for the work session.

Earlier in the week, I received the complaint below. I have heard similar complaints from neighbors and other residents over the past few years.

Ten years ago, Milwaukie had six different areas for hauler franchises, and six different haulers. Then Waste Management bought out Oak Grove Disposal, and we were down to five. See <https://www.milwaukieoregon.gov/sites/default/files/fileattachments/ordinance/7191/r51-2013.pdf>

Since that time, Waste Management has bought out most other haulers, and per the report at page WS34+ of our packet for Tuesday, Waste Management now serves about 75% of Milwaukie customers.

Although the topic on our agenda for Tuesday is rates, we have not really had a substantive discussion of waste service and haulers for a few years, since we reinstituted the "bulky waste" collection event. So since the topic is new to most or all of you, I think it would be helpful if staff could include in Tuesday's discussion an explanation of the franchise process, and what recourse we have if we think there are problems with the service. Also whether having a near-monopoly is driving up our rates.

Thanks! --Lisa

Lisa M. Batey, Mayor (she/her)
City of Milwaukie
E-mail: bateyl@milwaukieoregon.gov
Phone: 503-786-7512

From: DONALD JOST <JostDon@msn.com>
Sent: Tuesday, July 11, 2023 3:48 PM
To: Lisa Batey <BateyL@milwaukieoregon.gov>
Subject: Garbage Service by Waste management

THIS COMPANY CONTINUES TO PROVIDE ABSOLUTELY AWFUL CUSTOMER SERVICE TO THIS COMMUNITY!

Why to does our city continue to renew their contract service?

Today is the second time this year they have failed to pick up my Yard Debris can and one of my neighbors has recently had a similar recent experience.

They are almost impossible to contact by telephone and if lucky enough to finally get a life employee on the phone, their standard go-to excuse is they pickup all garbage if placed on the curb by 6:30 AM. That is an absolute LIE! This morning I placed my cans on the curb about 6:30 AM. They picked-up yard debris about 7:30 AM on the West side of my street (Freeman Rd South bound) but they have never completed their pick-up of yard debris on the East side (North bound). To make matters worse, they cannot be contacted by telephone. Why does our city government tolerate such a crummy vendor?

Sent from [Mail](#) for Windows

Scott Stauffer

From: Scott Stauffer
Sent: Tuesday, July 18, 2023 10:56 AM
To: Lisa Batey; Peter Passarelli; Toby LaFrance; _City Council
Cc: Ann Ober
Subject: RE: Hidden stormwater fee for properties with an ADU

As requested by Mayor Batey, these comments will be included in the record of the 7/18 WS as well.

SCOTT STAUFFER, CMC

City Recorder
he • him • his
City of Milwaukie
p: 503.786.7502

From: Lisa Batey <BateyL@milwaukieoregon.gov>
Sent: Tuesday, July 18, 2023 10:53 AM
To: Scott Stauffer <StaufferS@milwaukieoregon.gov>; Peter Passarelli <PassarelliP@milwaukieoregon.gov>; Toby LaFrance <LaFranceT@milwaukieoregon.gov>
Cc: Ann Ober <OberA@milwaukieoregon.gov>
Subject: RE: Hidden stormwater fee for properties with an ADU

All:

I know Scott included this in the record for the last session, but because it is being addressed, at least in part, by the fee schedule amendments in our work session packet today, I think it should be included in this packet.

The proposed amendment seems to address Howie's point about double-charging. But I think there is a bigger question about whether properties that are required to treat stormwater onsite should be paying the same fee as other properties, or a reduced one. I hope staff will be prepared to discuss that at the work session.

Thanks! --Lisa

Lisa M. Batey, Mayor (she/her)
City of Milwaukie
E-mail: bateyl@milwaukieoregon.gov
Phone: 503-786-7512

From: Scott Stauffer <StaufferS@milwaukieoregon.gov>
Sent: Tuesday, July 11, 2023 12:21 PM
To: _City Council <CityCouncil@milwaukieoregon.gov>; Peter Passarelli <PassarelliP@milwaukieoregon.gov>
Subject: FW: Hidden stormwater fee for properties with an ADU

Good afternoon – please see the comments below; these will be included in the record of the 7/11 SPS.

SCOTT STAUFFER, CMC

City Recorder
he • him • his

From: Howie Oakes <howie@crazycat.org>
Sent: Tuesday, July 11, 2023 11:42 AM
To: OCR <OCR@milwaukieoregon.gov>
Subject: Hidden stormwater fee for properties with an ADU

This Message originated outside your organization.

Dear Mayor and Councilors,

We recently had water service turned on for a house with an ADU here in Milwaukie. We were very surprised that our first water bill was ~\$200 even though our water usage for that period was zero. I contacted the billing department and they walked me through all of the fees. They were all documented in the City fee schedule except for the stormwater charge. We are currently being charged twice the stormwater fee for a single family residential property (\$58.94).

I could not find any reference in the fee schedule or the city code that provides the authority to charge this extra fee for a property with an ADU. The billing department explained that this is how the stormwater fee has always been charged and that a house with an ADU is charged as "Multi-family" and that is billed "per unit".

In looking at the City Fee schedule (section 14, utilities) There are only 3 cases where utility fees are billed "per unit":

- 1) A reference to the treatment fee being charged per unit in the "2" footnote under wastewater. (page 37)
- 2) The SSMP being charged per unit (page 38)
- 3) The SAFE fee being charged per unit (page 38)

I pointed this out and they suggested that I further contact the City to get some clarification here as they could not find a specific reference that explains why this fee is being doubled.

I then contacted Peter Passarelli. He also could not find anything in the fee schedule or code that referenced ADUs. He then had some discussions with Toby Lafrance and let me know that this is something that needed further discussion and direction from City Council.

He also stated that, "The stormwater code when adopted did not contemplate accessory dwelling units, our staff has interpreted and applied the additional stormwater fee to these circumstances in part because of the increased impervious surface area that is created with the detached ADU."

The City does allow for a 5% increase in lot coverage for an ADU. However, there is not a corresponding decrease in required vegetated area or any other adjustments in the code for an ADU that could substantially increase the impervious area beyond what is already allowed on a residential lot with a single family structure. A 100% increase in the stormwater fee certainly does not seem justified here.

Additionally, the City now requires all stormwater from a property to be addressed on site, following the City of Portland 2016 Stormwater Management Manual. We are being required to build stormwater facilities that treat all the stormwater on the property, including the ADU. We are required to maintain and inspect this facility every year going forward. The impact of our property to the City stormwater infrastructure is minimal, if at all.

Having to pay the same fee as a property who does zero treatment of their stormwater is already frustrating. Having to pay it twice is, as I hope you can understand, extremely frustrating.

When we were evaluating building an ADU we calculated all of the expected fees based on the approved City fee schedule. There is nothing in the fee schedule that gives any indication that there will be an additional \$353 yearly

stormwater fee from the City for a property with an ADU.

I believe that Peter is planning to bring this issue to you at the next Council work session. I hope the City, given its desire to encourage ADU development, will consider eliminating this hidden additional stormwater fee for properties with an ADU. I would also encourage the City to re-evaluate the stormwater fees and consider basing them on the proportional impact to the stormwater system for a given property.

I would also hope that in the future, if there is any ambiguity on if a fee should be charged, that the City would default to not charging that fee until there is clarification of the authorization of the fee and proper notice to residents.

Respectfully,
Howie Oakes
9315 SE Stanley Ave
Milwaukie

Consolidated Fee Schedule

Proposed Changes
for August 1, 2023



Purpose

- Seeking Council Direction on proposed fee changes.
- Scheduled for Regular Session Consent Agenda for August 1, 2023.



Library

- Changes provide consistency with other libraries in the county.
- Already adopted by 3 cities.
- Fee changes proposed for 5 more libraries in the county.



Tree Fee Changes

- Changing Bonding requirement from appraised value to \$3500 per tree.
- Added language for violations related to tree topping
- Failure to replant violation – 2 x Fee in Lieu (\$675)
- Minor edits for Clarification



Utilities

- Remove additional stormwater fee for single ADU as a part of single-family lot.
- Create new Tamper Fee of \$150. A survey of four neighboring jurisdictions all had a similar fee between \$125-\$200.



Solid Waste

- Required by MMC to review rates annually.
- Proposed rate increases consistent with changes in county
- Increase of 3.4% - 4.5% for residential and 5.6% - 6.9% for commercial.



Questions



Contact Us

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Public Works Director

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Historic City Hall & New City Hall

Celebrations & Update

City Council Work Session July 18, 2023





Historic City Hall

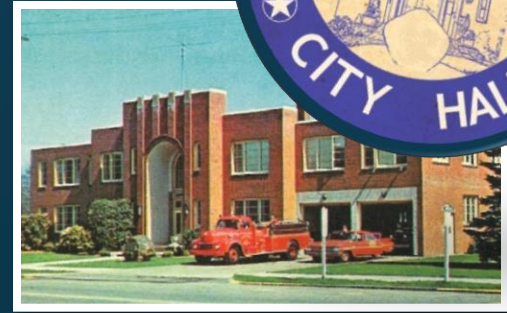
- Current Due Diligence Phase
 - Developer's Contractor Inspections
 - Environmental Phase 1 Complete
 - Decommissioned Underground Storage Tanks
 - Drafting Events Partnership MOU & Additional Easements
- Developer's project approved by Planning Commission June 27
- Developer is planning to submit building plans in July
- Purchase, sale, and construction in October/November





Historic City Hall

- Community Celebration!
 - **Friday September 1st 5-8 p.m.**
 - Milwaukie Historical Society
 - Arts Committee Gallery
 - Tours & Memorabilia





New City Hall

- July – GC to complete scope and demobilize
- August – contractors mobilize and complete furniture, device installs, AV testing, signage, graphics, logos
- September – city staff move in!
- October 3rd – first Council meeting!





New City Hall

- Grand Opening!
 - **Friday October 6th 4-6 p.m.**
 - Ceremonial Procession
 - Open House
 - Refreshments



Questions?

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City Recorder

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