



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

AGENDA

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

MAY 2, 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-348>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 831 8669 0512 and Passcode: 023745. 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. **Mental Health Awareness Month – Proclamation** (6:05 p.m.) **4**
 Staff: Ryan Burdick, Police Captain
 - B. **National Law Enforcement Week – Proclamation** (6:15 p.m.) **5**
 Staff: Ryan Burdick, Police Captain
 - C. **Teacher Appreciation Week – Proclamation** (6:20 p.m.) **6**
 Presenter: Desi Nicodemus, Council President
 - D. **Public Service Recognition Week – Proclamation** (6:25 p.m.) **7**
 Presenter: Lisa Batey, Mayor

4. **SPECIAL REPORTS**
 - A. **Milwaukie Community Center (MCC) Update – Report** (6:30 p.m.)
 Presenter: MCC Board and Staff
 - B. **Oregon Department of Transportation (ODOT) Projects – Report** (7 p.m.)
 Presenter: ODOT Staff

5. **COMMUNITY COMMENTS** (7:30 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 (7:35 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:** 9
 1. **April 4, 2023, work session, and**
 2. **April 4, 2023, regular session.**
 - B. **Adoption of Revised Audit Committee Bylaws – Resolution** 16
7. **BUSINESS ITEMS**
 - A. **None Scheduled.**
8. **PUBLIC HEARINGS**
 - A. **None Scheduled.**
9. **COUNCIL REPORTS**
10. **ADJOURNMENT (7:40 p.m.)**

Executive Session. After the regular session Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Representatives of the news media and designated staff may attend executive sessions. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.

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

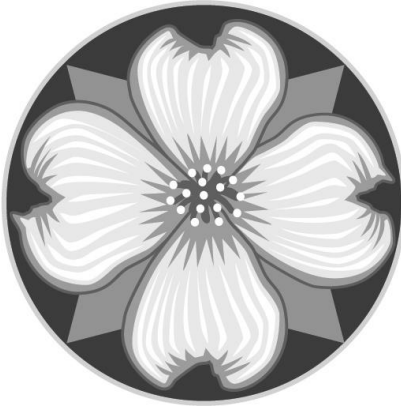
The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation 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.



RS Agenda Item

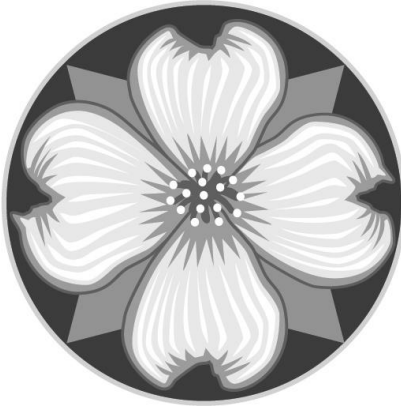
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Announcements

Mayor's Announcements – May 2, 2023



- **Milwaukie Farmers Market – Opens for Season May 7 (9:30 AM – 2 PM)**
 - Open every Sunday from May through October
 - Downtown Milwaukie (Harrison St. and Main St.)
 - Learn more at [milwaukiefarmersmarket.com](https://www.milwaukiefarmersmarket.com)
- **Get Involved With Your Neighborhood – Elections for Leaders Held in May**
 - Participation is free and funding is available to accomplish neighborhood goals
 - Volunteer positions include Chair, Vice-Chair, Secretary, Treasurer, Land Use Committee members, and more!
- **20th Annual Friends of Ledding Library Plant Sale – May 13, 14 (9 AM – 4 PM) and 20 (10 AM – 1 PM)**
 - Milwaukie Floral & Garden, 3306 SE Lake Rd.
 - If you are interested in volunteering at the sale, or would like to donate plants, please email leddingfriends.plantsale@gmail.com.
- **Milwaukie Garden Club Plant Sale – Sat., May 13 (11 AM – 3 PM)**
 - Milwaukie Museum, 3737 SE Adams St.
 - For more information contact Linda at kittycar3@gmail.com.
- **Ardenwald-Johnson Creek Plant Sale – Sat., May 20 (11 AM – 5 PM)**
 - Support the final fundraiser for Balfour Park
 - Sale takes place at 3012 SE Balfour St.
 - For more information visit [ardenwald.org](https://www.ardenwald.org) or contact Lisa at 503-754-1655.
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](https://www.milwaukieoregon.gov) OR CALL 503-786-7555**



RS Agenda Item

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Proclamations & Awards

PROCLAMATION

WHEREAS mental health is part of everyone's overall health and wellbeing, and mental illnesses are prevalent in our county, state, and nation, with one in five adults experiencing a mental health issue every year, and

WHEREAS stigma and the resulting discrimination is a primary obstacle to early identification and effective treatment of individuals with mental illness and their ability to recover to lead full, productive lives, and

WHEREAS approximately half of chronic mental illness begins by the age of 14 and suicide is the second leading cause of death of people ages 10 to 24, and

WHEREAS long delays of sometimes decades often occur between the time symptoms first appear and when individuals get help, and it is important to maintain mental health, learn the symptoms of mental illness to get help, and cure the stigma and discrimination that too often interferes, and

WHEREAS every citizen and community can make a difference in helping cure the stigma and discrimination that for too long has surrounded mental illness and discouraged people from getting help, and

WHEREAS public education and civic activities can encourage mental health and help improve the lives of individuals and families affected by mental illness.

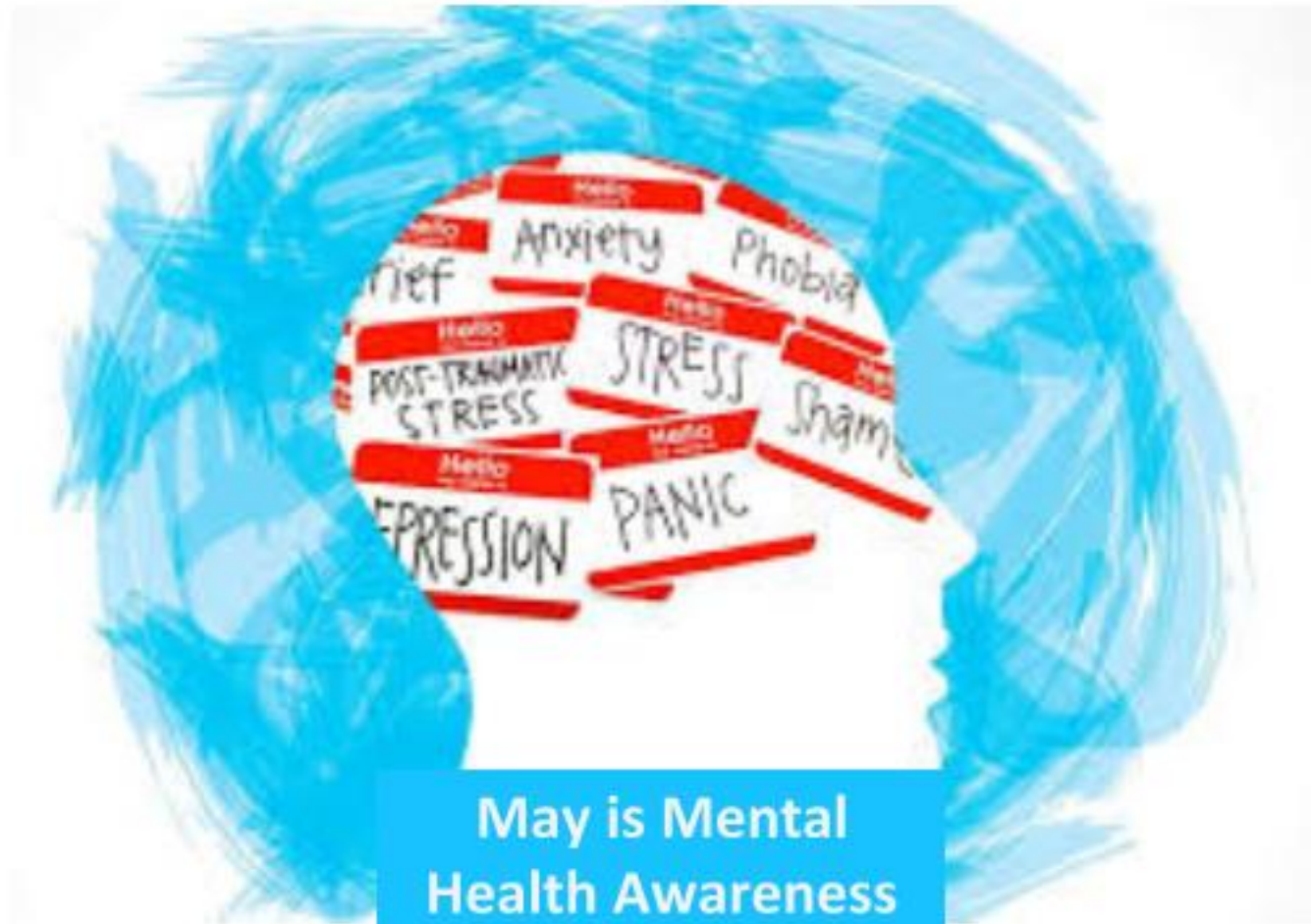
NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim MAY 2023 to be MENTAL HEALTH AWARENESS MONTH in Milwaukie to increase public understanding of the importance of mental health, to promote identification and treatment of mental illnesses, and to cure the resulting stigma and discrimination.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 2nd day of May 2023.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder



May is Mental Health Awareness Month



In any given year:

1 in 5 adults experience a mental health disorder

1 in 15 experience both a substance use and mental health disorder

More than 12 million had serious thoughts of suicide

One suicide death every 11.5 minutes

Here in Clackamas

County

Clackamas County Suicide Rate is 18.8 deaths per 100,000 Population.

Oregon ranks 38th in the country at 18.3 deaths per 100K

The national average is 13.8 deaths per 100k

12th leading cause of death overall

2nd leading cause of death in 15-24 year olds





Peer support changes lives.

NAMI Clackamas is a grassroots, non-profit organization dedicated to improving the quality of life for everyone impacted by mental health issues through **education, support, and advocacy**, offered free of charge, and delivered for and by people with lived experience since **1978**.



“Good things happen when people in crisis meet people who have been there.”



NAMI Clackamas

10202 SE 32nd Ave., Ste. #501

Milwaukie, Or 97222

(503) 344-5050

www.namicc.org

info@namicc.org



PROCLAMATION

WHEREAS since the first recorded death in 1791, more than 20,000 Law Enforcement Officers in the United States have made the ultimate sacrifice in the line of duty, and

WHEREAS nationally, gunfire continues to be the number one cause of line of duty death for police officers, and

WHEREAS the Oregon Fallen Officer Memorial contains over 180 names of fallen Oregon officers including Sgt. James Worell of the Milwaukie Police Department who died on December 31st, 1953, and

WHEREAS there were 245 officers killed in the line of duty across the United States in 2022, and

WHEREAS the People of Milwaukie wish to express their greatest appreciation for the sacrifice and service of those officers.

NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **MAY 14th through MAY 20th, 2023**, to be **NATIONAL LAW ENFORCEMENT WEEK** in Milwaukie.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 2nd day of May 2023.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder



PROCLAMATION

WHEREAS teachers play an essential role in the development of our society, and their tireless efforts contribute to the betterment of our future; and

WHEREAS teachers dedicate their lives to educating, inspiring, and mentoring students, instilling in them a love of learning and the values of kindness, empathy, and respect; and

WHEREAS teachers go above and beyond their duty, often working long hours, sacrificing personal time, and investing their own resources for the benefit of their students; and

WHEREAS teachers are the backbone of our educational system, shaping the minds of future generations and providing the skills and knowledge necessary for success in life; and

WHEREAS therefore, let it be proclaimed that we recognize and appreciate the immeasurable contribution of our teachers to the advancement of our society.

THEREFORE, LET US honor and acknowledge our teachers' commitment, passion, and dedication to education and their selfless service to our communities.

LET US celebrate and cherish our teachers and express our gratitude for the countless lives they have touched, the countless minds they have nurtured, and the countless futures they have shaped.

LET US pledge to support and uplift our teachers, providing them with the necessary resources, respect, and recognition they deserve.

NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim MAY 7th through MAY 13th, 2023, to be TEACHER APPRECIATION WEEK in recognition of the invaluable service of our teachers, let this proclamation serve as a symbol of our enduring gratitude and admiration for all that they do.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 2nd day of May 2023.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder

PROCLAMATION

WHEREAS the first full week of May has been designated as “Public Service Recognition Week” around the nation since 1985, to recognize and promote the important contributions of the diverse people who meet the needs of our country through service at federal, state, and local government levels; and

WHEREAS the delivery of essential services at all levels of government only happens because of the efforts of dedicated public servants; and

WHEREAS public service is a noble calling involving a variety of challenging and rewarding professions, and Milwaukie’s approximately 150 employees year after year provide a range of essential functions to our community, from public safety to ensuring safe water and public sanitation, to planning, engineering, and building services, to libraries and maintaining transportation routes; and

WHEREAS public servants have much to offer the Milwaukie community, as demonstrated by their dedication, expertise, and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants.

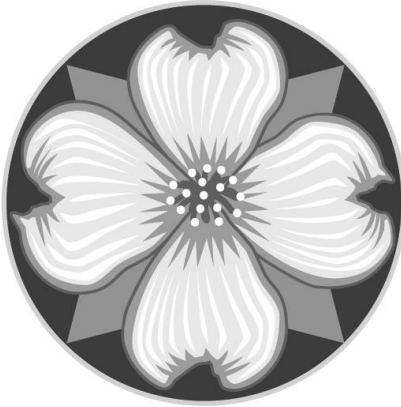
NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **MAY 7th through MAY 13th, 2023**, to be **PUBLIC SERVICE RECOGNITION WEEK** and commend Milwaukie’s public servants for their outstanding contributions during Public Service Recognition Week and throughout the year, and I call upon a new generation to consider a career in public service.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 2nd day of May 2023.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder



RS Agenda Item

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Special Reports

K21598: OR224: SE 17th Ave - Rusk Road

5/2/2023

K21598: OR224: SE 17th Ave - Rusk Road (MP-0.01 to MP2.72) Overview

Outsourced delivery – Contract with Consor Engineers

Paving project that will need to align with the K21606: OR224 at Monroe project. The OR224: 17th to Rusk project scope includes:

- Travel lane paving with 6-10 feet of shoulder, Ramp paving
- Pedestrian Pushbutton modification
- ADA Ramps Improvement (46)
- Bridge work (joint replacement, water proofing, bridge rail replacement)



Project schedule

- Design Acceptance Package to affirm scope, schedule, budget and initiate Right-of-way acquisition process: 10/27/23
- Preliminary Plans complete - 1/22/24
- Advance Plans complete - 4/30/24
- Final Plans complete - 8/29/24
- PS&E (Project, Specs and Estimates) – design phase complete date: 10/23/24
- Bid let date: 1/9/25

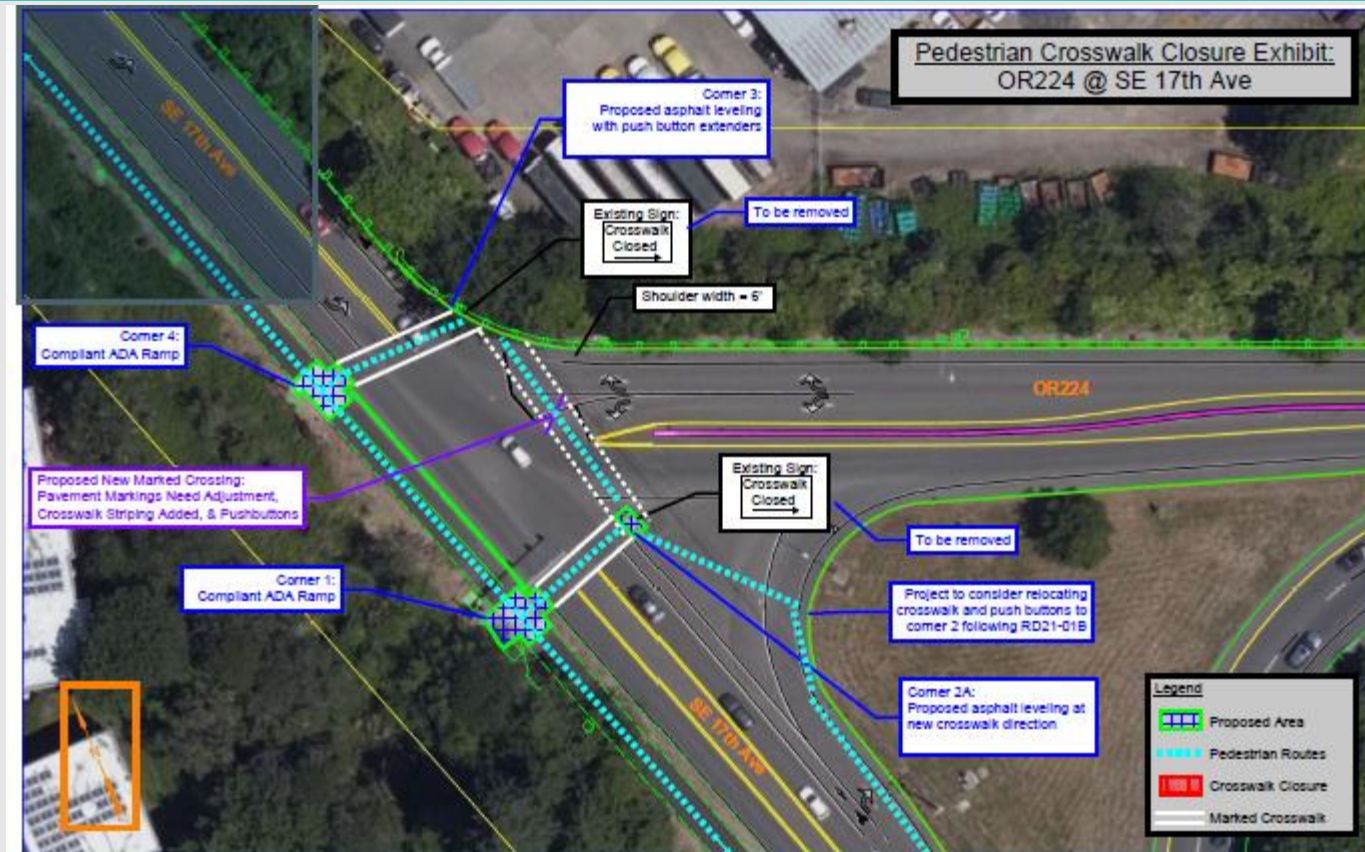
Schedule subject to change

Project Limits

- The paving project limits will extend from SE 17th to Edison Road.
- ODOT will design and construct 46 ADA compliant ramps from SE 17th to SE Rusk.
- The ODOT Bridge program will contribute funds to address maintenance on 3 structures

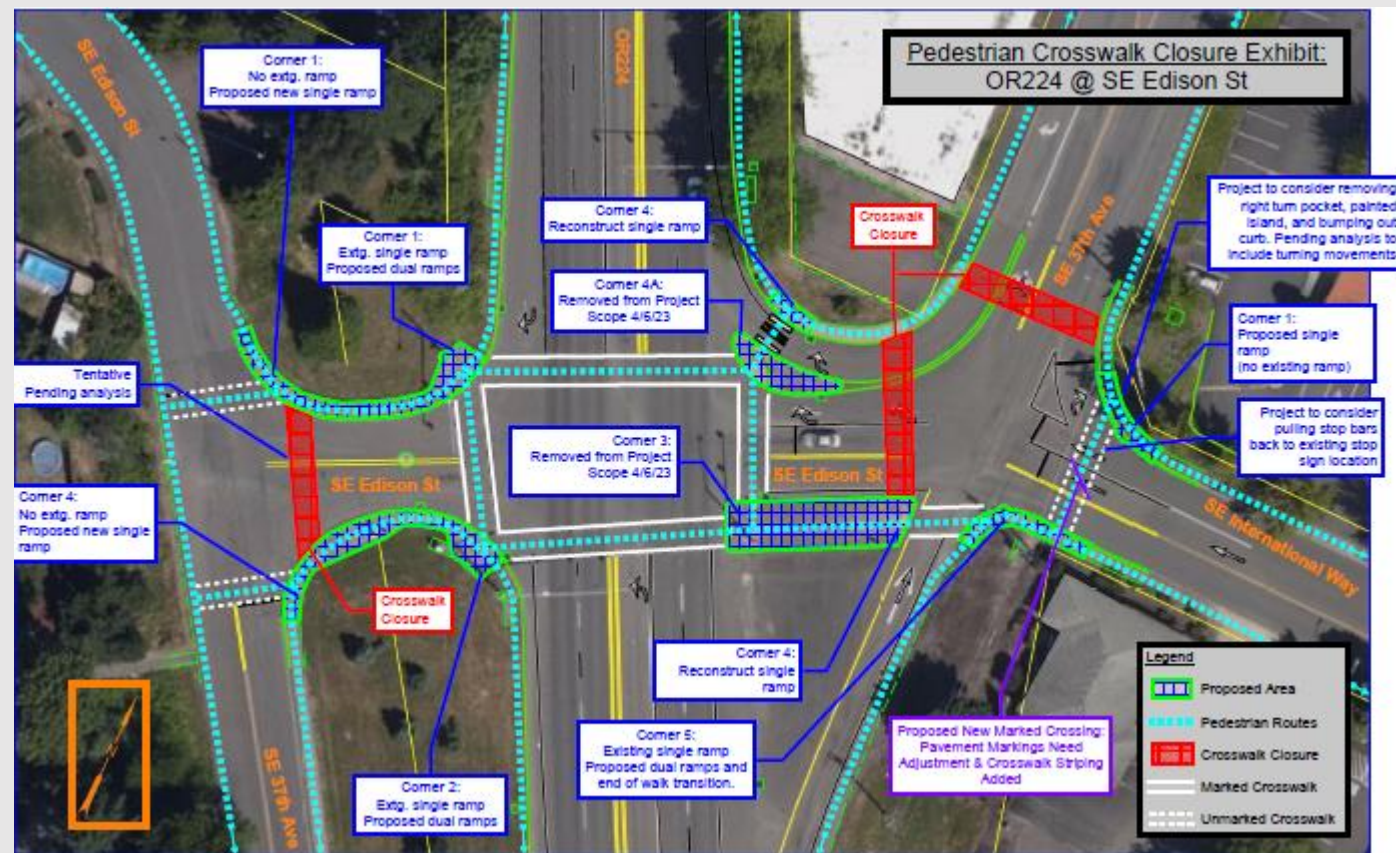
OR224 @ 17th (Crosswalk Closure)

- Unmarked crosswalks on the east leg of the intersection are signed “Closed”
- Project providing:
 - Reopened and marked crosswalks
 - ADA-compliant landings and pedestrian pushbuttons



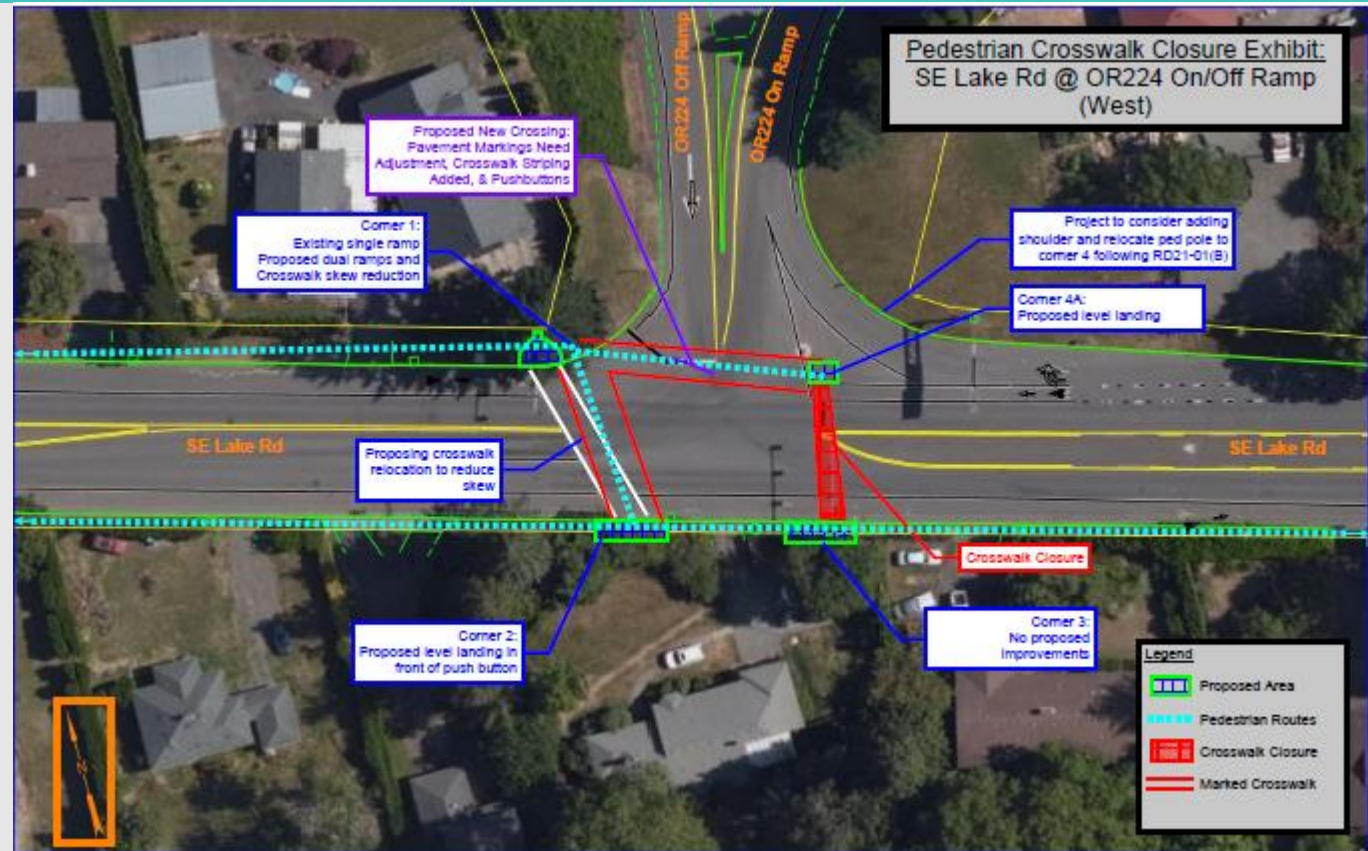
OR224 @ SE Edison St (Crosswalk Closure)

- Closing unmarked crosswalks on the north and west legs of the SE 37th Avenue and International Way intersection
- Safety issue with uncontrolled right turn lane
- Opening crosswalk on the east leg, project is providing:
 - ADA ramps and striping
 - An accessible route with minimal out of direction travel
- Unmarked crosswalk on SE Edison at SE 37th is under study for closure



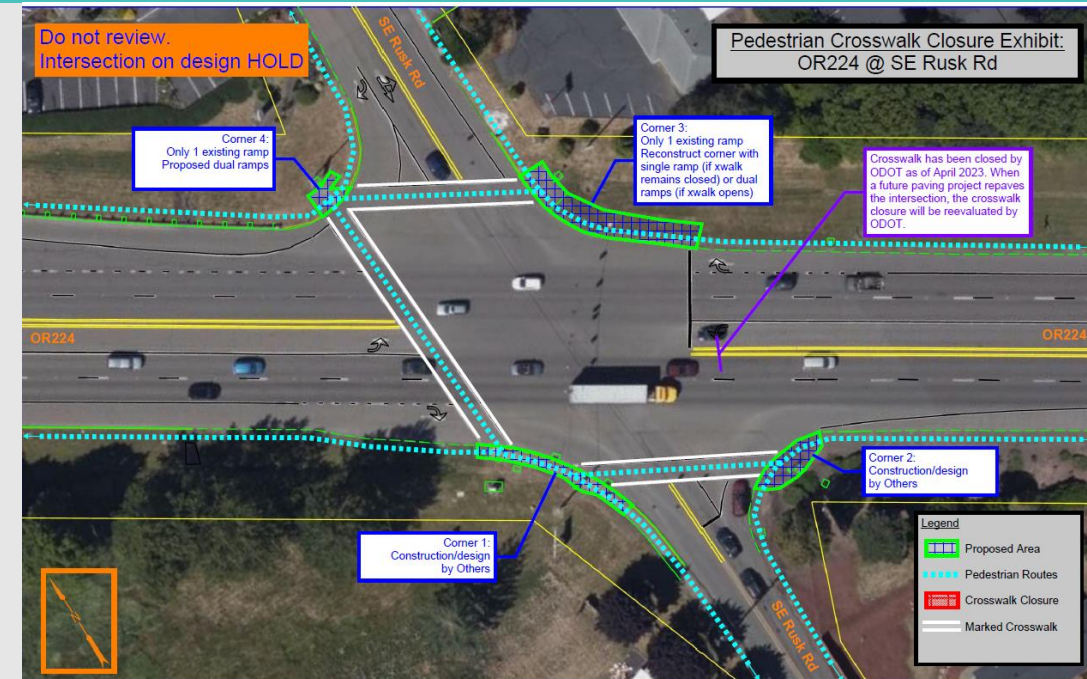
OR224 @ SE Lake Rd (Crosswalk Closure)

- Opening the unmarked crosswalk on the north leg of the SE Lake Road and OR224 Eastbound on and off ramps intersection
- Project is providing:
 - Realignment of the west crosswalk
 - Reopened and marked crosswalks
 - ADA-compliant landings and pedestrian pushbuttons
- The unmarked crosswalk on the east leg will be closed.



OR224 @ Rusk Rd (Crosswalk Closure)

- ODOT has closed the *unmarked* east leg of the intersection due to:
 - accessibility issues for some users
 - limited destination points
 - the other three legs having marked and signalized crosswalks
 - limitations on the improvements ODOT can require the developer of the proposed development project to construct
- Future OR224 paving work at this intersection will reconsider the crosswalk closure
- If ADA Ramps at Rusk are constructed with this project, the project will provide a marked crosswalk on the east leg

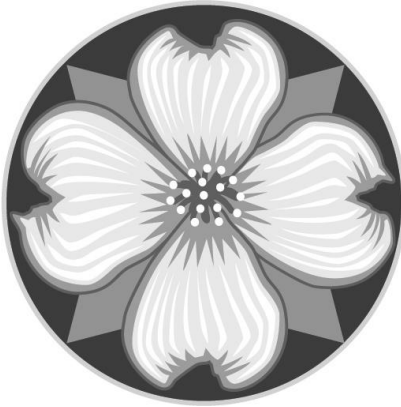


OR224/Oak Street (Signal Improvements)

Question: "I see new signals at Oak Street - are we going to get dedicated left turn signals there?"

This is work being done by the ARTS East Systemic Signals and Illumination Project (K20339). It is adding protected left turns onto Oak. The ODOT Construction Office reports the work will be completed in May 2023





RS Agenda Item

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Consent Agenda

COUNCIL WORK SESSION

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

MINUTES**APRIL 4, 2023**

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

Staff Present: Justin Gericke, City Attorney
Ann Ober, City Manager
Nicole Madigan, Deputy City Recorder
Peter Passarelli, Public Works Director
Natalie Rogers, Climate & Natural Resources Manager
Scott Stauffer, City Recorder
Courtney Wilson, Urban Forester

Mayor Batey called the meeting to order at 4:02 p.m.

1. Bertman House – Discussion

Passarelli provided a brief history of the Bertman House and noted the purpose of the purchase in 1968 was to develop a new well. **Passarelli** stated that the house had served as several different city office uses but was currently rented to the New Century Players who were using it as storage. **Passarelli** noted that the lease with the New Century Players generates about \$3,000 a year and will expire in April 2024.

Passarelli presented an aerial view of the property as it is today. Staff had discussed what to do with the property, but because of the well, redevelopment was difficult. In 2007 the city determined that the house did not meet the criteria to be on the city's historic register and was removed from the historic property list.

Passarelli explained the current condition of the house and estimated it would cost \$200,000 to \$250,000 to restore and meet the city's building requirements, or it could cost around \$100,000 or more for demolition depending on whether the city reclaimed resources from the house. **Passarelli** advised that the city had a \$35,000 budget for Bertman House repairs. **Mayor Batey** asked about the condition of the roof and **Passarelli** responded that the roof was old but intact. The windows and doors are leaking due to wood rot.

David Aschenbrenner and **Steve Bennett** with the Milwaukie Historical Society stated the historical society was indifferent to the removal of the house but were interested in providing input on how the space could be used. **Bennett** shared a bit of the house's history, how the Bertman's settled in Milwaukie, and advised that the historical society could not take on the house.

Mayor Batey asked if the Milwaukie Historical Society had spoken with other historic preservations organizations regarding the house and **Bennett** replied no.

Bennett shared the historical society's proposed idea for how they would like the space to be utilized if the house were demolished.

The group discussed how the Milwaukie Museum currently hosts performances and how they would utilize the proposed new space, the benefits of having a community space on the eastside and so close to the new Seven Acres housing development, whether there had been conversations with community partners and how the museum and society are willing and interested in having those conversations, and the protections that would be put in place should the house be demolished. **Passarelli** noted a future need for space to be able to make upgrades to the well. **Aschenbrenner** shared that

the museum has interest in planting flowers and native vegetation in the proposed community space.

Mayor Batey expressed concerns around rushing to demolish the Bertman House. The group discussed how staff had previously attempted to work with outside agencies to consider converting the house to a single resident occupancy (SRO) dwelling and the inability to partition the property due to the proximity to the well, what it would entail to convert the house to an SRO, the value of a community space in that location, whether the property needed to be reevaluated as a historic home, utilizing the house as offices for nonprofits, and for staff to assess decommissioning the house over demolition. **Councilor Stavenjord** agreed to work with Ober to check in with the Clackamas County Housing Authority.

Passarelli and **Mayor Batey** commented on lease agreements in connection with maintenance responsibility.

2. Tree Code Amendments – Discussion

Rogers provided an overview of the different types of tree permits and shared how many had been permits had been submitted, approved, and denied. **Councilor Khosroabadi** asked for clarification regarding the type of development that was occurring in situations where the private development tree permits were issued. **Rogers** clarified it was for residential developments.

Mayor Batey asked if staff believed residents were aware of the tree code and **Rogers** replied that more residents were contacting the city aware of the changes so instances of large trees being removed were down. **Rogers** provided examples of where compliance issues were arising. **Council President Nicodemus** asked if six Type II permits were included in the nine Type I denials. **Rogers** believed they were not.

Rogers and **Passarelli** shared what staff had learned since the roll out of the tree code such as the amount of time spent providing information to residents and the tools needed to process permits. **Rogers** presented recommended code changes. **Mayor Batey, Rogers,** and **Passarelli** discussed pollarding trees, changes to the requirements related to replanting when removing dying trees, and removal of dead trees along the river.

Rogers shared next steps. **Passarelli** and **Rogers** noted staff were considering adjusting the tree appraisal portion of the bonding requirement for development tree permits.

Councilor Khosroabadi, Passarelli, and **Rogers** discussed the amount of tree fees the city had collected since adopting the tree code, what the funds are used for, when and what types of fees are applicable, and when the commercial tree code will be implemented.

3. Adjourn

Mayor Batey announced that after the meeting Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Batey adjourned the meeting at 5:34 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

FEBRUARY 15, 2022

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

Staff Present: Justin Gericke, City Attorney
Adam Heroux, Associate Planner
Brett Kelter, Senior Planner
Vera Koliass, Senior Planner
Ann Ober, City Manager

Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder
Luke Strait, Police Chief
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:04 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including Earth Day events, a prescription drug drop-off and document shredding event, a city manager open door session, and a clean-up event at Minthorn Springs Natural Area. **Council President Nicodemus** noted the upcoming May special election and encouraged Milwaukie residents to vote.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS**A. Opioid Settlement Funding – Report**

Apryl Herron with the Clackamas County Public Health Division and **Elizabeth White** with Clackamas County Health, Housing, and Human Services provided an overview of the opioid addiction crisis and the nationwide settlement with healthcare companies that would fund local drug abuse prevention and treatment programs. They reported that Oregon had some of the highest drug overdose and fatality rates in the nation and Milwaukie had the highest rates in the county. They explained how the county and cities would use the settlement funds. **Ober** reported that the city had used settlement funds to support the Milwaukie Police Department (MPD) behavioral health specialist position and noted that some cities in the county had planned to use the funds to develop a software program to allow social workers to communicate better with each other.

Mayor Batey and **White** commented on successful prevention strategies.

Mayor Batey asked about the age range of individuals dying from opioid use. **Herron** reported the county had seen low fatality rates for those under age 18 and that the highest rate was among 30 to 40-year-olds. **White** noted the importance of prevention programs.

Councilor Massey remarked on what smaller cities were doing to address the crisis and asked if the county had resources to support these programs. **White** and **Herron** commented on county funding and how small cities are addressing the crisis.

Mayor Batey noted the increased availability of naloxone and **Herron** noted where the public can access naloxone for free or through their healthcare provider.

Councilor Stavenjord, Herron, and White remarked on the overdose calls data, whether prevention training helps reduce overdose fatalities, and if opioid settlement funding could be used with supportive housing funds to support addiction programs.

Councilor Khosroabadi asked for demographic data from the overdose call data. The group commented on how Milwaukie could use settlement funds.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures. **Ober** reported there was no follow-up from the March 21 comments and provided an update on a comment from March 7 regarding a parking ticket issued by a private company on a private parking lot.

Philip Moen, Milwaukie resident, remarked that no chemical was safe, thanked the city's public works crews for keeping the streets clear during the recent snow days, asked about the role of the Public Safety Advisory Committee (PSAC), and suggested the city adopt a requirement that all outside residential doors have a deadbolt. **Mayor Batey** encouraged Moen to attend a neighborhood district association (NDA) meeting.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. February 14, 2023, study session,
2. February 21, 2023, work session,
3. February 21, 2023, regular session,
4. ~~March 7, 2023, work session, and~~ (removed from the agenda)
5. ~~March 7, 2023, regular session.~~ (removed from the agenda)

B. Resolution 17-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an engineering services contract with Kittelson & Associates for a not to exceed amount of \$943,210 for the King Road Improvements Project (CIP-2022-A15).

C. Resolution 18-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an application for a Metro Nature in Neighborhoods Grant for the Scott, Bowman-Brae, and Balfour parks projects.

D. Resolution 19-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the purchase of replacement network equipment.

E. Resolution 20-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the purchase of a 2023 Ford F-550 service body truck.

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

7. BUSINESS ITEMS

A. Annexation of 8909 SE 55th Avenue (File #A-2023-001) – Ordinance

Kelver provided an overview of the annexation process and the city's Northeast Sewer Extension (NESE) program. The group commented on how the county handles septic system replacement permits in unincorporated places.

Kelver noted there were two annexations for Council to consider. **Mayor Batey** and **Kelver** noted that one of the properties and the city's Johnson Creek Boulevard (JCB) facility were in the Portland 97206 zip code.

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AB06500 and located at 8909 SE 55th Avenue into the city limits of the City of Milwaukie (File #A-2023-001). Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Stauffer read the ordinance two times by title only and polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Ordinance 2227:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AB06500 AND LOCATED AT 8909 SE 55th AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2023-001).

B. Annexation of 8909 SE 55th Avenue (File #A-2023-002) – Ordinance

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AC00700 and located at 9351 SE Stanley Avenue into the city limits of the City of Milwaukie (File #A-2023-002). Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Stauffer read the ordinance two times by title only and polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Ordinance 2228:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AC00700 AND LOCATED AT 9351 SE STANLEY AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2023-002).

C. Oregon Criminal Justice Commission (CJC) STOPS Data – Report

Strait introduced Kelly Officer with the CJC. **Officer** provided an overview of the STOPS program and reported on the MPD traffic stop data for 2021-2022. The CJC did not find a significant difference in the data of MPD traffic stops for Asian, Black, Latinx, or Middle Eastern individuals. **Mayor Batey**, **Officer**, and **Council President Nicodemus** discussed why and how stops data for White drivers is used to compare other races.

Officer presented traffic stop search data and reported that there had not been enough data for each racial group to reach a finding for MPD searches.

Officer presented the decision to stop data and reported that MPD’s data for Black individual stops had changed to “not statistically significant” for 2021-2022 from the previous year’s findings of “significantly different”. The group discussed the positive change in the decision to stop data and commended Strait and the MPD for their work to address concerns about racial equity. **Councilor Massey** and **Officer** observed that Black individuals were still being pulled over at a higher rate than other groups.

Council President Nicodemus and **Strait** noted that race was not listed on Oregon driver licenses and police officers had to determine the driver’s perceived racial identity. **Councilor Stavenjard** suggested the city lobby the state to add race to licenses and commended the CJC for how it analyzed stops data.

Mayor Batey recessed the meeting at 7:46 p.m. and reconvened at 7:54 p.m.

D. Psilocybin Code Amendments – Discussion

Kolias noted previous Council discussion on the topic and changes in state law related to the regulation of Psilocybin and reviewed the city’s options for regulating Psilocybin.

Kolias reported that the Milwaukie Municipal Code (MMC) did not prohibit Psilocybin home grow operations and asked for Council feedback on the staff proposal to have the Psilocybin code mirror the marijuana code. The group noted that the city had received an application for a Psilocybin home grow operation.

Kolias reviewed the MMC regulations for grow operations in the North Milwaukie Innovation Area (NMIA) and asked for Council feedback on prohibiting Psilocybin grow operations in residential zones and the NMIA area.

Mayor Batey and **Kolias** noted that because of federal banking limitations of Psilocybin operations most sales would be cash transactions. They commented on previous city concern about industrial areas becoming large scale grow operations.

Council President Nicodemus and **Councilor Khosroabadi** supported the staff proposals to regular grow operations in the NMIA and residential areas.

Councilor Massey and **Kolias** commented on concerns about over-saturating the NMIA with grow operations. **Kolias** reported that the MMC’s 1,500-foot distance between operations rule had been enforced in the NMIA.

Councilor Stavenjard thought the state’s Psilocybin guidelines were enough but would also support local rules being adopted. The group discussed the state rules and proposed city rules for residential Psilocybin grow operations. It was Council consensus to prohibit residential Psilocybin grow operations.

Council discussed regulating Psilocybin grows in the NMIA and it was Council consensus to regulate NMIA grow operations in the same manner as marijuana grow operations were regulated.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

A. Legislative and Regional Issues – Discussion

The group commented on the status of bills being tracked by Council and staff.

Mayor Batey noted a request for Council to support the expansion of broadband. It was Council consensus to add the city's logo to a letter in support of expanding the availability of broadband.

Ober reported there had been a request from the county for Council to support a request that the Oregon Department of Transportation (ODOT) conduct more outreach on the proposal to add tolls on Interstate 205 (I-205). **Councilor Stavenjord** commented on how the tolling issue had been discussed at Clackamas County Coordinating Committee (C4) meetings. The group discussed tolling and it was Council consensus to support the request for additional tolling outreach.

Mayor Batey suggested Council would have more legislative letters to consider at the April 18 meeting.

10. ADJOURNMENT

It was moved by Councilor Massey 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 8:39 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Scott Stauffer, City Recorder

From: Michael Osborne, Assistant Finance Director

Subject: **Audit Committee Bylaws**

Date Written: Apr. 21, 2023

ACTION REQUESTED

Council is asked to review and approve the Audit Committee Bylaws.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[April 13, 2023](#): The bylaws were reviewed by the Audit Committee.

[April 18, 2023](#): The bylaws were presented to and reviewed by Council.

ANALYSIS

Attached is the latest version of Audit Committee Bylaws. The only change made since Council last reviewed is the following under Article III – Membership, part C: changing term limits from two consecutive terms full terms to three consecutive terms full terms. This proposed term length is consistent with the city’s other boards and committees and the [Milwaukie Municipal Code \(MMC\) 2.10.030.D.2.](#)

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

The assistant finance director worked with the Audit Committee and city recorder on updating the committee bylaws.

STAFF RECOMMENDATION

Staff recommends Council approve the resolution adopting updates Audit Committee Bylaws.

ATTACHMENTS

1. Resolution
2. Updated Bylaws
3. Previous Bylaws

COUNCIL RESOLUTION No.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
AMENDING THE BYLAWS OF THE AUDIT COMMITTEE.**

WHEREAS in June 2021 the City Council approved a bylaws template for city boards and committees to use to better standardize operations and procedures of the city’s advisory bodies; and

WHEREAS the Audit Committee has reviewed and updated its bylaws to conform to the bylaws template; and

WHEREAS the Committee will annually review and propose updates to its bylaws as appropriate; and

WHEREAS the Committee presented updated bylaws to the City Council in April 2023; and

WHEREAS the Committee is pleased to submit the attached updated bylaws (Exhibit A) for City Council approval.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the Audit Committee Bylaws are amended as outlined in Exhibit A.

Introduced and adopted by the City Council on **May 2, 2023.**

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



Audit Committee Bylaws

www.milwaukieoregon.gov/finance/members-audit-committee

BYLAWS

Adopted 4/XX/2023

By Resolution XX-2022

ARTICLE I – NAME

The name of this committee is the Audit Committee.

ARTICLE II – PURPOSE

- A. **Purpose.** The purpose of the Committee is to advise the City Council on matters relating to oversight of the city’s independent auditors, ensure transparency in the management of city audits and provide critical assistance to the auditors and management, and finally to assist city management in the review and selection of the city’s independent auditing firm.

ARTICLE III – MEMBERSHIP

- A. **Membership.** The Committee consists of 4-5 members including one member of Council and one member of the city’s Budget Committee, each appointed by the Council for two-year staggered terms, and between two and three citizen members with an interest in city government financial operation, with preferences first given to certified public accountants (CPA’s) residing within city limits and second to CPA’s with city affiliation, also for a two-year term. No member may be an officer, agent, or employee of the City of Milwaukie.
- B. **Appointment.** As outlined in the Milwaukie Municipal Code (MMC), the mayor appoints Committee members with the consent of the City Council. As outlined in MMC 2.10.040 and in the city’s Code of Conduct for Board and Committee Members, Committee members serve at the pleasure of the City Council.
- C. **Term of Office.** Committee member terms are for a period of 2 years. Committee members may serve no more than 3 consecutive full terms unless there is an interval of at least one term before reappointment. Current committee members may be reappointed to the Committee if they do not exceed the established term limits for the Committee.
- D. **Vacancies.** If a Committee member resigns or otherwise vacates their position, the City Council will fill the vacancy in the same manner as the original appointment. Member resignations should be submitted in writing to the chair and staff liaison.
- E. **Code of Conduct.** To ensure the city’s boards and committees operate in an efficient, consistent, and orderly manner, and that Committee members comply with Oregon’s public meetings and records laws, the City Council adopted a Code of Conduct for Board and Committee Members. Committee members are expected to review, sign, understand, and abide by the Code of Conduct.

ARTICLE IV – MEETINGS

- A. **Open Meetings.** All Committee meetings are public meetings as set forth by Oregon’s Public Meetings Laws, Oregon Revised Statute (ORS) Chapter 192.
- B. **Meeting Conduct.** Committee meetings will be conducted efficiently and transparently as outlined in these bylaws, the MMC, relevant state and federal laws, and by the city’s Code of Conduct for Board and Committee Members. Where these bylaws or other city guides do not provide direction, the most recent edition of Robert’s Rules of Order will be followed.

- C. Regular Schedule.** The Committee will hold regular meetings as determined by the MMC, the City Council, or the chair and staff liaison. The Committee's regular schedule will be to meet at least twice annually, once to discuss the scope of the annual audit with city management and the independent auditor and once to review the annual financial statements and to discuss the results and conclusions of annual audit. The Committee will meet at City Hall and via video conference.
- 1. Special Meetings.** Special meetings may be called at the request of the chair or a majority of the Committee. If a special meeting is called, the chair and staff liaison will set a date and time taking into consideration such factors as the availability of the Committee members and staff, and a meeting location.
 - 2. Closed Sessions.** The Committee may meet in closed, or executive, session as allowed by ORS 192.660(2) and consistent with MMC 2.04.090.
- D. Attendance & Absences.** Committee members are expected to attend all meetings, events, and activities of the Committee. As outlined in the MMC and Code of Conduct, if a member fails to regularly attend meetings, the member may be removed from the Committee through the process outlined in the Code of Conduct.
- 1. Absences.** If a committee member is unable to attend a meeting, it is the member's responsibility to inform the chair and staff liaison before the meeting.
- E. Quorum & Related Matters.** For the purposes of conducting committee business, including holding official meetings, a majority, or quorum, is 3 of the voting membership of the Committee.
- 1. Lack of Quorum.** If there is no quorum of Committee members within 15 minutes following the scheduled start time of a meeting, the meeting is cancelled. If the chair or staff liaison knows that a quorum will not be present at the meeting, they will notify the Committee members before the meeting about the cancelation.
 - 2. Rescheduling Agenda Items.** If a meeting is canceled due to a lack of a quorum, all agenda items that were scheduled for the cancelled meeting will automatically be placed on the next regularly scheduled meeting agenda unless the chair or staff liaison determines that a special meeting is needed to address the items. The staff liaison will ensure that the required public meeting notices will be posted for the next meeting.
- F. Agenda Order.** The chair and the staff liaison will coordinate and arrange the meeting items as necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:
1. Call to Order
 2. Announcements
 3. Approval of Minutes
 4. Community Comments
 5. Business Items
 6. Committee Member Reports
 7. Adjournment
- G. Voting.** All Committee members who are present at a meeting, including the chair and officers, are allotted one vote each on all motions. The concurrence of a majority of the whole Audit Committee present shall be required to determine any matter before the Audit Committee. In the case of a tie vote, the matter fails. When a vote is taken all members must vote unless a member abstains from voting and cites the reason for abstaining for the record. The Committee secretary or staff liaison will call the roll, altering the order of members called. The chair will vote last.

- H. Motions & Related Matters.** Any Committee member may make a motion. A motion needs a second to be considered, otherwise it fails.
- 1. Reconsideration of Actions Taken.** A committee member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration may be made without unanimous consent of the Committee.
- I. Minutes & Related Matters.** The written and approved meeting minutes are the official record of the meeting.
- 1. Preparing the Minutes.** The Committee secretary or city staff will be present at each meeting and will provide written minutes. Written minutes should not be a verbatim transcript but should give a true reflection of the matters discussed at the meeting and the views of the participants. The written minutes must include at least the following information:
 - a.** The date, time, location of the meeting;
 - b.** Names of the Committee members present;
 - c.** All motions and proposals;
 - d.** The results of all votes;
 - e.** The substance of any discussion on any matters; and,
 - f.** A reference to any document discussed at the meeting.
 - 2. Recordings.** As allowed by state law, all public meetings may be recorded by the city, Committee, or the public. It will be at the discretion of city staff if an official audio, video, or digital recording of the meeting is created, and if the meeting video is broadcast or streamed live.
 - 3. Posting & Approval.** The staff liaison will make the draft written meeting minutes available to the public within a reasonable time after the meeting. The Committee will review and vote upon the minutes at its next meeting after the minutes have been written. Approved minutes will be posted on the city's website and retain permanently as required by Oregon Administrative Rule (OAR) 166-200-0235(5)(a).

ARTICLE V – OFFICERS & ASSIGNED DUTIES

- A. Officers.** The officers of the Committee will consist of a chair.
- 1. Election of the Chair.** Members will elect the chair annually during the first meeting of the year. Any member may nominate another member to serve as chair. The chair may be re-elected. If the chair is unable to complete their term, the committee will hold a special election to fill the vacant chair position.
- B. Duties of the Chair.** The chair will preside and preserve the order of Committee meetings, review agendas and confer on business with the staff liaison and sign all documents memorializing Committee actions. The chair will set reasonable time limits for community comments and testimony.
- C. Duties of Committee Members.** The role of a committee member is to participate in the Committee's work and activities as assigned by the City Council by attending meetings and events and participating in discussions and decisions. As outlined in the city's Code of Conduct, Committee members must behave in an appropriate manner when performing their duties as Committee members in-person and in written or digital communications.
- 1. Meeting Preparation.** Committee members must prepare for participation at a meeting by fully reviewing the staff report and any materials provided by city staff.

2. **Site Visits.** Before Committee meetings, members are encouraged to visit sites that are subjects for design review actions. If a Committee member visits a site, the member will report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
 3. **Compensation.** Committee members will receive no compensation for their service. However, the city may reimburse a member for an authorized expense.
 4. **Conflicts of Interest.** In accordance with ORS 244.120, a member of the Committee may not participate in any Committee proceeding in which any of the following persons or businesses have a direct or substantial financial interest:
 - i. The Committee member or the spouse, brother, sister, child, parent, father-in-law, or mother-in-law of the Committee member;
 - ii. Any business in which the Committee member is then serving or has served within the previous two years; or
 - iii. Any business with which the Committee member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - iv. A member must disclose any actual or potential interest at the meeting of the Committee where the action is being taken.
- D. **Duties of City Staff.** The city will assign a staff liaison to the Committee and, as appropriate and available, will assign administrative staff to support the committee. Staff liaisons will act as the Committee's primary point of contact for committee members, city staff, and the general public. Staff will ensure that the Committee's meetings are held in accordance with state public meeting laws and will support the Committee's activities.
1. **Orientation of New Members.** When new committee members are appointed, the staff liaison and chair will provide an orientation to the new members as necessary. In addition, city staff may provide other training opportunities to Committee members.
 2. **Committee Manual.** For the efficient documentation of the Committee's operations, city staff may compile and maintain a Committee manual.
- E. **Subcommittees & Other Committees.** The committee may find it necessary to form subcommittees to investigate areas relevant to the Committee's purpose. The committee may identify members to serve on select subcommittees. A majority of the members will need to consent to the formation and membership of a subcommittee. When requested by the City Council, city staff, or other city boards and committees, the Committee may select members to serve as a Committee representative on another committee.

ARTICLE VI – GOALS & AMENDMENTS

- A. **Goals.** The committee will annually establish project and outcome goals that align with the goals of the City Council and the city. The committee will establish an annual workplan to document its progress towards achieving its goals.
- B. **Amending the Bylaws.** The committee will review its bylaws annually or as necessary and will prepare and propose appropriate bylaw amendments to the City Council. The City Council retains all authority to amend these bylaws as outlined in MMC 2.10.050.
- C. **Annual Review.** The committee will meet annually with the City Council to review the Committee's goals, workplan, and any proposed bylaw amendments.



COUNCIL RESOLUTION No. 6-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
REVISING THE BYLAWS OF THE AUDIT SUBCOMMITTEE.**

WHEREAS, the Council believes that it is critical to ensure that audits of the city's financial statements are completed annually in accordance with state law; and

WHEREAS, the Council believes that oversight of the city's independent auditors is a shared responsibility between city management and the Council; and

WHEREAS, the Council desires the opportunity to assist city management in the review and selection of the city's independent auditor; and

WHEREAS, the Council, without limiting its role or the responsibilities of the city manager, believes that a subcommittee of Council can ensure transparency in the management of city audits and provide critical assistance to the auditors and management.

Now, Therefore, Be It Resolved by the City Council of the City of Milwaukie, Oregon, that an audit subcommittee of the Council shall be created and governed by the following bylaws, to:

- 1) Consist of one member of the Council and one member of the City Budget Committee each appointed by the Council for two-year staggered terms and between two and three citizen members with an interest in city government financial operations, with preferences first given to certified public accountants (CPAs) residing within city limits and second to CPAs with city affiliation, also for a two-year term.
- 2) Solicit input from the Council regarding audit-related issues.
- 3) Review the credentials of potential auditors and make recommendations on their selection to the Council.
- 4) Meet at least twice annually, once to discuss the scope of the annual audit with city management and the independent auditor, and once to review the annual financial statements and to discuss the results and conclusions of the annual audit.
- 5) Assure the scope of the audit meets Council requirements.
- 6) Assure financial statements and audits meet Council needs and are reported to the Council in a timely manner as required by state law.
- 7) Annually review the adequacy of the city's internal controls with the auditors, the city manager, and the finance director.

- 8) Annually review the performance of the auditors, provide that information to the Council, and make recommendations to the Council if a change in auditor is recommended.
- 9) Meet and review other audit -related projects as suggested by the Council.

Introduced and adopted by the City Council on **February 2, 2021**.

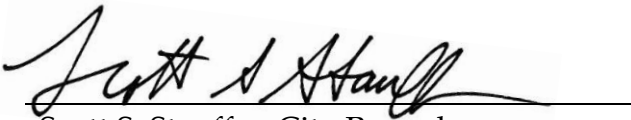
This resolution is effective immediately



Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney