



AGENDA

ASTORIA CITY COUNCIL

June 6, 2016

7:00 p.m.

2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **REPORTS OF COUNCILORS**

4. **CHANGES TO AGENDA**

5. **PRESENTATIONS**

- (a) Cameron Moore, Clatsop County Manager
- (b) Dr. Edward Harvey Historic Preservation Awards
- (c) Carbon Credits

6. **CONSENT CALENDAR**

The items on the Consent Calendar are considered routine and will be adopted by one motion unless a member of the City Council requests to have any item considered separately. Members of the community may have an item removed if they contact the City Manager by 5:00 p.m. the day of the meeting.

- (a) Boards and Commissions Minutes
 - (1) Historic Landmarks Commission Meeting of 4/19/16
 - (2) Library Board Meeting of 4/26/16
 - (3) Planning Commission Meeting of 4/26/16
 - (4) Planning Commission Work Session of 4/26/16
- (b) Renewal of Contract for Professional Services with ABC Transcription (City Manager)
- (c) Request by John Fenton for Tree Trimming Permit on City Property adjacent to 570 W. Lexington (Public Works)
- (d) Agreement for Telecommunication Service Audit (Finance)
- (e) Resolution Establishing Rules, Regulations, Rate Changes and Conditions for Solid Waste Service (Finance)

7. **REGULAR AGENDA ITEMS**

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

- (a) Public Hearing and Resolution regarding Columbia Memorial Hospital Bonds (Finance)
- (b) Resolution to Elect to Receive State Shared Revenues (Finance)
- (c) Public Hearing and Resolution to Adopt the City of Astoria Budget for FYE June 30, 2017 (Finance)

7. REGULAR AGENDA ITEMS (continued)

- (d) Liquor License Application from Erica Miltenberger for Oregon Lass, LLC, dba Workmans Irish Pub, Located at 218 W. Marine Drive, for a New Outlet for a Full On-Premises Sales Commercial Establishment License (Finance)
- (e) Authorization to Bid 2016 Paving Project (Public Works)

8. NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

9. EXECUTIVE SESSION

- (a) ORS 192.660(2)(f) – Exempt Public Records

THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING JULIE YUILL, CITY MANAGER'S OFFICE, 503-325-5824



CITY OF ASTORIA

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June 2, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF JUNE 6, 2016

PRESENTATIONS

Item 5(a): Cameron Moore, Clatsop County Manager

Recently hired Clatsop County Manager Cameron Moore will introduce himself to the City Council.

Item 5(b): Dr. Edward Harvey Historic Preservation Awards (Community Development)

The City of Astoria Historic Landmarks Commission has selected the 2016 recipient for the Dr. Edward Harvey Historic Preservation Award. The award is presented each year to recognize a property owner(s) who have completed exterior restoration or beautification of a building which exemplifies the historical attributes of the building or the architectural heritage of Astoria. This year there is one property owner who will be presented with a certificate in the residential category: Laura A. Rogers for the restoration work that has been done at 3720 Duane Street. A framed certificate will be presented by the Mayor to the recipient at the June 6, 2016 Council meeting.

Item 5(c): Carbon Credits

Public Works Director Ken Cook will be introducing Sean Penrith, Executive Director of the Climate Trust, who will be presenting the City with a ceremonial check in the amount of \$1,028,000 for the first of two purchases of carbon credits in the City's watershed. This money has already been deposited in the City's Capital Improvement Fund. In May of 2017, there will be another \$1,028,000 deposited with the City to complete the purchase of carbon credits. Ken Cook will also be introducing the City's consultant team, Mike Barnes, City Forester, and David Ford, Carbon Forester.

CONSENT CALENDAR

Item 6(a): Boards and Commissions Minutes

The minutes of the (1) Historic Landmarks Commission Meeting of 4/19/16, (2) Library Board Meeting of 4/26/16, (3) Planning Commission Meeting of 4/26/16, and (4) Planning Commission Work Session of 4/26/16 are enclosed. Unless

there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 6(b): Renewal of Contract for Professional Services with ABC Transcription (City Manager)

The City of Astoria has contracted with ABC Transcription Services, Inc., (ABC) since April 2010 for the transcription of meeting minutes for the City Council/ADC, Budget Committee, Planning Commission, Historic Landmarks Commission, Design Review Committee, Parks Board, Maritime Memorial Committee, Parks Master Plan Citizen Advisory Committee, and Library Board. The current contract expires on June 30, 2016. After three years with minimal increases, ABC is proposing a \$2.00 increase to their base transcription labor rate for the coming fiscal year. The new rate essentially results in a \$10 increase per meeting for the City. A total of \$ \$25,000 (\$18,660 for Fiscal Year 2015-16) is allocated as part of the Fiscal Year 2016-2017 budget for these services. This fee increase would be accommodated in the budgeted amount. ABC has been both responsive and timely. The draft contract has been reviewed and approved as to form by City Attorney Henningsgaard. It is recommended that Council approve a Contract for Professional Services with ABC Transcription Services, Inc., for the period July 1, 2016 to June 30, 2017.

Item 6(c): Request by John Fenton for Tree Trimming Permit on City Property adjacent to 570 W. Lexington (Public Works)

John Fenton, owner of the property at 570 W Lexington, submitted an application to trim trees on City property. The City owned property is to the northwest of the applicant's. The trees proposed to be trimmed are maple and alder and it appears that the maple has been trimmed in the past. The applicant will be hiring a tree cutting service to do the trimming. The trees are located within a known slide area. Most of these trees are young alders. Since the trees are only being topped and not removed, a geologic report is not required. Should Council approve this request, staff recommends the following conditions: Applicant shall employ any erosion control measures required to stabilize all disturbed areas and assure that new growth is fully established and tree height reduction shall be no more than 25%. Based on a site visit by City staff, it is recommended that the request to trim trees on City property be approved.

Item 6(d): Agreement for Telecommunication Service Audit (Finance)

The SpyGlass Group, LLC, reviews telecommunication invoicing to retroactively identify billing errors. In addition, Spyglass utilizes proprietary software to analyze invoices to review dormant or underused services and identify potential cost savings opportunities through the use of market analysis, volume leveraging, consolidation and rate improvement. Periodic review of these services is advisable and a no cost audit is a reasonable approach utilizing a party independent from the telecommunication providers. The two-prong approach of retroactive review and savings opportunities will be of no additional expense to the City than would have been incurred without taking action. The historical review of paid invoices may potentially produce a refund or credit if

errors are identified in the City's billings. The refund or credit would be split on a 50/50 basis with SpyGlass. The analysis of existing rate plans, usage and leveraging will provide a review of potential savings opportunities. Should the City decide to initiate changes, the first year of savings will be due to SpyGlass, and if the City does not pursue recommendations, nothing is due to SpyGlass. The cities of Newport, Silverton, Stayton, and Sandy have utilized their services. City Attorney Henningsgaard has reviewed and approved the attached Audit Agreement as to form. It is recommended that Council approve the Audit Agreement with The SpyGlass Group, LLC.

Item 6(e): Resolution Establishing Rules, Regulations, Rate Changes and Conditions for Solid Waste Service (Finance)

The City's franchise agreement with Recology requires them to render financial statements and rate review of the Solid Waste Collection Franchise no later than April 30 each year. The annual rate review was received April 1, 2016. Staff concurs with the assessment and conclusions. The purpose of the annual rate review is to determine whether Recology's "Operating Ratio" for their solid waste collection and transfer station operations fall within the limits set by the Franchise Agreements with the City. Fred Stemmler, Recology's Western Oregon General Manager, indicated the Operating Ratios for the current calendar year are projected to be within the limits of the Operating Ratio Range of 88% to 92%. As a result, the collection and transfer station rates will remain the same for the coming year. Recommended increases from Recology include increases to medical waste collection reflecting pass through of increased vendor costs and addition of a 20% surcharge for debris box/compactor haul fees to account for additional time required to provide service. The debris box/compactor change will result in a nominal change to the overall charge for service, approximately 2%. These updates are contained in Exhibit A of the attached resolution to be effective July 1, 2016. It is recommended that Council consider the attached resolution with rate changes as indicated.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing and Resolution regarding Columbia Memorial Hospital Bonds (Finance)

Columbia Lutheran Charities, dba Columbia Memorial Hospital (CMH), an Oregon nonprofit public benefit corporation and an organization described in Section 501(c)(3) of the Internal Revenue code of 1986 (the "Code"), has requested The Hospital Facilities Authority of the City of Astoria, Oregon (the "Authority") issue non-recourse revenue bonds for and on behalf of Columbia Memorial in an aggregate principal amount not exceeding \$ 20,000,000, and, on May 19, 2016, the Authority adopted a Bond Resolution approving such request. Section 147(f) of the Code requires qualified 501(c)(3) bonds be approved by the applicable elected representatives of the governmental unit issuing such bonds and the governmental unit having jurisdiction over the area in which the Project is located. The Mayor and City Council of the City are the elected representatives; the Board of Directors of the Authority are not elected representatives.

The principal and interest on the Bonds will not constitute a debt of the City of Astoria or the Authority, nor shall the Bonds be payable from a tax of any nature levied upon any property within the City of Astoria nor any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources of CMH. The Oregon Revised Statutes provide a municipality may establish a Hospital Facilities Authority (HFA) to oversee the development of hospital facilities within the city. The City of Astoria has established such an authority to oversee the development of Columbia Memorial Hospital (CMH). The HFA may issue bonds for hospital facilities but only after the City Council approves the bond issue.

CMH is seeking approval for financing the following projects: i) capital construction, remodeling and equipping of facilities used to provide health care, including, without limitation, a cancer center, ii) funding a debt service reserve fund, if required, iii) financing the payment of interest on the Bonds during construction, and iv) certain costs relating to the issuance of the Bonds. ORS 441.565 states very clearly the obligations of the HFA and CMH are not the obligation of the municipality. The statutes make it clear the debt is the debt of CMH and CMH is required to pay off the bonds. Additionally, the attached resolution highlights the Bonds do not constitute a debt of the City and are payable by the Borrower (CMH). The bond issues are in not an obligation of the City, are not debt backed by the full faith and credit of the City and the City's General Fund is in no way liable for any payment related to these bonds. HFA is asking the Council to hold a hearing regarding issuance of the bonds. If the hearing is without consequence, the HFA is requesting Council to approve the attached resolution. This is a technical exercise required to satisfy the legal requirements for CMH to sell the bonds. City Attorney Blair Henningsgaard has reviewed the attached materials as to form and concurs that the request is appropriate. It is requested that Council hold a hearing regarding issuing the bonds and consider approval of the attached resolution authorizing the sale of bonds.

Item 7(b): Resolution to Elect to Receive State Shared Revenues (Finance)

Oregon Revised Statute 221.770 requires the City to adopt a resolution to declare its intent to receive state revenue for each new fiscal year. State shared revenues include the state gas tax, alcohol tax, cigarette tax and state shared revenues. The attached resolution expresses the City's intention to receive state shared revenues for FY 2016-2017. It is recommended that the City Council consider this resolution for adoption.

Item 7(c): Public Hearing and Resolution to Adopt the City of Astoria Budget for FYE June 30, 2017 (Finance)

Oregon Local Budget Law requires that the City Council hold a public hearing on the budget, as recommended for approval by the Budget Committee. Notice of this hearing, scheduled for June 6, 2016, was published in the Daily Astorian on Wednesday, May 18, 2016. The budget for the City of Astoria, as discussed and recommended for approval by the Budget Committee, is ready for the City Council to consider for adoption. The changes from the proposed budget that

the Budget Committee considered are as follows: The Ending Fund Balance of the Capital Improvement Fund is reduced by \$60,000 and the Capital Outlay – Machinery and Equipment is increased to recognize the additional cost for the Spur 14 Project brought before Council at the May 16, 2016 meeting. The attached resolution will adopt resources and appropriations and authorize the collection of taxes at a rate of \$8.1738 per thousand for FYE June 30, 2017. It is recommended that the City Council hold a public hearing on the FYE June 30, 2017 budget as recommended by the Budget Committee. After the hearing, it is recommended that the Council consider the resolution to adopt this budget.

Item 7(d): Liquor License Application from Erica Miltenberger for Oregon Lass, LLC, dba Workmans Irish Pub, Located at 218 W. Marine Drive, for a New Outlet for a Full On-Premises Sales Commercial Establishment License (Finance)

A Liquor License Application has been filed by Erica Miltenberger for Oregon Lass LLC doing business as Workmans Irish Pub. This Application is a New Outlet for a Full On-Premises Sales Commercial Establishment License. The appropriate Departments have reviewed the Application. A memo from the Police Department is attached along with the Application. It is recommended that Council consider the request.

Item 7(e): Authorization to Bid 2016 Paving Project (Public Works)

The Public Works Department developed a list of the following streets to be included in the 2016 Paving Project. These locations were chosen using input from the City’s pavement maintenance software, anticipated future project needs, stopgap maintenance obligations, field evaluation, and cost efficiency considerations.

Road Description	From	To
Exchange Street	14 th Street	16 th Street
Duane Street	15 th Street	16 th Street
13 th Street	Duane Street	Exchange Street
Bond Street	4 th Street	6 th Street
W. Lexington Ave.	1 st Street	Sonora Ave.
16 th Street	Niagara Ave.	James Street
Irving Ave.	11 th Street	14 th Street
39 th Street	Franklin Ave.	Grand Ave.
Nimitz Road	Kincaid Road	Halsey Road

The project includes asphalt pavement overlay, asphalt grinding, ADA ramp upgrades, road base reconstruction, striping and other associated improvements. The construction estimate for this project is \$430,000, including a 10% contingency. Funding for this project is available in the Astoria Road District Fund (Local Fuel Tax Fund). At the City Council meeting, Assistant City Engineer Nathan Crater will provide additional background on pavement management and the areas to be paved. It is recommended that City Council authorize staff to solicit bids for the 2016 Paving Project.

EXECUTIVE SESSION

Item 9(a) ORS 192.660(2)(f) – Exempt Public Records

The City Council will recess to executive session to consider information or records that are exempt by law from public inspection.



CITY OF ASTORIA


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COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: May 20, 2016

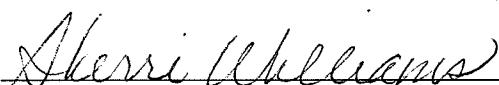
TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: DR. EDWARD HARVEY HISTORIC PRESERVATION AWARD

The City of Astoria Historic Landmarks Commission has selected the 2016 recipient for the Dr. Edward Harvey Historic Preservation Award. The award is presented each year to recognize property owners who have completed exterior restoration or beautification of a building which exemplifies the historical attributes of the building or the architectural heritage of Astoria. The work must have been completed within the last two years. This year there is one property owner to be presented with a certificate in the residential category: Laura A Rogers for the restoration work that has been done at 3720 Duane Street.

A framed certificate should be presented by the Mayor at the June 6, 2016 City Council meeting. The recipient has been notified of the meeting to receive the award.

By: 
Sherri Williams, Administrative Assistant

Through 
Kevin Cronin, Community Development Director

HISTORIC LANDMARKS COMMISSION MEETING

City Council Chambers

April 19, 2016

CALL TO ORDER – ITEM 1:

A regular meeting of the Astoria Historic Landmarks Commission (HLC) was held at the above place at the hour of 5:15 p.m.

ROLL CALL – ITEM 2:

Commissioners Present: President LJ Gunderson, Vice President Michelle Dieffenbach, Commissioners Jack Osterberg, Paul Caruana, Mac Burns, Kevin McHone, and Thomas Stanley.

Staff Present: Planner Nancy Ferber, Community Development Director Kevin Cronin, and City Support Engineer Cindy Moore. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES – ITEM 3(a):

President Gunderson noted the following correction to the minutes of the March 15, 2016 meeting:

- Page 4, line 28 - "President Gunderson did not believe an **a protruding** upper deck was appropriate on a Queen Anne house."

Commissioner Stanley moved to approve the minutes of March 15, 2016, as corrected; seconded by Commissioner Osterberg. Ayes: President Gunderson, Vice President Dieffenbach, Commissioners Caruana, Osterberg, Burns, Stanley, and McHone. Nays: None.

PUBLIC HEARINGS:

President Gunderson explained the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria were listed in the Staff report.

ITEM 4(a):

EX15-14 Exterior Alteration EX15-14 by Daniel Peters to rebuild the exterior stairs and add a two-story deck on the NW corner elevation and change a 1:1 window to multi-lite door on the north elevation (2nd floor) of an existing single-family dwelling at 726 27th Street in the R-2, Medium Density Residential zone. This item was continued from the March 15, 2016 meeting.

President Gunderson asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. None declared. President Gunderson requested a presentation of the Staff report.

Planner Ferber presented the Staff report and recommended approval with conditions.

President Gunderson opened public testimony for the hearing and asked for the Applicant's presentation.

Daniel Peters, 726 27th Street, Astoria, said he had redesigned the project three times according to what the HLC and John Goodenberger suggested. He hoped this would be the last time, as he did not know what else he could do to get the project approved.

Commissioner Osterberg asked if the Applicant had reviewed the conditions of approval on Page 4 of the memorandum dated April 13th in the Staff report. Mr. Peters confirmed he had no complaints or problems with any of the conditions of approval. He would abide by the conditions, which he had previously discussed with Vice President Dieffenbach and Planner Ferber. The condition regarding the lattice work was recommended by Mr. Goodenberger and he liked that it would block the existing foundation of the house.

President Gunderson called for any presentations by persons in favor of, impartial to or against the application. Seeing none, she called for closing remarks of Staff. There were none. She closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Caruana noted that all of the HLC's changes had been included in the Staff report.

Vice President Dieffenbach said when she and Planner Ferber met with the Applicant it was clear that Mr. Peters understood what the HLC had asked for at the previous public hearing.

Vice President Dieffenbach moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve Exterior Alteration EX15-14 by Daniel Peters, with conditions; seconded by Commissioner Burns. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

ITEM 4(b):

EX16-02 Exterior Alteration EX16-02 by Michelle Dieffenbach, Rickenbach Construction for Trish Bright to install an iron gate at the main entrance of an existing historic commercial building to restrict access when the building is unoccupied at 1215 Duane in the C-4, Central Commercial zone.

President Gunderson asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare.

Vice President Dieffenbach stepped down from the dais as she was the Applicant.

Commissioner Burns declared that he knew Trish Bright, but he had not discussed this application with her. He had not spoken with her in over a year, so he could be impartial.

Commissioner Caruana declared that he also knew Trish Bright and had done a couple of projects for her, but that would not affect his decision on this application.

President Gunderson declared that she knew Trish Bright as well, but had not seen her in years.

President Gunderson requested a presentation of the Staff report.

Planner Ferber presented the Staff report, noting that the Staff report erroneously stated the proposed museum would be on the 1st floor only. The museum would actually be located on the 1st and 2nd floors. She recommended approval of the request with conditions.

President Gunderson opened public testimony for the hearing and asked for the Applicant's presentation.

Jared Rickenbach, 37734 Eagle Lane, Astoria, said the only change Ms. Bright has requested is that the M and W be removed from the gate. The letters represented Museum of Whimsy, the name of the museum. Ms. Bright is concerned that if the use of the building were to change over time, the steel lettering would need to be changed. Instead of letters, the gate would just have straight pickets all the way through, which simplifies the design a little bit. He confirmed that the gate would open inward and the posts would sit behind the existing masonry. In the open position, the gate would be almost invisible from the front view. The posts would be epoxied or wedge-anchored into the concrete. The concrete in the entrance was replaced when the Banker's Suite and downstairs ballroom was renovated. The entrance had a step that was replaced with a ramp to allow handicap access.

Commissioner Osterberg noted the Staff report states the gate would be iron. Mr. Rickenbach confirmed it would be made of mild steel, but it would look like iron, and each of the balusters would come to a point. Other than the M and the W, the photographs in the Staff report represent the actual gate very well.

Commissioner Caruana asked if Ms. Bright would consider any letters in the design of the gate. Mr. Rickenbach said it was possible she would agree to add other letters. He confirmed for Staff that All Metals would be making the gate, the same company that made the gates at the Maritime Museum's Barbey Center.

President Gunderson called for any presentations by persons in favor of, impartial to or against the application. Seeing none, she called for closing remarks of Staff. There were none. She closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

President Gunderson said there were other buildings downtown with gates and she believed this one would match well. Commissioner Burns added that the gate would look nice when closed and when open it would be hard to notice. Commissioner Caruana said he liked more decoration to prevent the gate from looking like a jail. Commissioner Osterberg believed minimal decoration was sufficient and met the criteria. Once the gate is installed, the HLC can consider the decoration when reviewing future metalwork, decorative gates, and fences.

The Commissioners confirmed they would approve the gate without lettering.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve Exterior Alteration EX16-02 by Michelle Dieffenbach, Rickenbach Construction for Trish Bright, with conditions; seconded by Commissioner Burns. Motion passed 6 – 0. Ayes: President Gunderson, Commissioners Burns, Caruana, McHone, Osterberg, and Stanley. Nays: None.

President Gunderson read the rules of appeal into the record.

Vice President Dieffenbach returned to the dais.

ITEM 4(c):

EX16-03 Exterior Alteration EX16-03 by Clyde Manchester to install a door on the garage and replace siding on an existing building at 328 Alameda in the R-3, High Density Residential zone.

President Gunderson asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. None declared. President Gunderson requested a presentation of the Staff report.

Planner Ferber presented the Staff report and recommended approval with conditions.

Commissioner Stanley asked if the man door was being installed to create another dwelling unit in the building. Planner Ferber understood the door would lead to a laundry area and provide access to the garage.

President Gunderson asked if the area around the garage door would be filled in to make it look like a normal wall with a door. Planner Ferber said instead of a garage door, the wall would have a man door with siding filled in around it.

President Gunderson opened public testimony for the hearing and asked for the Applicant's presentation.

Bernice Lopez, 328 Alameda, Astoria, said when she bought the building in September of 2015, she did not realize the building was in a historic district. When she came to City Hall for an application, she learned that there were a lot of regulations she needed to follow. The original application requested changes to the exterior and Staff walked her through the requirements. She removed requests to add a deck and French door on the back of the house. Now, she is just requesting the garage door be turned into a man door. The space is not suitable for a garage because it too small for a small car or motorcycle. A good use of the space is a laundry area. She and her builder decided a man door would be best because there was no overhang. She confirmed that all of the exterior doors would be the same. The two metal doors that served as the front doors were rotted and inoperable. They have already been replaced with doors as suggested by Staff. She travels from Portland to work on the remodel, but was looking forward to moving in to the top unit as soon as the renovation is complete.

Commissioner Osterberg asked what the garage was currently used for. Ms. Lopez said the space has a washer and dryer and it was her intention to make the area into a laundry room that served all three units. When she

purchased the house, the garage held several rotten items. The house had been sitting vacant for over a year and was up for auction for several months before she purchased it. The garage door crumbles when pushed in and the inside of the garage is so small that she decided a man door would probably be suitable.

Commissioner Caruana asked if the doors would have six or nine panes of glass. Ms. Lopez said both of the new front doors have six panes of glass, two rows of three. Both of the lower doors would look the same. She explained that one of the metal doors led to a mechanical room. All of the exterior doors, including one on the back of the building that could be seen from the marina would be the same. She confirmed the window on the left side at ground level would remain. She had originally requested the window be replaced with an access door for the lower unit. However, after reviewing the codes, she decided that would not be suitable for the building's style.

Commissioner Caruana asked if Staff said anything about the front porch handrail. Ms. Lopez said the original handrail was rotten, but the new handrail looks the same as the old one and it was painted white to match the trim on the house. All of the mechanical and plumbing was permitted and the inspectors did not believe the new handrail would be an issue as long as it was exactly the same as the original.

Vice President Dieffenbach confirmed that the garage door space would be in filled with new siding and a man door that were similar to the rest of the building. Ms. Lopez added that the building currently has three different types of siding, none of which are original. A few years from now, she hopes she can afford to reside the building with real wood. However, she is currently spending her money on the interior to make the building habitable. The house had some new windows and the four windows she has replaced are wood and fiberglass. The existing openings remained the same and Staff told her the windows needed to be Milgard Essence. The rest of the vinyl windows will remain until she can start making money on tenants. Then, window by window, she will get them all replaced back to the original wood style.

Commissioner Stanley asked if Door A as shown in the attachments was an existing door. Ms. Lopez said no, she had originally requested this door, but Staff did a great job of educating her on what she could do. She confirmed the existing window, shown in the Staff report, would remain and access to the lower unit was from the back of the building.

President Gunderson called for any presentations by persons in favor of the application. There were none. She called for presentations by persons impartial to the application.

Rachel Jensen, 1445 Lexington Ave., Astoria, said she was generally in favor of the application until she drove by the property earlier that day. It looked to her as if the project had already been completed and the HLC should consider this because this is not the way to progress through the process. She was shocked, uncomfortable, and unwilling to stand in favor of the application now. She also believed people need to do their due diligence when they buy property in Astoria because it is likely that a property in Astoria is historic or is located in a historic district; feigning ignorance is not appropriate.

Commissioner Stanley asked if the proposed project had been completed. Planner Ferber said she took photographs of the property in April 9th, but was not aware that the work had been completed since then.

President Gunderson invited Ms. Lopez back to the podium. Commissioner Burns asked when the work had been completed.

Ms. Lopez said the doors and the siding were completed more than six weeks ago because a lot of rain was getting into the area and she had just put a lot of money into fixing the dry rot. She was not careless and was aware that timing was of the essence. She was trying to avoid further damage to the property. She would take any decision by the HLC and make it work. It was not her intention to undermine anyone and she just wanted to protect her investment. The house had a lot of dry rot, which cost a lot to repair. She understood the process and took full responsibility. She had some homework and due diligence to do, but did not intend to undermine the process. She submitted her application in December and had been working with the City since then.

President Gunderson said Ms. Lopez caused issues by completing the work before it was approved and she could have protected the property from rain in several other ways. Ms. Lopez completely bypassed the process.

Commissioner Stanley said the Uniontown National Register Historic District has been a historic district for as long as he has lived in Astoria. Signs, located at the entrances of the area, indicate the neighborhood is a historic district. The Applicant ignored the entire process, did what she wanted, and now wants approval because someone has made an objection. He was unsure how to proceed.

Commissioner Osterberg confirmed that the man door to the garage had been installed. Ms. Lopez stated that she would follow the Commission's direction, regardless of how the HLC votes. She realized her hands were tied and reiterated that she was trying to protect her investment to the interior of the garage area.

Commissioner Stanley said Ms. Lopez did a nice job on the house, but he was upset that she completely ignored the process. She knowingly purchased a house that had several things wrong with it. He understood she wanted to protect her investment. However, she had a responsibility to be a good citizen in the community. Part of being a good citizen is understanding Astoria's laws and following them. Ms. Lopez said she understood. She was told by Staff that this case would be presented in February, but the hearing kept getting delayed.

Commissioner Stanley said the project was presented to the HLC as if it had not been completed and the Applicant was seeking permission to complete the project. Ms. Lopez responded that she never said the work was not done. She had presented a big list of items that was narrowed down after working with the City. This presentation was delayed for two months and she was present now to answer questions.

President Gunderson said Ms. Lopez misled the HLC. Commissioners specifically asked Ms. Lopez about the bottom door and she said it would be just like the other doors. Ms. Lopez did not indicate in any way that the project was complete.

Commissioner Burns asked how long ago the work had been completed. Ms. Lopez confirmed that the door was installed in mid-March. Commissioner Burns noted the application indicates a tentative HLC meeting date of March 15th and asked if the work was done prior to March 15th. Ms. Lopez said no, the garage door was the last thing she did, after all of the interior dry rot was repaired and the flooring was installed. The door has no overhang, so water was penetrating the building. She had been working with the City since December, when the application was submitted. She realized there would be a hearing, and then Staff needed more documents. She went back and forth with the City, but believed she had provided everything. Finally, she backed out of the rest of the work and ended up just requesting the door.

President Gunderson asked what would stop the Applicant from doing all of the other work she wanted to do to the house. Ms. Lopez said she understood that she could not do the rest of the work. She might do the work later, but the lot next door is part of the same property and Planner Ferber had explained to her that combining the lots would allow her to install a deck on the back of the house. She would follow that process, but did not currently have the financial means to combine the two lots in order to meet all of the regulations. That is part of a future plan and she would follow all of the rules. She backed out of all of the other work because it would be too time consuming and expensive to follow the process.

President Gunderson called for presentations by persons against the application.

Dan Skollfield, 334 Alameda, Astoria, said his house was a few feet west of the Applicant's house. He fell in love with Astoria when he came through town about 12 years ago and immediately found a house. He had been a good neighbor, but was very concerned about the house across the street from his, which was recently sold after being vacant for about seven years. He purchased his home for the view and the historical ambiance of the area. He believed there had been some disingenuous conversation between the HLC and Ms. Lopez. He was not aware of the relationship between Ms. Lopez, the other owners of the home, and Mr. Manchester, who owns a company called HEAT, but he believed they had purchased other properties. He called the City six months ago to ask about the process, but it did not matter. He was told the City does not have anyone to do enforcement, so enforcement is done on a limited basis and Staff would have to catch someone in the process. Even though he did not own the property, he took care of it when the house was vacant for seven years. The back door would be open and homeless people would be in the house. Before the house was vacated, he knew the residents. The garage was a sauna at one time. The door is done and the window sizes have been changed. He had questions about the setbacks because a new driveway has been poured to within a couple of inches of his property line to the west. There seemed to be a total disregard for the process. He asked if the same thing would happen with the house across the street from his. He wanted to know what the remedies were.

President Gunderson explained that comments needed to be directed at the application to install a man door and siding. Mr. Skollfield said that work had already been done. He had called the City many times and spoke with Sherri Williams. He believed this process would need to be continued because the issue could not be let go and it was not fair.

Barbara Johnny, 334 Alameda, Astoria, objected to the application because it changes the whole flavor of her neighborhood. Now, the house looks like an apartment building and the door does not look like it belongs at all. The garage was full size when Ms. Lopez purchased the house, but she changed it. Changing the window that looks out to the river from two windows to one large single window changes the look of the house. The house does not look like it was built in the early 1900s anymore. The Applicant changed the sizes of other windows. She did not know if a permit was necessary to install a driveway, but there was no driveway on the property before. She would not have purchased a house next door to an apartment building. The house was a duplex, so there were two doors at the top of the stairs. However, the house did not look like it does now. The garage always looked the way garages are supposed to look. She wished someone had brought a photograph of how the house looked now. She wanted the neighborhood to continue to look like a historic neighborhood and did not want the house to have so many upgrades that it looked brand new. It would be nice if the house kept the flavor of the old neighborhood.

President Gunderson closed the public testimony and called for closing remarks of Staff.

Director Cronin said the numbers of units in the home are allowed outright in the R-3 zone. Permitted uses and setbacks are not reviewed by the HLC, but Staff could look at any of those issues. The HLC can only review criteria related to the windows, doors, siding, and other things that are under the purview of the HLC. He suggested continuing the hearing until May to give Staff time to research the project and update the Staff report. Code enforcement could be done and Staff could look into other violations, but all of the building permits were obtained appropriately.

Commissioner Osterberg wanted to know if the interior of the garage would still be considered a garage after the man door was installed. He also wanted to know if replacing the garage door with a man door would change the use of the space. He asked about the parking requirements for a duplex that had been modified to a triplex and wanted to know if the garage would be necessary to provide one parking space. He did not know the design of the parking area, but it looked as if the area would need tangents, which may or may not have to be approved. He understood none of this was under the purview of the HLC, but explained that one thing lead to another and he would like Staff to comment on these items if the hearing is continued. Director Cronin said Staff could look into those issues separate from the HLC. Garages can be converted, so that is not an issue. However, the parking could be an issue if the house is converted from a duplex to a triplex.

Planner Ferber said she had spoken to the Applicant about the use of the garage. When Ms. Lopez said the garage was too small for a car, Planner Ferber suggested she consider changing the use.

Commissioner Burns understood that when projects have already been completed, the HLC has the option to approve the project after the fact or deny the request and have the Applicant redo the project to the HLC's satisfaction. He asked what would happen to a project if the HLC refused to vote on the request. Director Cronin replied the HLC must make a decision.

Commissioner Stanley moved that the Historic Landmarks Commission (HLC) continue the hearing of Exterior Alteration EX16-03 by Clyde Manchester to the May 17, 2016 meeting; seconded by Commissioner Burns. Motion passed unanimously.

PRESENTATIONS – ITEM 5(a):

Item 5(a): Waterfront Bridge Replacements

City Support Engineer Cindy Moore gave a presentation on the Waterfront Bridge Replacement Project, also referred to as the Street Ends Bridges Project. She updated the HLC on the details of the project, the project timeline, the open house, the impact to the businesses in the project area, driver and pedestrian detours, and the materials that would be used as replacements. She confirmed the construction would disrupt trolley service, but fortunately, the City is required to do the in-water work in the winter. Staff's goal is to have the trolley running again by spring when they typically start operating more consistently. It will be very important to frequent the

businesses in the project area because the project will have a big impact on those establishments. The City will provide signs that state the businesses are open during construction.

Commissioner Osterberg said he attended the open house and submitted many comments. The existing conditions are so poor, especially for pedestrians. The drawing indicates new sidewalks and pedestrian connections in the area. However, some of the connections he wants might not be funded by Oregon Department of Transportation (ODOT). He asked if City or ODOT design standards would be used. Engineer Moore said City street design standards would be used. Staff has looked at each street end and found that each one was unique. The City wants each street end to remain consistent with the rest of the street, so each one will be tailored for consistency with the neighborhood. Some street ends will be affected more than others will. She added that the timeframe for construction was contingent upon getting permits. A lot of environmental permits are required when doing work at the waterfront.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 6:

Item 6(a): CLG Grant Award

Director Cronin reported that Astoria received the CLG Grant Award and Staff planned to start a storefront program for the Astor West Urban Renewal Area.

Item 6(b): Columbia Pacific Preservation Update

Director Cronin said he had nothing new to report, as the committee had not met in a while. However, they continue to focus on the Flavel property, a maker space, and Uniontown.

Item 6(c): Training Opportunities

Planner Ferber reported that training opportunities were on hold because the State Historic Preservation Office (SHPO) had many applicants to their tax incentive training in June and July.

Director Cronin is attending the Oregon Heritage Conference in Salem for the "Developer for a Day" workshop.

Item 6(d): Dr. Harvey Award – Call for Nominations

Director Cronin reported no formal nominations had been submitted, but John Goodenberger had suggested two properties, both of which have been fully restored.

President Gunderson asked if the Irving Street Bridge would qualify for the Commercial category. Director Cronin said the bridge would qualify, but Astoria would be giving itself an award.

Director Cronin noted that Mayor LaMear would declare May as Historic Preservation Month at City Council's meeting on May 2nd. He preferred a member of the HLC be present to accept the proclamation.

Planner Ferber added that the National Parks Service featured an article about Astoria's historic preservation work.

PUBLIC COMMENTS – ITEM 7:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:30 pm.

APPROVED:

Community Development Director

Astoria Library Board Meeting
Astoria Public Library
April 26, 2016
5:30 pm.

Present: Library Board members Kate Summers, David Oser, Susan Stein, and Chris Womack. Staff Library Director Jane Tucker and Community Development Director Kevin Cronin.

Absent: Kimberley Chaput

Call to Order: Chair Kate Summers called the meeting to order at 5:30 pm.

Approval of Agenda: The agenda was approved with the addition of New Business Item 8(a): Remembrance of former Library Board member Ann Marie.

Approval of Minutes: The minutes of February 23, 2016 and notes of March 22, 2016 were approved as presented.

Library Revitalization Project – Public Involvement Strategy:

Director Cronin updated the Library Board on Staff's efforts to move forward with renovating or building a new library. He listed the six options currently being considered by City Council and said the floor plans were being developed so that cost estimates could be put together. He wanted the Library Board to advise on a public involvement strategy. An open house was scheduled for May 25, 2016 from 4:30 pm to 6:30 pm at the library. Then, at 7:00 pm, a joint Library Board and City Council meeting would be held at City Hall. He suggested a Library Board member and City Councilor stand at each station at the Open House to provide explanations, answer questions, and take feedback.

Chair Summers said pairing a Board member with a Councilor would allow the Board to communicate with Council and provide a unified front as they face the public together.

Director Cronin confirmed the eight stations at the open house would include a check in, a background information station, and a station for each of the six options. Information about the options would not be made available to the public until the open house. Chris Womack was concerned that Board members would not be able to answer questions prior to the open house. David Oser confirmed that the Needs Assessment from the Ruth Metz study was the starting point for this new analysis and suggested Board members refer to the Needs Assessment when talking to people.

Mr. Womack understood each station would have information about square footages and cost estimates. Director Cronin added that schematics for each option would be displayed on a board with a list of pros and cons, cost estimates, and other extraneous information. The displays would be very visual. Director Tucker added that the displays would be in the main part of the library.

Mr. Womack asked how Staff planned to market the open house. Director Cronin said Staff would publish a press release, add the meeting to the City's calendar, make announcements to other City Boards and Commissions, make use of all of City social media platforms, send an email blast to stakeholders, and make announcements to several community organizations. He encouraged Board members to advertise the open house to other community organizations and let Staff know which organizations were contacted. Mr. Oser said he would announce the event to the school board and have the information broadcast throughout the schools. Director Cronin suggested the Board contact Tom Freel as well.

Mr. Womack asked if the new budget item would be tied into the information presented at the open house. Director Cronin stated the proposed budget was approved by the Budget Committee and the new budget item will be a good starting point. Board members can now say City Council is making a commitment to this project. The Board and Staff agreed this will inspire the community to be more committed to the project as well and the new budget item would be a useful tool for future fundraising efforts.

Mr. Womack asked if Staff could give the Library Board some information about the six options at their next meeting, scheduled for the day before the open house. Director Cronin said there would be no surprises and he felt really good about the work that had been done. He believed the information would help the community and City Council make a choice.

Mr. Oser asked how detailed the cost estimates would be. He was concerned that some costs were not being included, like costs incurred by vacating the existing the library building during a renovation. Director Cronin explained the numbers presented at the open house would be basic, but Staff was tracking more detailed cost estimates. At the open house, Staff will display a spreadsheet that shows details of all of the options side by side.

Susan Stein suggested Staff consider any data not included on the spreadsheet. When planning large building projects, something is always missed, and it might be beneficial for Staff to consider the data from a different perspective to make sure the spreadsheet is complete. Director Cronin agreed and said the costs of doing nothing are typically omitted in projects like this.

Director Cronin noted that the goal of the open house is to generate as much public feedback as possible. The comments will be organized for a follow up City Council meeting in June. Staff hopes City Council will narrow the options down to three or four and eventually choose one. No decisions would be made at the joint meeting on May 25th, as the purpose will be to take public comments, share information, and deliberate.

Ms. Stein asked how public comments would be captured at the open house. Director Cronin said Post-It notes and flip charts would be used. He was not sure a survey would provide the feedback Staff needed. The Board and Staff discussed the pros and cons of using sticky dots to gauge input.

Mr. Womack believed the last open house was confusing to some people. Director Cronin explained that everyone comes in to the open houses with a different set of information and assumptions. Even within the Project Advisory Committee, it was clear that everyone had a different agenda. Looking at the existing building and the opportunity for a new building should level the playing field. Mr. Oser believed it would be helpful to share the monetary benefits of the library. Staff explained that the information presented would be high level so that Staff could determine catalysts for change.

The Board and Staff discussed the public's misconceptions about the library project. People do not seem to understand the pros and cons associated with using the basement or parking lot and tearing down the Merwyn. So, the City must present factual information to refute or support any policy decisions City Council makes. Director Cronin suggested the Board have a station on library services because many people are unaware of what the library offers. Demonstrating the community's need for library services will help people understand why the library project is necessary. The Board agreed the information should be displayed graphically.

Director Cronin noted Ted Osborne created a scale model that he would like to display at the open house. Ms. Stein suggested all of the library's current code violations be displayed as well. The Board and Staff briefly discussed the code violations and how they impacted library use and maintenance. Director Tucker advised Board members to refer to the Ruth Metz study as the Needs Assessment because the document more accurately reflects the information.

Drew Herzig suggested a list of needs be displayed at the station on background information. Then, at the station for each option, list the needs that the option fulfills. Director Cronin confirmed the stations would include this information.

The Board and Staff discussed live streaming or video recording the open house for people who are unable to attend.

Director Cronin excused himself from the meeting.

Board Reports:

Item 5(a): Reports of Community Presentations

Chair Summers said she and other Board members attended the Libraries ROCC fundraiser, which had good attendance and seemed to be successful. She also spoke to the Library Director at Clatsop Community College about the City's open library director position.

Library Director's Report:

Director Tucker reported on the Libraries ROCC fundraiser, which raised just over \$4,800. She noted some positive interactions with people who participated in the silent auction and made donations. Seaside did a lot of work on the event and they took pictures that can be used in brochures for future fundraisers. The Board and Staff discussed the little free libraries that were made for the event. The little libraries were all very different and it would be ideal to find someone to make them going forward. The Libraries ROCC program is now only about \$5,000 short of its fundraising goal.

Laura Meeker's last day is on Thursday, April 28th. The part-time position will be posted soon and Director Tucker wanted to hire someone by May 31st.

Director Tucker said Meghann Lynch represented the library at the Oregon Library Association meeting. She said The FY2016-2017 budget passed with funding for a new roof on the library, which will cost \$280,000. Construction will begin late spring or early summer of 2017. The library's budget for the next fiscal year will be \$801,000 and the Capital Improvement Fund was approved with \$750,000 reserved for the library building project.

Director Tucker gave Board members copies of hiring materials for the library director position. She described the application process and noted that applications are due May 10th. She listed the various associations, state agencies, and groups that were notified of the position. Board members shared their opinions about the job description and agreed the City would receive a large number of applicants. It is possible the position will not be filled before Director Tucker's last day. City Manager Estes will decide if the hiring process will include an open forum, but he has confirmed that the Library Board would be involved. Director Tucker believed the quality of applicants would be good and she has received positive feedback about brochure that advertises the position.

Update on ALFA Activities:

Director Tucker reported that ALFA funded a bike mobile library, which is on display. The library is taking suggestions for a new paint color.

New Business:

Item 8(a): Remembrance of former Library Board member Ann Marie

The Board and Staff shared their memories of Ann Marie and her involvement with the library over the years.

Item 8(b): Consideration to cancel the May 24th meeting

The Board and Staff discussed the possibility of canceling their May 24th meeting because the open house and joint Library Board/City Council meeting was scheduled for May 25th. The Board agreed to meet on May 24th to discuss the open house and joint meeting.

Director Tucker confirmed her last day would be May 31st, the same day as the emergency preparedness event at Liberty Theatre, where she would work at the Citizen Emergency Response Team (CERT) table.

Old Business:

Item 9(a): Library Board Role in Renovation

Public Comments: There were none.

Items for Next Meeting's Agenda: The May 25th open house and joint Library Board/City Council meeting. Director Tucker reminded the Board to review the Needs Assessment prior to the next meeting.

Adjournment: There being no further business, the meeting was adjourned at 6:37 pm.

Respectfully submitted,

Jane Tucker, Director, Astoria Public Library

DRAFT

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
April 26, 2016

CALL TO ORDER:

Vice President Easom called the meeting to order at 6:38 pm.

ROLL CALL:

Commissioners Present: Vice President Kent Easom, McLaren Innes, Sean Fitzpatrick, Daryl Moore, Jan Mitchell and Frank Spence

Commissioners Excused: President David Pearson

Staff Present: Planner Nancy Ferber and Community Development Director Kevin Cronin. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

Vice President Easom called for approval of the March 22, 2016 regular meeting and work session minutes. Commissioner Fitzpatrick noted the following corrections to the regular meeting minutes:

- Page 3, line 2 – ~~Vice President Easom~~ **Commissioner Fitzpatrick** confirmed that the relocation of the daycare center was not related to the Applicant's business."
- Page 3, paragraph 10, line 3 – "However, much of the debris was not removed **from the yard.**"
- Page 3, paragraph 12 – "Director Cronin said in January, Commissioner Fitzpatrick recommended code enforcement at a property on the corner of 8th and ~~Harrison~~ **Grand.**"

Commissioner Innes moved that the Astoria Planning Commission minutes of the March 22, 2016 meeting as corrected; seconded by Commissioner Moore. Motion passed unanimously.

Director Cronin noted the following correction to the work session minutes:

- Page 1, fifth bullet, second sentence – "Director Cronin showed photographs and described which features defined Columbia Landing as townhouses and ~~Martin~~ **Market View** Townhomes as row houses."

Commissioner Moore moved that the Astoria Planning Commission approve the minutes of the March 22, 2016 work session as corrected; seconded by Vice President Easom. Motion passed unanimously.

PUBLIC HEARINGS:

Vice President Easom explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

ITEM 4(a):

CU16-03 Conditional Use CU16-03 by Rickenbach Construction for Trish Bright to locate indoor family entertainment Museum of Whimsy on the first and second floor of an existing meeting space at 1215 Duane in the C-4, Central Commercial zone.

Vice President Easom asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Fitzpatrick declared a potential conflict, noting he owns the adjacent property directly to the south, but he believed he could be impartial.

Vice President Easom asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report, noting that the report was updated with photographs of the proposed parking area and sign. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Innes understood the entry to the museum would be on 12th Street and asked why the sign on Exchange St was a concern. Planner Ferber explained this was an error in the original Staff report. She confirmed that the updated Staff report now accurately reflects the main entry would be on Duane, with extra doors on 12th Street.

Commissioner Moore said parking in the commercial space looked like it could accommodate 34 spots, 16 spots for the museum and 18 for the old muffler and body shop building, which he believed had been unoccupied for a decade. He asked if using some of the vacant building's parking would make it less useful.

Planner Ferber explained that the Applicant owns the parking lot, so use of the vacant building will not be affected. The parking lot could be used for both buildings if the owners worked out an agreement.

Commissioner Moore clarified he wanted to make sure the City was not encouraging or enabling a vacant building by taking its parking for another building. Planner Ferber explained that off-street was recommended, but not required. Director Cronin added that the criteria being considered is for the Banker's Suite and the Planning Commission should consider how to apply the criteria to that site. The Commission can require the off-street parking based on the proposed use, but the vacant building ordinance is upheld through Code enforcement. He could follow up to find out if Staff has implemented the ordinance on the vacant building.

Vice President Easom noted the Staff report required the bicycle space to be located in the sidewalk furnishings zone. Staff explained that a bike rack cannot be placed in the middle of the sidewalk. The furnishing zone extends about two or three feet from the edge of the curb. Sidewalks must maintain a clearance for pedestrians and wheelchairs, so the furnishing zone provides a buffer.

Vice President Easom opened the public hearing and called for a presentation by the Applicant.

Michelle Dieffenbach, 37734 Eagle Lane, Astoria, said she appreciated the Planning Commission's review and the Staff report that Planner Ferber put together for the project. The owner has voluntarily proposed to offer off-street parking to the museum's visitors. This building is not required to provide any parking, so the owner would appreciate the parking lot remain a voluntary amenity.

Vice President Easom called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU16-03 by Rickenbach Construction; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Vice President Easom read the rules of appeal into the record.

Public Hearing Items 4(b) and (c) were discussed during the work session. Staff confirmed both public hearings would be rescheduled.

ITEM 4(b):

A16-01 Amendment A16-01 by the Community Development Director to amend the Astoria Development Code, Article 9 – Administrative Procedures, City Wide.

ITEM 4(c):

A16-02 Amendment A16-02 by the Community Development Director to amend the Astoria Development Code housing section to encourage more infill and development of existing residential lots as part of a larger affordable housing strategy, City Wide.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Moore reported he had been approached by someone who was concerned that the list of vacant and derelict properties Staff was putting together would be publicly accessible. Director Cronin said the list is not published online; it can only be accessed at City Hall. The list contains seven properties at this time and Staff continues to add properties to the registry.

Director Cronin reported an open house featuring the library options had been scheduled for May 25, 2016 from 4:30 pm to 6:30 pm at the library. The open house will be hosted by the Astoria Library Board and Astoria City Council. After the open house, a joint Library Board and Council meeting will be held at City Hall at 7:00 pm. No decisions will be made that night, but public comments will be taken.

Commissioner Spence noted that two public hearings on the agenda had moved to the work session. He asked if action on these items would be delayed by a month. Director Cronin explained that after publishing the notices about the public hearings, Staff received comments that indicated a work session would be easier and more collaborative. Public hearings will be rescheduled for some time in the future, depending on direction from the Planning Commission and City Council.

PUBLIC COMMENTS:

There were none.

ADJOURNMENT TO WORK SESSION:

There being no further business, the meeting adjourned to convene the work session at 6:58 pm.

APPROVED:

Community Development Director

ASTORIA PLANNING COMMISSION WORK SESSION

Astoria City Hall
April 26, 2016

CALL TO ORDER:

Vice President Easom called the work session to order at 7:01 pm.

ROLL CALL:

Commissioners Present: Vice President Kent Easom, McLaren Innes, Sean Fitzpatrick, Daryl Moore, Jan Mitchell and Frank Spence

Commissioners Excused: President David Pearson

Staff Present: Planner Nancy Ferber, Community Development Director Kevin Cronin, and Parks Department Employee Ian Sisson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PARKS AND RECREATION DEPARTMENT MASTER PLAN

Ian Sisson provided the Commissioners updated copies of the draft Parks and Recreation Comprehensive Master Plan and draft recommendations. He reviewed the master planning process, timeline, next steps, details of the draft Master Plan and draft recommendations, the Plan's impact to the Comprehensive Plan, and next steps. Director Cronin briefly described the public/private partnership between the City and the Senior Center and suggested the City needed to get smarter about its facilities. Mr. Sisson asked the Planning Commission to provide feedback and advise Staff about how to move forward. He noted that Commissioners were welcome to submit feedback at any other time, as some of the information presented was new.

The Commissioners agreed the draft documents were thorough. Commissioner Spence said he was surprised the Parks and Recreation Department was able to do so much with limited funding and personnel. Three full-time employees are not enough to cover all of the Parks. If the Plan is implemented, the Parks Department will need additional personnel.

Director Cronin explained that this Public Facility Plan would allow the City to accomplish several land use and planning goals required by the State. The final Plan will be presented to the Planning Commission in a public hearing as an attachment to the Comprehensive Plan. Parks play a big role in how the City determines its land needs as the City must plan for future growth. Therefore, the Parks Board, Planning Commission, and City Council must consider policies that accommodate Astoria's future needs. He recommended the City optimize what it already has.

Vice President Easom noted the City owns 1,300 parcels of land and asked how many parks sites were included in the study. Staff replied the Parks Department has 63 facilities; 35 are parks and the rest are trails and indoor facilities. The Plan includes a diagram that shows the growth of the Parks system and the department's financial metrics since 1990.

Planner Ferber asked if there were any high priority areas that stood out in feedback from the most recent open houses. Mr. Sisson stated that feedback from open houses indicated the community's two highest priorities are to increase revenue and staffing and to improve existing properties before adding new properties. He told the Commission where this information could be found in the draft Plan and reminded that Commissioners could call or email him with comments.

The following Astoria Development Code Amendments were moved to the work session from the public hearings scheduled during the regular Planning Commission meeting.

Amendment A16-01 to Amend the Astoria Development Code, Article 9 – Administrative Procedures, City Wide

Director Cronin noted that one of City Council's goals was to streamline the permitting process and Article 9 has not been updated in a long time. He considered the Department of Land Conservation and Development (DLCD) model code for small cities to develop the proposed amendments. No major changes had been made since the

Commission's last review of the proposed amendments in March. However, the on-site notices are now only being proposed for Type 3 applications, which require public hearings before the Commission. This change was made based on feedback given at the March work session.

Vice President Easom confirmed there were no public comments.

Amendment A16-02 to Amend The Astoria Development Code Housing Section to Encourage More Infill and Development of Existing Residential Lots as Part of a Larger Affordable Housing Strategy, City Wide

Director Cronin explained that one of City Council's goals was to promote housing that is affordable to all Astorians. He displayed the housing project website on the screen and reviewed the work done to date. He briefly reviewed the City's efforts to improve the home stay lodging program. When Staff discovered the scale of the problem was much smaller than originally thought, City Council decided not to move forward with changes to the home stay lodging program. Therefore, the Planning Commission just needs to focus on Articles 2 and 3 of the Development Code. He briefly reviewed Amendment A16-02 included in the Staff report, noting the most recent changes.

Discussion from the Planning Commission and responses by Staff to Commissioner questions was as follows:

- Raising the height limit by 8 feet in the R-2 zone would allow three-story homes or more floor area in townhomes.
- New development within 100 feet of known flood areas should require a site investigation report, just like new development near known landslide hazards. While people should be made aware of flood hazards, digging in a flood zone would not impact adjacent properties owners as it would in a landslide area. The building permit form already includes an option to require a flood permit or certificate.
- All of the updates to the proposed amendments have been published online and are publicly available. Interested parties have also been notified via email.
- Suburban front yard setbacks are typically 20 feet from the edge of the right-of-way. Astoria is a small town that has been built to suburban standards. So, Staff is recommending setbacks more typical of the historic properties that were built prior to the Zoning Codes. Proposing a 10-foot setback in the R-2 zones gives more flexibility to the Applicants.

Director Cronin noted that Staff would update the Commission on a tiny home demonstration project in about a month.

Vice President Easom called for a recess at 8:00 pm; the work session reconvened at 8:10 pm. He called for public comments.

Rachel Jensen, 1445 Lexington, Astoria, confirmed with Staff that tiny homes would be allowed as accessory dwelling units (ADU) and that tiny homes had to be manufactured off site, just like manufactured homes. She wanted to know if tiny home designs would need to be preapproved for historic neighborhoods. Director Cronin explained that tiny homes would need to be removed from the trailer, placed on a permanent foundation, and connected to utilities. Tiny homes would not be considered temporary structures by the City, but financing might be difficult to obtain. Staff is working on placing a model tiny home on City property for people to look at because there is a lot of interest in them. Tiny home designs will be chosen by the homeowners and if placed next to a historic structure, design standards will apply.

Ms. Jensen understood density would not change. However, in an R-1 zone, single-family homes with ADUs would result in an increase in density. Director Cronin explained that the overall density would not change because ADUs are not considered full housing units; they are an accessory to the main dwelling unit. ADUs add capacity without changing the overall density. Ms. Jensen asked if two off-street parking spaces could be tandem. Planner Ferber said only up to two parking spaces could be stacked.

Commissioner Moore added that ADUs allow more residents in one home without building another home on the lot. Director Cronin said the City could not regulate the number of people living in one single-family home. ADUs allow up to two more people.

Charles Silvas, 8023 N. Berkley, Portland, said he was a former Astoria resident and currently works close by. He supported tiny homes and ADUs and was excited that Director Cronin had stopped by to see the tiny home he was building. He made available some handouts that noted positive aspects of living in tiny homes. Right now, people are building and living in these structures regardless of building codes, especially in the Portland

area. The industry is completely unregulated and structures are built without smoke alarms or egresses. Some of the tiny homes may not be structurally sound and he hoped tiny living could be done in a safe and regulated way. Astoria has an opportunity to make ground-breaking decisions, be on the forefront of these changes, and set precedence for other communities to follow. He believed tiny houses were a viable option for low-income families and people seeking alternative living. This is an opportunity to create local jobs. His business in Hammond is licensed, insured, bonded, and currently supports two fair paying jobs. If his company can build more, more jobs would be created. Astoria does not have a lot of land and tiny homes do not take up much space. Tiny homes make good use of the space that is available and provide people with a nice place to live. The novelty of tiny homes would be good for a community like Astoria, bringing in tourism and generating income for local businesses. He believed tiny homes would be healthy for the local economy. If Astoria made some changes, it would likely get media attention. Also, the City could collect land use taxes and permit fees. He confirmed that his tiny homes are all handmade structures built from the ground up. He invited the Commissioners to stop by his business to see the tiny home he was building.

Director Cronin explained that were quite a few new ADUs in Portland, which led the Multnomah County Assessor to reassess those properties. Property tax bills have increased significantly. He reminded Vice President Easom of the current minimum lot sizes that allowed 500 square foot ADUs and Staff's recommended reduction. Tiny homes would still have to meet setbacks, lot coverage requirements, and sometimes design standards. Staff could consider tiny home developments, as Article 3 of the Development Code includes a section on cottage clusters. This section of the Code has not been used outside of Mill Pond and Staff would have to make sure any changes were accessible for both the applicants and the City. In tiny home developments, the tiny houses would serve as the main dwellings. But, ADUs must accompany a primary structure.

Commissioner Moore said he was not opposed to cottage or cluster developments, but they could not be referred to as ADUs. Director Cronin added that those developments would require a large parcel of flat land, but land in Astoria is mostly sloped.

Dennis Covell, 1020 10th Street, Astoria, said he lived on the southwest corner of 10th and Jerome. His house and several others front the old school. He was concerned about what would be done on the old school property. When he and his wife visited Astoria 25 years ago, Commercial Street looked like their home in Whittier, California. They decided to retire in Astoria in 1991 because it was a neat community. At that time, the area was pretty depressed, but things have improved since then and he loves Astoria. His property is at the tail end of a historic district and a great deal of effort was necessary to designate the area as historic. Putting multi-family homes in would be very bothersome. If 20 or 30 units were put on the property, what impact would that have on affordable housing? He wanted to know why the City wanted to change the Codes now and just for a few sites. The proposed Code changes will make it easy for the old school site to be developed. He was not opposed to this as long as it was done right. He understood the property would be developed eventually and he would support a project that was reasonable. However, the proposed changes seemed radical. He understood building heights were measured at half the height of the arch in the crown of the building and anything above that was not figured in. This would mean the proposed 40-foot height limit to buildings in the R-3 zone would allow buildings up to 45 feet tall. This is an immense height, especially next to homes that are close to the street. He believed these issues were being handled the wrong way. Nice homes could be built in the area instead of multi-family units and all of the issues would pencil out. One reason for changing the Code is to address the large number of variances allowed, but the City is on the tail end of that issue. He recommended the City continue with the Codes as they are and use variances if they come up. It is very alarming to the community that these changes are being considered. The Commissioners are good stewards of the city and he hoped the Planning Commission would rethink the amendments.

Director Cronin displayed a map of Mr. Covell's neighborhood and explained he had referred to the Central School site, in the R-2 zone just south of Irving. The site has been vacant since the school was demolished and cannot be developed in its current state. He doubted that changing the property from an R-2 to an R-3 zone would generate enough interest for the owner to sell the site. The property has a lot of costs and a developer would have to build many units to get their cash back. Without an 8 to 10 percent return on their investment, developers will not put money into the property.

Commissioner Moore asked how the City could allay concerns about the property being developed. When changes were made to the Bridge Vista Area of the Riverfront Vision Plan, people expected the area to be built up despite the lack of developable land in the area. Director Cronin said public comments were based on the fear that a hotel economy would be developed. Hotels will continue to be built in Astoria, but it is not likely that

multi-family units will be. Astoria is in a tough spot because the State requires the City to have a 20-year land supply, but Astoria currently has a 15-acre shortage. The City has a great relationship with DLCD, but at some point, Astoria will have to make changes.

Commissioner Fitzpatrick understood the old school site was originally zoned R-3 and previous owners had the zoning changed to R-2. Director Cronin said the new codes would allow more attached single-family and multi-family units in the R-2 zone. Any development on that site will be required to complete the design review process with the Historic Landmarks Commission. This will ensure that the look of the building will fit in with the rest of the neighborhood.

Commissioner Fitzpatrick said he walks by the old school site every day. He agreed that the engineering required to build on the property would be cost prohibitive. There are five houses at 9th and Harrison and seven houses on the block to south. Higher density zoning in that area just seems out of place because the neighborhood is an island of R-2 surrounded by R-1 zoning. He was also concerned about the level of traffic along Irving and 11th.

Director Cronin asked if attached single-family units with shared courtyards, like townhouses or row houses, seemed appropriate in that neighborhood. Commissioner Fitzpatrick said he would be first in line if a development like that was built, but that neighborhood would not be the right place for it. However, he has never been able to come up with a viable use for the old school property either. A single-family unit on a 50-foot by 100-foot lot would be the best option.

Director Cronin said Astoria only has a few developers, primarily single-family home builders. The local business community does not have the capacity to support the City's efforts.

Leanne Wilma asked if the Planning Commission had made a final decision on the medical marijuana shop in Westport. Vice President Easom said Westport was out of Astoria's jurisdiction. Director Cronin explained that the Clatsop County Planning Commission would make the decision. He suggested she contact Heather Hanson, Clatsop County Community Development Director.

Jay Rosen, 934 Irving, Astoria, said his Victorian house fronts the Central School property. He understood the desire for more housing, but the City cannot shoehorn a solution into a property. The school property is in a historic district surrounded by neighbors that have spent a considerable amount of time, money, and resources to improve their homes. There is no discussion about the existing neighborhood's investment. Homes in the neighborhood have been converted from second homes to primary residences and residents have made the conscious decision to spend money on their properties. Discussions about potential development are secondary to the people who already live there and the City should talk to the residents of the neighborhood. At some point, the City will have to make a decision about the old school property. The proposed changes to lot sizes and heights make him wonder about the end goal. He asked how much of an increase in housing stock the City believed the Code amendments would attain. Director Cronin said the private housing market determines development, not the City. The City must figure out how to ensure the development conforms to the Development Code. The proposed changes are meant to allow other types of development to occur in Astoria. There is no end goal. Astoria just needs more housing opportunities. The City is 15 acres short of the required 20-year supply of buildable land, but the State does not mandate a specific number of housing units. There is no production going on in Astoria right now.

Mr. Covell asked what the City would do if the old school property was not used. Director Cronin said the City would not have to do anything. The property has already been counted as vacant land. Mr. Covell asked how the City would comply with State standards if the property were not part of the mix. He understood the City was trying to change the Codes to make the property desirable for a developer, which would be a good idea only if the development were suitable to the community.

Director Cronin explained that Astoria is required to review its Buildable Lands Inventory (BLI) every few years and determine how much land is available. Right now, Astoria is 15 acres short. He noted the most recent inventory was conducted in 2011 and a summary of the inventory was included in Attachment 2 of the Staff report. All zone changes have to be accounted for. The proposed Code amendments will help the City comply with the State's requirements.

Mr. Covell asked how the City would overcome the 15-acre shortage if the old school property did not exist. Director Cronin explained that the City is not in the business of buying property.

Mr. Rosen noted the school property was about one acre, so even if it were developed it would only account for six percent of the 15-acre shortage.

Mr. Covell said that would leave 14 acres, which is not that bad. Director Cronin stated he could not put a value on the shortage.

Mr. Rosen understood that meeting State standards through ADUs, tiny homes, and changes to heights have been proposed because there is not a lot of land. He believed Astoria should efficiently use what is currently available.

Vice President Easom clarified that no proposals had been made on the old school property. Director Cronin added the proposed amendments were not specifically designed to develop that property. Mr. Rosen understood, but said the amendments would still apply to the property.

Beth LaFleur, 938 Kensington, Astoria, said she has lived at her current residence for almost 17 years. She owns two lots that overlook the Central School site. She understood that the BLI and housing units were two separate things, but the BLI has been mentioned as justification for the proposed Code amendments. When a community runs out of buildable lands or has a deficit, an urban growth boundary or land reserve can allow for expansion. There are so many issues addressed by the proposed amendments that she has found it difficult to write a comment letter in response. Multi-family units are already allowed in the R-2 and R-3 zones, so she did not understand why different housing types were being referred to as a use. It is difficult to tease out what is really important because there is so much going on in the proposed amendments. This is a cannon ball approach to addressing affordable housing and the proposed changes are a big deal for Astoria. She wanted to know what other communities were doing to address affordable housing. Portland has more staff and resources, but they are struggling with the same issue. So, why is Astoria going through the same motions? She suggested Astoria look at communities with effective tools for dealing with affordable housing. Once the height limits are raised, they cannot be lowered. Some of the changes could have unintended consequences, like an increase in demolition requests. She was opposed to changing the height, lot coverage, setbacks, and density. Allowing more people on a single-family lot is still increasing density. The existing regulatory framework works well and can be used to target specific sites to provide housing opportunities. Astoria has planned unit development codes, variances, conditional uses, and the City could change institutional zones to residential zones. She wanted to know what variances had been granted for. She did not understand why the City would change everything if there were just one specific problem area. She was opposed to removing regulations to make it easier for out of town developers or speculators to develop at higher densities. Some companies buy a house, fix it up, and rent it out, which she agreed did not work in Astoria's zoning. The proposed amendments to the zones do not appear to have a direct benefit to Astoria's residents and seem to be targeted to the vacant, underutilized, or undeveloped lands. If the purpose is to add housing units to the market, perhaps the derelict building Code could be utilized more effectively and incentivize property owners to fix up or sell their properties. If the problem is landlords that rent low quality housing at market rates, landlords could be incentivized to invest in upkeep and upgrades. Increasing lot coverage will not impact Astoria's existing housing stock. The definition of an ADU should be broader and the community should discuss what makes sense in the current environment. Without very careful consideration, deliberation, and a much more visible and longer community conversation, these Code amendments will make Astoria look like a miniature Portland with outside investment, price out the working class community, and threaten the historic charm and character. Astoria has an authentic environment because of careful and deliberate development, planning, and community involvement. Increasing density while relaxing standards may result in increased demolitions and big ugly buildings everywhere.

Mike Sensenbach, 110 Kensington, Astoria, said tiny homes are cost effective in part because they are not subject to any building codes. He confirmed that they would still be considered a manufactured home and not subject to building codes even after being placed on a permanent foundation. Director Cronin added that tiny homes would have to be connected to utilities and must be built to recreational vehicle or Housing and Urban Development (HUD) standards that currently apply to manufactured homes. Tiny homes are built off site and it will be up to the private market to decide how to meet the standards. The City is allowing a property owner to locate a tiny home on their lot under certain conditions.

Andria Mazzarella, 875 Franklin, Astoria, said she was concerned that there is no definition of affordable or work force housing for the City to use when holding developers accountable. Director Cronin said the terms were defined in the housing study, which could be found on the City's housing project website. Ms. Mazzarella stated the median income of home owners was \$44,000 while the median income of renters was \$25,000. She was

concerned that the proposed amendments would just create non-profit housing. The State prevents cities from creating any kind of rent control, but she believed there were efforts to change this. She asked if the City would support rent control measures if they were allowed. Director Cronin said if the State granted the authority to implement rent controls, City Council would have the opportunity to consider it as a potential solution for Astoria. However, he did not believe this would ever happen. Housing costs increase when rents are controlled. Unless the City enters into a public/private partnership like the one it has with the Astor Hotel, the City cannot control housing costs.

Linda Oldencamp, 1676 Jerome, Astoria, said she just heard about this meeting a week ago and wanted to know if she had missed anything that was published in the newspaper. Director Cronin said the *Daily Astorian* had originally planned to publish a story to help advertise this proposal. However, the story was pulled because the public hearing was postponed. He had done outreach with several organizations and people who came to City Hall. Town hall meetings were not part of the original proposal, so this work session was scheduled to allow public comments.

Ms. Oldencamp said the proposal really needed to be advertised in the newspaper. She was not in any of the organizations Director Cronin spoke with and neighborhoods all over Astoria need to know about the proposed amendments. She was concerned and said it was not good to publish a press release when the community has not heard anything about the proposal. She has been involved in the preservation movement since the beginning and has lived in Astoria since 1976. She had always been enamored with the architecture in this little fishing village and it took a long time for the community to figure out what it had. The Lower Columbia Preservation Society (LCPS) had to convince people that their homes were incredible and little by little, people finally became proud to live in an old historic house. There is still a very strong feeling in the community that Astoria is unique. She was very disturbed by tonight's discussion. She had not read the proposed amendments, but she believed they would change the character and fabric of the community. She hoped this would be published in the newspaper because people in the community need to know what the City is considering. She also hoped the Planning Commission would slow down and consider what the people in the neighborhoods want their community to be.

Director Cronin said he would make changes based on Planning Commission and public comments made at this meeting. Whether a public hearing or work session is scheduled for May is yet to be determined. Vice President Easom believed Amendment 16-01 was ready for a public hearing. If Staff believes Amendment 16-02 was ready for action, it should be added to the agenda as public hearing. Director Cronin said he would speak with City Council first.

ADJOURNMENT:

There being no further business, the work session was adjourned at 9:17 pm.

APPROVED:

Community Development Director



CITY OF ASTORIA

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May 31, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ABC TRANSCRIPTION SERVICES, INC., CONTRACT RENEWAL

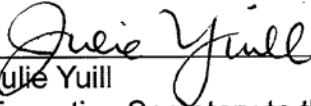
DISCUSSION/ANALYSIS

The City of Astoria has contracted with ABC Transcription Services, Inc., (ABC) since April 2010 for the transcription of meeting minutes for the City Council/ADC, Budget Committee, Planning Commission, Historic Landmarks Commission, Design Review Committee, Parks Board, Maritime Memorial Committee, Parks Master Plan Citizen Advisory Committee, and Library Board. The current contract expires on June 30, 2016.

After three years with minimal increases, ABC is proposing a \$2.00 increase to their base transcription labor rate for the coming fiscal year. The new rate essentially results in a \$10 increase per meeting for the City. A total of \$ \$25,000 (\$18,660 for Fiscal Year 2015-16) is allocated as part of the Fiscal Year 2016-2017 budget for these services. This fee increase would be accommodated in the budgeted amount. ABC has been both responsive and timely. The draft contract has been reviewed and approved as to form by City Attorney Henningsgaard.

RECOMMENDATION

It is recommended that Council approve a Contract for Professional Services with ABC Transcription Services, Inc., for the period July 1, 2016 to June 30, 2017.

By: 
Julie Yuill
Executive Secretary to the City Manager

**CITY OF ASTORIA
CONTRACT FOR PROFESSIONAL SERVICES**

This Contract, made and entered into this _____ day of June, 2016, by and between the City of Astoria, a municipal corporation of the State of Oregon, hereinafter called "CITY", and ABC Transcription Services, Inc., hereinafter called "CONTRACTOR", duly authorized to perform such services in Oregon.

WITNESSETH

WHEREAS, the CITY requires services which CONTRACTOR is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, CONTRACTOR is able and prepared to provide such services as CITY does hereinafter require, under those terms and conditions set forth; now, therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. CONTRACTOR SERVICES

- A. CONTRACTOR shall perform transcription services for the City of Astoria as provided in the attached Exhibit A from July 1, 2016 to June 30, 2017.
- B. Contractor's services are defined solely by this Contract and not by any other contract or agreement that may be associated with this project.
- C. CONTRACTOR'S services shall be performed as expeditiously as is consistent with professional skill and the orderly progress of work.

2. COMPENSATION

- A. CITY agrees to pay CONTRACTOR in accordance with the schedule attached as Exhibit A for performance of those services provided herein;
- B. CONTRACTOR will submit invoices for payment as follows: City Council/ADC, Budget Committee and Library Board to attention of Julie Yuill jyuill@astoria.or.us; Planning Commission, Historic Landmarks Commission, and Design Review Committee to attention of Sherri Williams swilliams@astoria.or.us; and Parks Board, Maritime Memorial Committee, and Parks Master Plan Citizen Advisory Committee to attention of Terra Patterson tpatterson@astoria.or.us, or 1095 Duane Street, Astoria OR 97103.
- C. CITY certifies that sufficient funds are available and authorized for expenditure to finance costs of this Contract.

3. CONTRACTOR IDENTIFICATION

CONTRACTOR shall furnish to the CITY the CONTRACTOR'S employer identification number, as designated by the Internal Revenue Service, or CONTRACTOR'S Social Security Number, as CITY deems applicable.

4. CITY'S REPRESENTATIVE

For purposes hereof, the CITY'S authorized representative will be Julie Yuill, Executive Secretary to the City Manager, City of Astoria, 1095 Duane Street, Astoria, Oregon, 97103, (503) 325-5824, jyuill@astoria.or.us.

5. CONTRACTOR'S REPRESENTATIVE

For purposes hereof, the CONTRACTOR'S authorized representative will be Paula Pinyerd, President, ABC Transcription Services, Inc., 42340 NW Depot Street, Banks, Oregon 97106, (503) 324-0198, abc4transcription@yahoo.com.

6. CITY'S OBLIGATIONS

In order to facilitate the work of the CONTRACTOR as above outlined, the CITY shall furnish to the CONTRACTOR access to all relevant audio, exhibits, reports and site information which is in the City's possession concerning the project.

7. CONTRACTOR IS INDEPENDENT CONTRACTOR

A. CONTRACTOR shall be an independent CONTRACTOR for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 2 of this Contract.

B. CONTRACTOR acknowledges that for all purposes related to this Contract, CONTRACTOR is and shall be deemed to be an independent contractor and not an employee of the City, shall not be entitled to benefits of any kind to which an employee of the City is entitled and shall be solely responsible for all payments and taxes required by law; and furthermore in the event that CONTRACTOR is found by a court of law or an administrative agency to be an employee of the City for any purpose, City shall be entitled to offset compensation due, or, to demand repayment of any amounts paid to CONTRACTOR under the terms of the Contract, to the full extent of any benefits or other remuneration CONTRACTOR receives (from City or third party) as result of said finding and to the full extent of any payments that City is required to make (to CONTRACTOR or a third party) as a result of said finding.

C. The undersigned CONTRACTOR hereby represents that no employee of the City of Astoria, or any partnership or corporation in which a City of Astoria employee has an interest, has or will receive any remuneration of any description from the CONTRACTOR, either directly or indirectly, in connection with the letting or performance of this Contract, except as specifically declared in writing.

8. CANCELLATION FOR CAUSE

CITY may cancel all or any part of this Contract if CONTRACTOR breaches any of the terms herein or in the event of any of the following: Insolvency of CONTRACTOR; voluntary or involuntary petition in bankruptcy by or against CONTRACTOR; appointment of a receiver or trustee for CONTRACTOR, or any assignment for benefit of creditors of CONTRACTOR. Damages for breach shall be those allowed by Oregon law, reasonable and necessary attorney's fees, and other costs of litigation at trial and upon appeal. CONTRACTOR may likewise cancel all or any part of this contract if CITY breaches any of the terms herein and be therefore entitled to equivalent damages as expressed above for CITY.

9. EARLY TERMINATION

A. This Contract may be terminated without cause by mutual written consent of the parties. In addition, the parties may agree to terminate the contract:

1) If work under the Contract is suspended by an order of a public agency for any reason considered to be in the public interest other than by a labor dispute or by reason of any third party judicial proceeding relating to the work other than a suit or action filed in regard to a labor dispute; or

2) If the circumstances or conditions are such that it is impracticable within a reasonable time to proceed with a substantial portion of the Contract.

B. Payment of CONTRACTOR shall be prorated to and include the day of termination and shall be in full satisfaction of all claims by CONTRACTOR against CITY under this contract.

C. Termination under any provision of this paragraph shall not affect any right, obligation, or liability of CONTRACTOR or CITY which accrued prior to such termination.

D. If work is suspended under circumstances described in 9(1) but the contract is not terminated, the Contractor is entitled to a reasonable extension of time to complete the contract.

10. ACCESS TO RECORDS

CITY shall have access to such books, documents, papers and records of contract as are directly pertinent to this contract for the purposes of making audit, examination, excerpts and transcripts.

11. FORCE MAJEURE

Neither CITY nor CONTRACTOR shall be considered in default because of any delays in completion of responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the party so disenabled provided the party so

disenabled shall within ten (10) days from the beginning such delay notify the other party in writing of the causes of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation.

12. NONWAIVER

The failure of the CITY to insist upon or enforce strict performance by CONTRACTOR of any of the terms of this Contract or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its right to assert or rely upon such terms or rights on any future occasion.

13. ATTORNEY'S FEES

In the event suit or action is instituted to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

14. APPLICABLE LAW

The law of the State of Oregon shall govern the validity of this Agreement, its interpretation and performance, and any other claims related to it.

15. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the proposal of the CONTRACTOR, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

16. INDEMNIFICATION

With regard to Comprehensive General Liability, CONTRACTOR agrees to indemnify and hold harmless the City of Astoria, its Officers, and Employees against and from any and all loss, claims, actions, suits, reasonable defense costs, attorney fees and expenses for or on account of injury, bodily or otherwise to, or death of persons, damage to or destruction of property belonging to city, consultant, or others resulting from or arising out of CONTRACTOR negligent acts, errors or omissions in services pursuant to this Agreement. This agreement to indemnify applies whether such claims are meritorious or not; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONTRACTOR and The City of Astoria this indemnification and agreement to assume defense costs applies only to the extent of the negligence or alleged negligence of the CONTRACTOR.

With regard to Professional Liability, CONTRACTOR agrees to indemnify and hold harmless the City of Astoria, its Officers and Employees from any and all liability, settlements, loss, reasonable defense costs, attorney fees and expenses arising out of CONTRACTOR'S negligent acts, errors or omissions in service provided pursuant to this Agreement; provided, however, that if any such liability, settlements, loss, defense costs

or expenses result from the concurrent negligence of CONTRACTOR and the Client, this indemnification and agreement to assume defense costs applies only to the extent of negligence of CONTRACTOR.

With respect to Commercial Liability and Professional Liability, CONTRACTOR reserves the right to approve the choice of counsel.

17. INSURANCE

Prior to starting work hereunder, CONTRACTOR, at CONTRACTOR'S cost, shall secure and continue to carry during the term of this contract, with an insurance company acceptable to CITY, the following insurance:

- A. Professional Liability Insurance. The CONTRACTOR shall have in force a policy of Professional Liability Insurance in an amount not less than \$1,000,000. The CONTRACTOR shall keep such policy in force and current during the term of this contract.
- B. Comprehensive General Liability Insurance. CONTRACTOR shall obtain and maintain comprehensive general liability insurance, including auto, against any and all claims for damages to persons or property which may arise out of his operations under this agreement. Insurance shall name the CITY as additional insured. Coverage shall include CONTRACTOR, sub-consultants, and anyone directly or indirectly employed by either. The comprehensive general liability shall be combined single limit for broad form liability property damage and bodily injury, of at least \$1,000,000.00 and shall increase such limits to the limits of Oregon Tort Claims Act if Act's limits are increased. Such insurance shall not be canceled or its limits of liability reduced without thirty (30) days prior notice to City. A copy of an insurance certificate in a form satisfactory to City certifying the issuance of such insurance shall be furnished to City.

18. WORKMEN'S COMPENSATION

The Contractor, its subcontractors, if any, and all employers working under this Agreement are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers, or are employers that are exempt under ORS 656.126.

19. LABORERS AND MATERIALMEN, CONTRIBUTIONS TO INDUSTRIAL ACCIDENT FUND, LIENS AND WITHHOLDING TAXES

Contractor shall make payment promptly, as due, to all persons supplying contractor labor or material for the prosecution of the work provided for this contract.

Contractor shall pay all contributions or amounts due the Industrial Accident Fund from contractor or any subcontractor incurred in the performance of the contract.

Contractor shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

Contractor shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

20. PAYMENT OF CLAIMS BY PUBLIC OFFICERS

If the contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to the contractor or a subcontractor by any person in connection with the public contract as such claim becomes due, the proper officer or officers representing the municipality may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due the contractor by reason of such contract.

The payment of a claim in the manner here authorized shall not relieve the contractor or the contractor's surety from obligation with respect to any unpaid claims.

21. PAYMENT OF MEDICAL CARE

Contractor shall promptly, as due, make payment to any person, copartnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury to the employees of such contractor, of all sums which the contractor agrees to pay for such services and all moneys and sums which the contractor collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

22. OVERTIME

Consultant's employees shall be paid for overtime work performed under this contract in accordance with ORS 653.010 to 653.261 and the Fair Labor Standards Act of 1938 (29 U.S.C. sections 201 to 209).

23. STANDARD OF CARE

The standard of care applicable to CONTRACTOR'S services will be the degree of skill and diligence normally employed by a professional performing the same or similar services at the time CONTRACTOR'S services are performed. CONTRACTOR will re-perform any services not meeting this standard without additional compensation.

24. OCCUPATIONAL TAX

CONTRACTOR shall pay the City of Astoria Occupational Tax as provided in Astoria Code Sections 8.000 to 8.035.

25. NO THIRD PARTY BENEFICIARIES

This contract gives no rights or benefits to anyone other than the CITY and CONTRACTOR and has no third party beneficiaries.

26. SEVERABILITY AND SURVIVAL

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability shall survive termination of this Agreement for any cause.

27. NON-DISCRIMINATION POLICY

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of age, disability, race, religion, color, national origin, sex, sexual orientation, gender identity / expression. The City of Astoria also requires its contractors and grantees to comply with this policy.

28. COMPLETE CONTRACT

This Contract and its referenced attachments constitute the complete contract between CITY and CONTRACTOR and supersedes all prior written or oral discussions or agreements. CONTRACTOR services are defined solely by this Contract and its attachments and not by any other contract or agreement that may be associated with this Contract.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first written above.

APPROVED AS TO FORM:

BY: _____
Mayor Date

City Attorney

BY: _____
City Manager Date

ABC TRANSCRIPTION SERVICES, INC.

BY: _____
Contractor Date



ABC Transcription Services, Inc.

Transcription Services Proposal

The following is ABC Transcription's 2016-17 bid proposal tailored to the transcription services requested by the City of Astoria.

Transcription Services:

Proposed base transcription rates given the noted business day turnaround times and a meeting to transcript preparation ratio of approximately five hours to one hour (5:1) of meeting time (*see additional considerations below*):

<u>City Council:</u> 12 business days	\$39 per labor hour
<u>Planning Commission/Library and other Boards:</u> 12+ business days	\$39 per labor hour
<u>Engineering Precons/Preapplications (verbatim work):</u> (4:1 ratio; deadline as determined by staff)	\$37 per labor hour

Turnaround time periods begin the day the meeting's audio is available. Audio received after 12 pm (PST), results in the day count starting the next business day.

<u>Optional Services or Considerations:</u>	<u>Add to base transcription rate:</u>
Meetings longer than 3 hours:	\$2
Poor Audio Quality	\$2
Turnaround Time	
Less than 5 business days	\$10
6 to 11 business days	\$4

Added rates for Technical Content and Editing/Rewriting only apply to that specific portion of the meeting.

Technical content:	\$2
Code rewrites, transportation, etc.	
Editing/Rewriting:	\$4
Identify/insert pronouns, reword for better flow, more concise content, polished grammatical structure, etc.	

Supplemental Information

- ABC Transcription does not outsource any work offshore and only contracts with U.S. citizens.
- As an Oregon Certified Tier-1 Emerging Small Business (ESB), having ABC Transcription as your transcription service provider can help the City better meet possible quota requirements.
- With more than 10 years' experience transcribing public meetings in accordance with public records law, ABC Transcription is well acquainted with procedures regarding the public record. ABC Transcription also understands the importance of nuances and tone within meetings, as well as maintaining a clear record.
- ABC works hard to ensure speakers sound their best while maintaining accuracy for the record. Our clients trust us to provide accurate, on time transcripts.
- Having served the City of Astoria since 2010, ABC Transcription is well acquainted with City Staff and its Council and Commission members. ABC is also very familiar with the various upcoming projects in the City, including the library renovation and key issues like affordable housing.

References and sample transcripts are available upon request.

ABC Transcription Services, Inc. Company Profile


Contact: Paula Pinyerd, President
Address: 42340 NW Depot St, Banks, OR 97106
Phone: 503-324-0198
Mobile: 503-310-3482
Email: abc4transcription@yahoo.com
EIN: #26-3741559
ESB Certification: #5336
Certificate of Insurance: Available upon request



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

Date: May 31, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: **FENTON REQUEST TO TRIM TREES ON CITY PROPERTY**

DISCUSSION/ANALYSIS

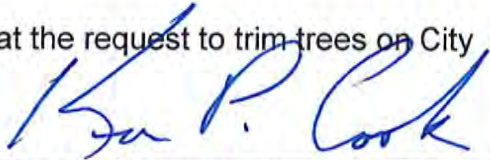
John Fenton, owner of the property at 570 W Lexington, has submitted an application for permission to trim trees on City property. The City owned property is to the northwest of the Fenton property and includes Tax Lot 01100; Map 80918BB. Mr. Fenton has obtained two of the three signatures of adjoining property owners. A signature from Mr. Michael Pritchard could not be obtained. The trees to be trimmed are maple and alder and the maple appear to have been trimmed in the past. The applicant will be hiring a tree cutting service to do the trimming. The trees are located within Astoria known slide area. Most of the trees to be trimmed are young alders. Since the trees are only being topped and no trees are proposed to be removed, a geologic report has not been required of the applicant.

Should City Council agree to approve this request, staff recommends the following conditions:

- 1) Applicant shall employ any erosion control measures required to stabilize all disturbed areas and assure that new growth is fully established.
- 2) Tree height reduction shall be no more than 25%.

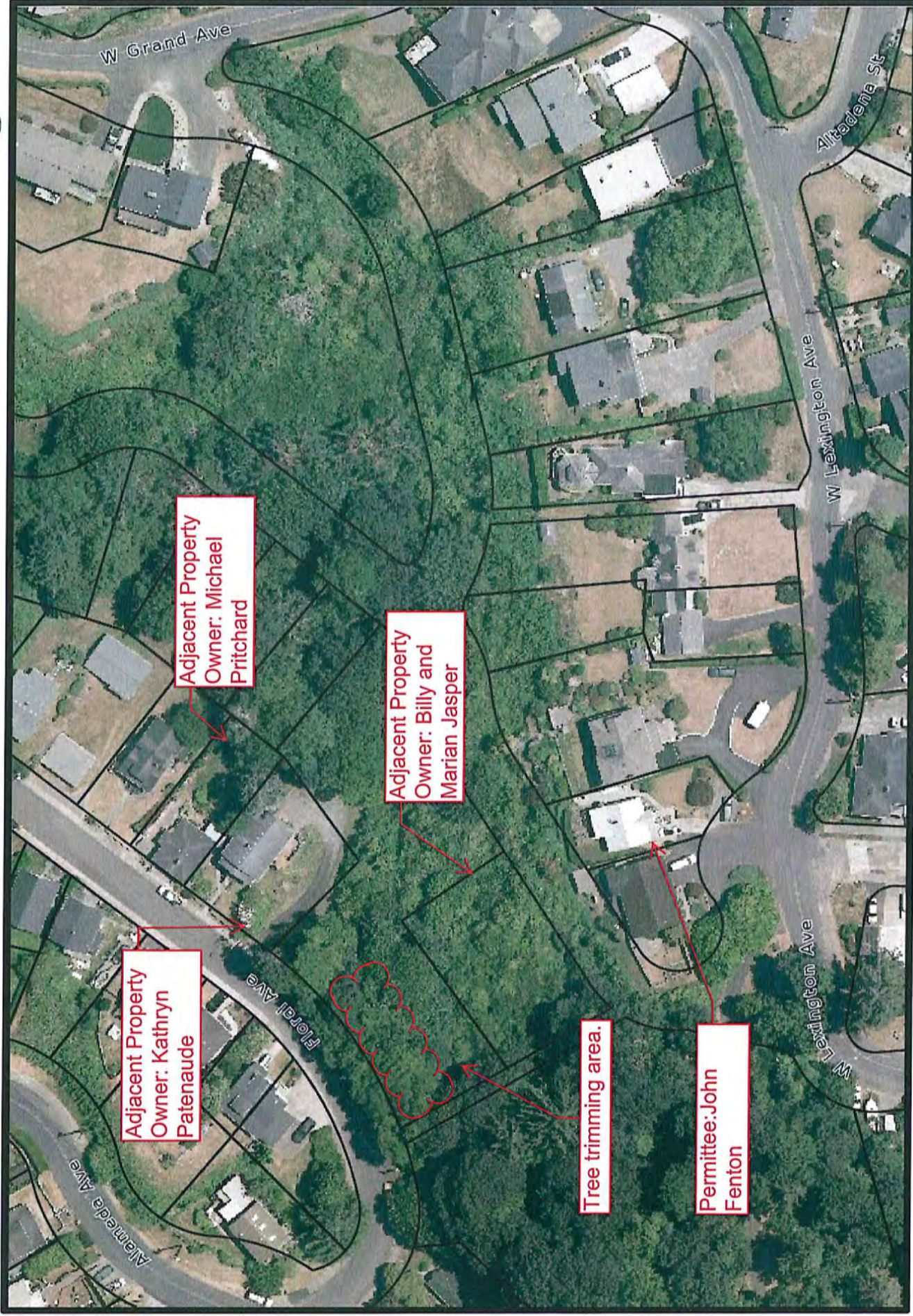
RECOMMENDATION

Based on a site visit by City staff, it is recommended that the request to trim trees on City property be approved.

Submitted By 
Ken Cook, Public Works Director

Prepared By 
Jeff Harrington, PE, City Engineer

Fenton Tree Cutting Permit



DISCLAIMER The information provided within this GIS application comes from the City of Astoria, Oregon. This GIS application is not an official source of information; use it at your own risk. The spatial data contained within this GIS application do not originate from Clatsop County. Astoria City does not have any responsibility for its content or use. GIS applications like this are intended for a visual display of data and do not carry any accuracy to the ground. The information is provided for informational purposes only and should not be used for legal, engineering, or other professional purposes. The City of Astoria does not warrant the accuracy, completeness, or timeliness of the information provided. The City of Astoria does not assume any liability for any errors, omissions, or inaccuracies in the information provided, regardless of how caused. Furthermore, by accepting these conditions for use, you must also agree to indemnify, defend, and hold the City of Astoria, Oregon harmless for any claims or other liability imposed on the City of Astoria, Oregon that may arise from use of this GIS application. City of Astoria, Oregon reserves no liability for any decisions made or actions taken or not taken by the user of this GIS application.



City of Astoria
 1095 Duane
 Astoria, OR 97103

FOR CITY USE ONLY:
 Permit No. _____
 Date: _____

Engineering Department

Phone: 503-338-5173

Fax: 503-338-6538

**APPLICATION FOR PERMISSION TO FELL/CUT TREE(S) ON
 *CITY PROPERTY OR **UNOPENED CITY RIGHT-OF-WAY**

Check All that Apply

Reason: View Shades Property Hazardous Firewood Other

Method: Fall Top Trim

Applicant: John Fenton Owner Renter

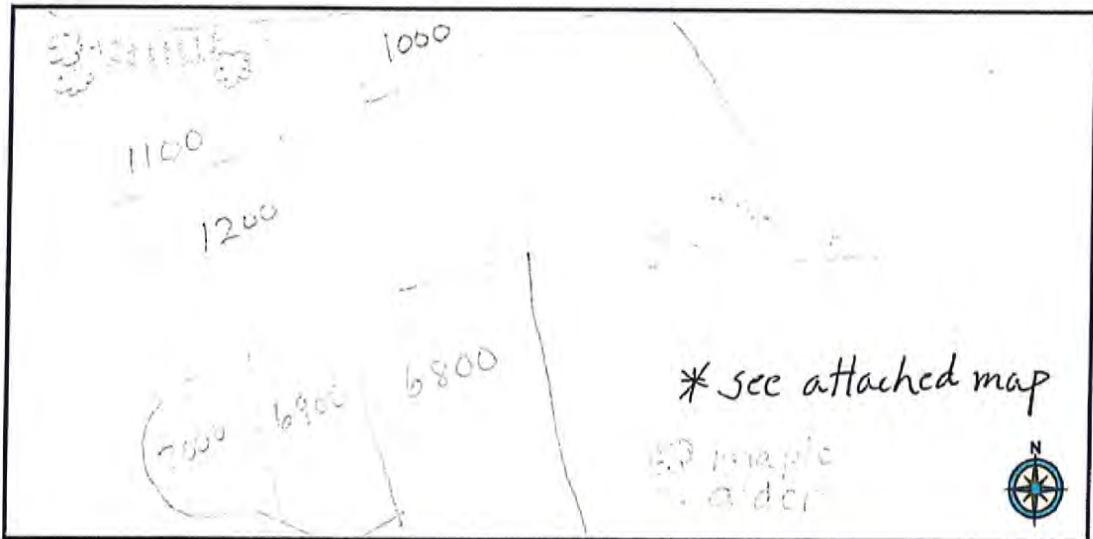
Address: 570 W. Lexington Ave. Phone: 503-298-0608

Site Location: same. Map/Tax Lot 809183806900 - mine
809183801100 - city

Work to be performed by: Richard A. Vetricsek

Mailing Address: _____ Fax: _____

Phone: 503-440-0823 Insurance Company: _____ Policy #: 138659



- Sketch Area Showing:**
1. Location, size, and species of tree(s).
 2. Your property.
 3. Adjacent property owners as listed below.

SIGNATURE BELOW INDICATES CONCURRENCE WITH TREE CUTTING (REQUIRED ON CITY PROPERTY ONLY)

Signature	Address	Phone	Remarks
1. <u>Marian Casper</u>	<u>598 W Lexington Ave</u>	<u>503-325-6691</u>	
2. <u>Patricia Poluninski</u>	<u>461 Floral Ave Astoria</u>	<u>503-791-9076</u>	
3.			
4.			
5.			
6.			

Over →

APPLICATION FOR PERMISSION TO FELL/CUT TREE(S) ON CITY PROPERTY

This is a permit to fell/cut _____ tree(s) from Lot (s) _____ Block (s) _____ Addition _____, to the City of Astoria to the City of Astoria and to fell/cut _____ tree(s) from _____ Street(s) in the City of Astoria.

GENERAL CONDITIONS

Tree(s) to be felled/cut in a careful manner under the supervision and responsibility of the applicant and as specified by the City Engineer. Applicant is to remove within _____ days of cutting all such felled/cut tree(s) and all resulting debris from such City property, Streets or Alleys and to hold the City of Astoria harmless from any and all damages or claims of damages as a result of such felling or cutting. Permit expires December 31st of dated year. Permit may be revoked at any time with notice. All ordinances of the City of Astoria shall be complied with*.

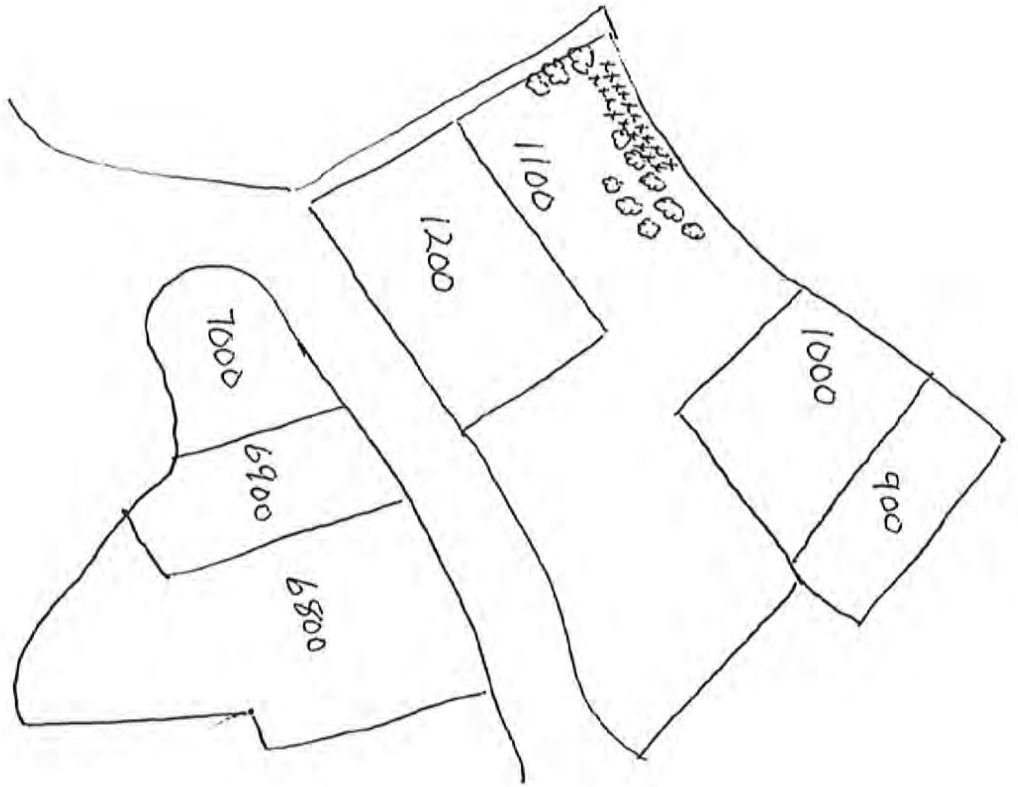
SPECIAL CONDITIONS OR REMARKS

Signature of Applicant: *John Fenton* Date: 3-12-16
Conditions Accepted and Approved

Permit Approved by: _____ Date: _____

***Astoria Code 2.500 Permit for Removing Trees from Unopened City Right-of-Way**
1. Prior to removing trees from unopened city rights-of-way, the owner of the underlying fee shall obtain a permit for the city engineer. In granting a permit, the city engineer shall make a written finding that one of the following criteria exists:
(a) Necessity to remove tree(s) which pose a safety hazard;
(b) Necessity to remove diseased tree(s) weakened by age, storm, fire, or other injury;
(c) Need for solar access, or the obtaining of views which cannot be accomplished by pruning;
(d) Commercial harvesting is appropriate and removal of the trees poses no threat to the physical integrity of the right-of-way or adjacent property;
(e) Necessity of the owner of the underlying fee to temporarily use a portion of the right-of-way for purpose of access to their property.
2. A denial of a permit may be appealed to the city council if notice of such appeal is filed with the finance director within 15 days of the date of denial.

****City of Astoria Administrative Practice Tree Removal Policy on City Property**
Section 1.01 – Purpose
This administrative practice defines the practice and procedures to be used in cutting trees on City property.
Section 1.02 – Dangerous Trees
Removal of dangerous trees will be a staff decision.
Section 1.03 – Other Trees
Proposed removal of any tree or trees, other than dangerous trees, will be placed on the agenda of a City Council meeting for City Council consideration.



X - alder
 ☉ - maple

20 alders
 11 maples
 all topped / trimmed

Identify Results

Ground Coordinates

X: -123.8548

Y: 46.1842

Taxlots

ASSESSOR LINK: [80918BB01200](#)

MAP NUMBER: 8.9.18BB

LOT NUMBER: 1200

LOT SIZE: 0.20

YEAR BUILT: 0

Owner Name 1: Jasper Billy L/Marian E

Owner Name 2:

Owner Name 3:

P.O. Box:

Unit Number:

In Care of:

Mailing Address: 598 W Lexington Ave

CITY, ST, ZIP: Astoria, OR, 97103-5724

Real Market Value: 14,728

RMV Improvement Value: 0

RMV Land Value: 14,728

Taxlots

ASSESSOR LINK: [80918BB00900](#)

MAP NUMBER: 8.9.18BB

LOT NUMBER: 900

LOT SIZE: 0.10

YEAR BUILT: 1949

Owner Name 1: Pritchard Michael T

Owner Name 2:

Owner Name 3:

P.O. Box:

Unit Number:

In Care of:

Mailing Address: 453 Floral St

CITY, ST, ZIP: Astoria, OR, 97103-5912

Real Market Value: 120,513

RMV Improvement Value: 69,486

RMV Land Value: 51,027

Taxlots

ASSESSOR LINK: [80918BB01000](#)

MAP NUMBER: 8.9.18BB

LOT NUMBER: 1000

LOT SIZE: 0.20

YEAR BUILT: 1920

Owner Name 1: Patenaude Kathryn M

Owner Name 2:

Owner Name 3:

P.O. Box:

Unit Number:

In Care of:

Mailing Address: 461 Floral St

CITY, ST, ZIP: Astoria, OR, 97103-5912

Real Market Value: 152,836

RMV Improvement Value: 101,809

RMV Land Value: 51,027

Taxlots

ASSESSOR LINK: [80918BB01100](#)

MAP NUMBER: 8.9.18BB

LOT NUMBER: 1100

LOT SIZE: 0.60

YEAR BUILT: 0

Owner Name 1: Astoria City Of

Owner Name 2:

Owner Name 3:

P.O. Box:

Unit Number:

In Care of:

Mailing Address:

CITY, ST, ZIP: , ,

Real Market Value: 58,912

RMV Improvement Value: 0

RMV Land Value: 58,912

Disclaimer: This information is being distributed as demonstration data only. You should not use the data for any other purposes.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

May 25, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: AGREEMENT FOR TELECOMMUNICATION SERVICE AUDIT

DISCUSSION

The SpyGlass Group, LLC reviews all telecommunication invoicing to retroactively identify billing errors. In addition Spyglass utilizes proprietary software to analyze invoices to review dormant or underused services and identify potential cost savings opportunities through the use of market analysis, volume leveraging, consolidation and rate improvement. Periodic review of these services is advisable and a no cost audit is a reasonable approach utilizing a party independent from the telecommunication providers.

The two-prong approach of retroactive review and savings opportunities is no additional expense to the City than would have been incurred without taking action. The historical review of paid invoices may potentially produce a refund or credit if errors are identified in our billings. The refund or credit would be split on a 50/50 basis with SpyGlass. The analysis of existing rate plans, usage and leveraging will provide a review of potential savings opportunities. Should the City decide to initiate changes the first year of savings will be due to SpyGlass and if the City does not pursue recommendations nothing is due to SpyGlass.

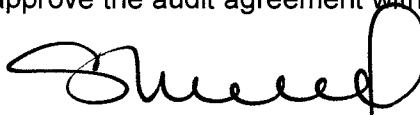
The following cities have utilized SpyGlass telecommunication services: Newport, Silverton, Stayton and Sandy.

City Attorney Henningsgaard has reviewed and approved the attached audit agreement as to form.

RECOMMENDATION

It is recommended that Council approve the audit agreement with SpyGlass Group, LLC.

By: _____



Susan Brooks, CPA
Director of Finance & Administrative Services

SpyGlass Snapshot Audit Agreement

This agreement, effective as of the later of the dates of signature below ("Effective Date"), is between _____ ("Company"), and The SpyGlass Group, LLC, an Ohio limited liability company ("Auditor").

1. Primary Audit Services. Company is engaging Auditor as an independent contractor to analyze its primary telecommunications service accounts (local voice, long distance voice, data, Internet, and wireless) to seek cost recovery, service elimination and cost reduction recommendations. Auditor will deliver the recommendations to Company, implement recommendations that Company elects for Auditor to implement, and deliver a complete telecommunications inventory to Company.

While Auditor is performing its analysis, Company will not make changes or perform internal cost reduction analysis with respect to provider accounts which Company has included within the scope of Auditor's review.

2. Fees. Company will pay Auditor the applicable fee set forth below ONLY for Auditor recommendations implemented within twelve (12) months of Auditor delivering the recommendation to Company:

- 50% of any "Cost Recovery", as defined below
- 12 times any "Service Elimination Savings", as defined below
- 12 times any "Cost Reduction Savings", as defined below

"Cost Recovery" is any refund, credit or compensation received by Company relating to past services or charges.

"Service Elimination Savings" is any monthly cost reduction received by Company relating to cancellation of any service, including monthly usage cost reduction (calculated as the average of the last 2 months of usage costs associated with the cancelled service).

"Cost Reduction Savings" is any monthly cost reduction received by Company relating to the modification, consolidation or negotiation of any service, account or contract, including post discount usage rate improvement (calculated as the (a) decrease in post discount per unit pricing realized by Company for any service, times (b) the average of Company's last two (2) months usage levels measured in such units for the modified service).

3. Invoicing and Payment. Fees for Cost Recovery are due as a one-time payment within ³⁰10 days of verification that Company has been issued the refund, credit or compensation resulting in such fees. Fees for Service Elimination Savings and Cost Reduction Savings are due as a one-time payment within ³⁰30 days of verification that the cancellation or other activity resulting in the Service Elimination Savings or Cost Reduction Savings has been completed. Auditor may issue separate invoices as different fees are earned.

4. Miscellaneous. This agreement is governed by the laws of the State of ^{Ore}Ohio, without regard to principles of conflicts of law, and may be executed by facsimile and simultaneously in multiple counterparts. Company agrees that Auditor does not warranty the overall performance, Company satisfaction, or data accuracy of any telecommunications related carrier, provider, software manufacturer or vendor at any time whatsoever during or after the term of this agreement. Each person signing this agreement on behalf of a party represents that he or she has been duly authorized to sign this agreement and to bind the party on whose behalf this agreement is being signed by that signatory. AUDITOR SHALL NOT BE LIABLE TO THE COMPANY FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR PUNITIVE DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS OR BUSINESS INTERRUPTION, WHETHER SUCH LIABILITY IS ASSERTED ON THE BASIS OF CONTRACT, TORT OR OTHERWISE, EVEN IF EITHER PARTY HAS BEEN WARNED OF THE POSSIBILITY OF ANY SUCH LOSS OR DAMAGE IN ADVANCE. IN ADDITION, IN NO EVENT SHALL AUDITOR'S LIABILITY TO COMPANY EXCEED THE FEES ACTUALLY PAID BY COMPANY TO AUDITOR.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the Effective Date.

COMPANY

AUDITOR

The SpyGlass Group, LLC

Signature: _____

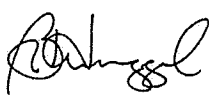
Signature: _____

Print Name: _____

Print Name: Edward M. DeAngelo

Date: _____

Date: _____



Digitally signed by
com.apple.idms.appleid.prd.49317566476d4a
3867754144546f59324e744d354e773d3d
DN:
c=us,com.apple.idms.appleid.prd.49317566476
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Date: 2016.05.24 15:50:44 -08'00'




CITY OF ASTORIA

Founded 1811 • Incorporated 1856

May 31, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: RESOLUTION ESTABLISHING RULES, REGULATIONS, RATE CHANGES AND CONDITIONS FOR SOLID WASTE SERVICE

DISCUSSION/ANALYSIS

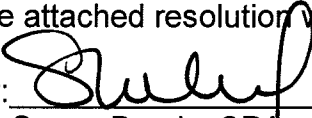
The City's franchise agreement with Recology requires them to render financial statements and rate review of the Solid Waste Collection Franchise no later than April 30 each year. The annual rate review was received April 1, 2016. Staff concurs with the assessment and conclusions. The purpose of the annual rate review is to determine whether Recology's "Operating Ratio" for their solid waste collection and transfer station operations fall within the limits set by the Franchise Agreements with the City.

Fred Stemmler, Recology's Western Oregon General Manager, indicated the Operating Ratios for the current calendar year are projected to be within the limits of the Operating Ratio Range of 88% to 92%. As a result, the collection and transfer station rates will remain the same for the coming year.

Recommended increases from Recology include increases to medical waste collection reflecting pass through of increased vendor costs and addition of a 20% surcharge for debris box/compactor haul fees to account for additional time required to provide service. The debris box/compactor change will result in a nominal change to the overall charge for service, approximately 2%. These updates are contained in Exhibit A of the attached resolution to be effective July 1, 2016.

RECOMMENDATION

It is recommended that Council consider the attached resolution with rate changes as indicated.

By: 

Susan Brooks CPA,
Director of Finance and Administrative Services

Resolution No. 16-____

A RESOLUTION ESTABLISHING RULES, REGULATIONS, RATE CHARGES AND
CONDITIONS FOR SOLID WASTE SERVICE

WHEREAS, under Sections 4.020 and 4.060 of the Astoria Code, the City Council is authorized to contract for Solid Waste service and approve and enforce rules and regulations prepared by the City Manager and govern such service by resolution;

WHEREAS, pursuant to Ordinance No. 91-17, Section 1, the charges for service set by this resolution are intended to be neither a tax on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section, nor an unincurred charge within the meaning of that section; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASTORIA:

SECTION 1. Rules, Regulations and Rates. That the following Rules and Regulations governing solid waste service, including rates and conditions, are hereby adopted.

ARTICLE I
GENERAL

Section 1.01 Public Works Director. Solid Waste service shall be under the control and supervision of the City's Public Works Director or the Director's designee. However, this rule shall not alter the responsibility of the Franchisee in providing Solid Waste service as provided by the Astoria Code and by these Rules and Regulations.

Section 1.02 Solid Waste Collection Charges. It is the policy of the City that each Customer will be charged in accordance with the existing schedule of fees. Charges for all Solid Waste service performed within the Astoria city limits by the Franchisee or its representative will be billed through the records of the City's Franchisee. Such billing shall include charges for all container rentals within the city limits.

ARTICLE II
CUSTOMER'S RESPONSIBILITIES

Section 2.01 Containers not to be Overloaded. A customer shall not overload any container with earth, rocks or other heavy Solid Waste beyond the point where one (1) man can reasonably lift the container to the pickup vehicle. The maximum gross weight of a thirty-two (32) gallon container and material shall not exceed sixty-five (65) pounds. A customer shall not overload any container beyond the point where a cover can be securely replaced.

Section 2.02 Responsibility to Place Garbage in Containers. It shall be the responsibility of the customer to place Solid Waste in a container and to keep the area around the container in a neat

and sanitary condition. Customers are required to place containers at curbside, unless other arrangements are made with the Franchisee.

Section 2.03 Explosive, Hazardous and Toxic Materials Prohibited. A customer shall not place explosive, hazardous, toxic or inflammable materials in any container used for Solid Waste service.

Section 2.04 Location of Special Pickup Material. Special pickup materials shall be placed, by the customer, at a container or as near thereto as possible.

Section 2.05 Customers to Restrain Vicious Animals. Each customer must restrain vicious animals beyond the reach of each Solid Waste container and must take all steps to prevent any interference with the Franchisee in the performance of Solid Waste service. The Franchisee may refuse to remove Solid Waste if vicious animals present a dangerous situation.

Section 2.06 Certain Solid Waste Prohibited. No customer shall fill containers with dishwater or other liquid or semi-liquid wastes which are properly disposable down the sanitary drains.

Section 2.07 Containers to be Kept Clean. From time to time, a customer shall thoroughly clean each Solid Waste container which is thirty-two (32) gallons or smaller, or is a ninety (90) gallon curbside tote, to prevent any odor nuisance and to keep each container free from accumulative grease and decomposing material.

Section 2.08 Common Containers Prohibited. Customers shall not use a common Solid Waste container except at an apartment house, industrial and commercial building, and at other buildings where Solid Waste service is provided and included in the rent or lease price as a building service.

ARTICLE III RATE SCHEDULES

Section 3.01 Rates Authorized. In accordance with the provisions of the Astoria Code, rates, attached as Exhibit A, are hereby adopted as the schedule for all Solid Waste services in the City of Astoria, effective July 1, 2014.

Section 3.02 Schedule of Rates. The schedule of rates attached as Exhibit "A" applies to all collections and will be the basis of billings to all customers by the Franchisee.

Section 3.03 20 Gallon Residential Container.

In order to qualify for the 20 gallon rate, a customer needs to meet the following conditions:

1. Only one 20-gallon container is allowed per residence.
2. The 20-gallon container discount is available only to households that actively recycle at least once a month.
3. The 20-gallon container is available only to households that recycle by use of the Astoria recycling boxes.

SECTION 2. Repeal of Resolution. Resolution No. 14-13 adopted May 5, 2014, is hereby repealed.

SECTION 3. Effective Date. This resolution shall go into effect on July 1, 2016.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2016.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2016.

Mayor

Attest:

City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
Councilor Nemlowill			
Herzig			
Price			
Warr			
Mayor LaMear			

EXHIBIT A

**RECOLOGY WESTERN OREGON
AST CITY OF ASTORIA**

**SUMMARY RATE SHEET
EFF. DATE: 7/1/2016**

CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
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CAN & CART SERVICES - CURBSIDE

CURBSIDE: WITHIN 4 FEET OF THE CURB OR ROAD, AND AWAY FROM ALL CARS, MAIL BOXES, OR OTHER ITEMS.

20/32 GALLON CAN SERVICE (CUSTOMER PROVIDES CAN) MONTHLY RATES

C2GWC	20G CAN-CURB	\$ 20.05	0.00%	\$ -	\$ 20.05
CNGWC	32G CAN-CURB	\$ 23.58	0.00%	\$ -	\$ 23.58
CNGEC	32G CAN EOW-CURB	\$ 15.34	0.00%	\$ -	\$ 15.34
CNGMC	32G CAN OAM-CURB	\$ 8.24	0.00%	\$ -	\$ 8.24
OCCC	CAN ON CALL CURB	\$ 8.10	0.00%	\$ -	\$ 8.10

32 GALLON CART SERVICE MONTHLY RATES

32GWC	32G CART-CURB	\$ 22.35	0.00%	\$ -	\$ 22.35
32GEC	32G CART EOW-CURBSIDE	\$ 14.52	0.00%	\$ -	\$ 14.52
32GMC	32G CART MONTHLY-CURB	\$ 7.82	0.00%	\$ -	\$ 7.82
OC3C	32 GAL CART ON CALL CURB	\$ 7.66	0.00%	\$ -	\$ 7.66

90 GALLON CART SERVICE MONTHLY RATES

90GWC	90G CART-CURB	\$ 37.24	0.00%	\$ -	\$ 37.24
90GEC	90G CART EOW-CURB	\$ 24.20	0.00%	\$ -	\$ 24.20
90GMC	90G CART OAM-CURB	\$ 13.05	0.00%	\$ -	\$ 13.05
OC9C	90 GAL CART ON CALL CURB	\$ 12.79	0.00%	\$ -	\$ 12.79

MONTHLY CART RENT (FOR ON-CALL SERVICE)

90GOC	90G CART WILL CALL-CURB	\$ 2.70	0.00%	\$ -	\$ 2.70
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SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECT (C/S = Curbside) RATE PER EACH

SP32C	SPEC P/U 32G CART C/S	\$ 7.66	0.00%	\$ -	\$ 7.66
SP90C	SPEC P/U 90G CART C/S	\$ 12.79	0.00%	\$ -	\$ 12.79

CAN & CART SERVICES - NON-CURBSIDE (SIDEYARD)

NON-CURBSIDE: VISIBLE FROM THE STREET, OUTSIDE OF GARAGES AND FENCED AREAS.

20/32 GALLON CAN SERVICE (CUSTOMER PROVIDES CAN) MONTHLY RATES

C2GWS	20G CAN-SIDE	\$ 21.09	0.00%	\$ -	\$ 21.09
CNGWS	32G CAN-SIDE	\$ 24.83	0.00%	\$ -	\$ 24.83
CNGES	32G CAN EOW-SIDE	\$ 16.13	0.00%	\$ -	\$ 16.13
CNGMS	32G CAN OAM-SIDE	\$ 8.69	0.00%	\$ -	\$ 8.69
OCCS	CAN ON CALL SIDE	\$ 8.53	0.00%	\$ -	\$ 8.53

32 GALLON CART SERVICE MONTHLY RATES

32GWS	32G CART-SIDE	\$ 34.76	0.00%	\$ -	\$ 34.76
32GES	32G CART EOW-SIDEYARD	\$ 22.58	0.00%	\$ -	\$ 22.58
32GMS	32G CART MONTHLY-SIDE	\$ 12.15	0.00%	\$ -	\$ 12.15
OC3S	32 GAL CART ON CALL SIDE	\$ 11.93	0.00%	\$ -	\$ 11.93

90 GALLON CART SERVICE MONTHLY RATES

90GWS	90G CART-SIDE	\$ 57.12	0.00%	\$ -	\$ 57.12
90GES	90G CART EOW-SIDE	\$ 37.12	0.00%	\$ -	\$ 37.12
90GMS	90G CART OAM-SIDE	\$ 19.99	0.00%	\$ -	\$ 19.99
OC9S	90 GAL CART ON CALL SIDE	\$ 19.61	0.00%	\$ -	\$ 19.61

MONTHLY CART RENT (FOR ON-CALL SERVICE)

90GOS	90G CART WILL CALL-SIDE	\$ 2.70	0.00%	\$ -	\$ 2.70
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SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECT (NON C/S = Non-Curbside) RATE PER EACH

SP32S	SPEC P/U 32G CART NON C/S	\$ 11.93	0.00%	\$ -	\$ 11.93
SP90S	SPEC P/U 90G CART NON C/S	\$ 19.61	0.00%	\$ -	\$ 19.61

CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
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OTHER SERVICES & FEES

EXTRAS - PER UNIT CHARGES (APPROX. 32 GALLONS PER UNIT) RATE PER EACH

XBAG	EXTRA BAG(S)	\$ 5.89	0.00%	\$ -	\$ 5.89
XBOX	EXTRA BOX	\$ 5.89	0.00%	\$ -	\$ 5.89
XCAN	EXTRA CAN(S)	\$ 5.89	0.00%	\$ -	\$ 5.89
XMISC	EXTRA MISC	\$ 5.89	0.00%	\$ -	\$ 5.89
X32	EXTRA 32G CART(S)	\$ 5.89	0.00%	\$ -	\$ 5.89
X90	EXTRA 90G CART(S)	\$ 9.32	0.00%	\$ -	\$ 9.32

BULKY ITEM COLLECTION (SVC CHARGE + CHARGE PER ITEM)

RATES LISTED ARE FOR COLLECTION AT CURB. ADDITIONAL CHARGES MAY APPLY FOR RETRIEVAL. **RATE PER EACH**

APF	REFRIGERATOR/FREEZER	\$ 51.66	0.00%	\$ -	\$ 51.66
APPL	APPLIANCE	\$ 11.48	0.00%	\$ -	\$ 11.48
FURN	FURNITURE CHARGE	\$ 17.22	0.00%	\$ -	\$ 17.22
TREE	EXTRA CHRISTMAS TREE	\$ 11.78	0.00%	\$ -	\$ 11.78
IRSC	IN ROUTE SERVICE CHARGE	\$ 20.02	0.00%	\$ -	\$ 20.02
SC	SERVICE CHARGE	\$ 78.88	0.00%	\$ -	\$ 78.88

RELATED FEES RATE PER EACH

CRIR	CART REDELIVERY IN ROUTE	\$ 10.00	0.00%	\$ -	\$ 10.00
CROR	CART REDELIVER OUT OF ROUTE	\$ 20.00	0.00%	\$ -	\$ 20.00
CORDF	CONTAINER RE-DELIVERY FEE	\$ 40.03	0.00%	\$ -	\$ 40.03

Note: Re-Delivery fees apply for resume service after suspend.

RATE PER EACH

CCF	CART CLEANING FEE	\$ 10.00	0.00%	\$ -	\$ 10.00
CRF	CART REPLACEMENT FEE	\$ 65.00	0.00%	\$ -	\$ 65.00

Note: Replacement fee is used for loss/damage beyond normal wear and tear.

RATE PER EACH

WLI	WIND LATCH INSTALLATION	\$ 15.00	0.00%	\$ -	\$ 15.00
RF	REINSTATEMENT FEE	\$ 15.00	0.00%	\$ -	\$ 15.00
NSFCF	RETURNED CHECK FEE	\$ 25.00	0.00%	\$ -	\$ 25.00

FRONT-LOAD CONTAINER SERVICE

1 YARD CONTAINERS MONTHLY RATES

1GW	1YD TRASH	\$ 142.14	0.00%	\$ -	\$ 142.14
1GE	1YD TRASH EOW	\$ 83.47	0.00%	\$ -	\$ 83.47
1GM	1YD TRASH MONTHLY	\$ 51.87	0.00%	\$ -	\$ 51.87
1OC	ON CALL-1YD TRASH	\$ 29.82	0.00%	\$ -	\$ 29.82
1XP	EXTRA PICK UP-1YD TRASH	\$ 29.82	0.00%	\$ -	\$ 29.82

1.5 YARD CONTAINERS MONTHLY RATES

1HGW	1.5YD TRASH	\$ 173.41	0.00%	\$ -	\$ 173.41
1HGE	1.5YD TRASH EOW	\$ 99.11	0.00%	\$ -	\$ 99.11
1HGM	1.5YD TRASH MONTHLY	\$ 59.11	0.00%	\$ -	\$ 59.11
1HOC	ON CALL-1.5YD TRASH	\$ 37.77	0.00%	\$ -	\$ 37.77
1HXP	EXTRA PICK UP-1.5YD TRASH	\$ 37.77	0.00%	\$ -	\$ 37.77

2 YARD CONTAINERS MONTHLY RATES

2GW	2YD TRASH	\$ 204.68	0.00%	\$ -	\$ 204.68
2GE	2YD TRASH EOW	\$ 114.72	0.00%	\$ -	\$ 114.72
2GM	2YD TRASH MONTHLY	\$ 66.33	0.00%	\$ -	\$ 66.33
2OC	ON CALL-2YD TRASH	\$ 45.70	0.00%	\$ -	\$ 45.70
2XP	EXTRA PICK UP-2YD TRASH	\$ 45.70	0.00%	\$ -	\$ 45.70

**RECOLOGY WESTERN OREGON
AST CITY OF ASTORIA**

**SUMMARY RATE SHEET
EFF. DATE: 7/1/2016**

CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
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3 YARD CONTAINERS

MONTHLY RATES

3GW	3YD TRASH	\$ 267.24	0.00%	\$ -	\$ 267.24
3GE	3YD TRASH EOW	\$ 146.02	0.00%	\$ -	\$ 146.02
3GM	3YD TRASH MONTHLY	\$ 80.79	0.00%	\$ -	\$ 80.79
3OC	ON CALL-3YD TRASH	\$ 61.60	0.00%	\$ -	\$ 61.60
3XP	EXTRA PICK UP-3YD TRASH	\$ 61.60	0.00%	\$ -	\$ 61.60

4 YARD CONTAINERS

MONTHLY RATES

4GW	4YD TRASH	\$ 329.80	0.00%	\$ -	\$ 329.80
4GE	4YD TRASH EOW	\$ 177.28	0.00%	\$ -	\$ 177.28
4GM	4YD TRASH MONTHLY	\$ 95.24	0.00%	\$ -	\$ 95.24
4OC	ON CALL-4YD TRASH	\$ 77.49	0.00%	\$ -	\$ 77.49
4XP	EXTRA PICK UP-4YD TRASH	\$ 77.49	0.00%	\$ -	\$ 77.49

5 YARD CONTAINERS

MONTHLY RATES

5GW	5YD TRASH	\$ 392.35	0.00%	\$ -	\$ 392.35
5GE	5YD TRASH EOW	\$ 208.57	0.00%	\$ -	\$ 208.57
5GM	5YD TRASH MONTHLY	\$ 109.67	0.00%	\$ -	\$ 109.67
5OC	ON CALL-5YD TRASH	\$ 93.37	0.00%	\$ -	\$ 93.37
5XP	EXTRA PICK UP-5YD TRASH	\$ 93.37	0.00%	\$ -	\$ 93.37

6 YARD CONTAINERS

MONTHLY RATES

6GW	6YD TRASH	\$ 454.89	0.00%	\$ -	\$ 454.89
6GE	6YD TRASH EOW	\$ 239.84	0.00%	\$ -	\$ 239.84
6GM	6YD TRASH MONTHLY	\$ 124.11	0.00%	\$ -	\$ 124.11
6OC	ON CALL-6YD TRASH	\$ 109.27	0.00%	\$ -	\$ 109.27
6XP	EXTRA PICK UP-6YD TRASH	\$ 109.27	0.00%	\$ -	\$ 109.27

8 YARD CONTAINERS

MONTHLY RATES

8GW	8YD TRASH	\$ 557.10	0.00%	\$ -	\$ 557.10
8GE	8YD TRASH EOW	\$ 290.93	0.00%	\$ -	\$ 290.93
8GM	8YD TRASH MONTHLY	\$ 147.73	0.00%	\$ -	\$ 147.73
8OC	ON CALL-8YD TRASH	\$ 135.23	0.00%	\$ -	\$ 135.23
8XP	EXTRA PICK UP-8YD TRASH	\$ 135.23	0.00%	\$ -	\$ 135.23

CONTAINER MONTHLY RENT (CHARGED TO WILL-CALL CUSTOMERS, SAME FOR ALL SIZES)

RNT1	1YD RENT - TRASH	#N/A	0.00%	\$ -	#N/A
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FRONT-LOAD COMPACTOR RATE FACTORS - For all compacted material, including pre-compacted waste.

Compactor Rating	4 : 1	3 : 1	2 : 1
Factor applied to container rate of same size	1.5	1.3	1.12

DEBRIS BOX SERVICES

SET HAUL FEES (BASED ON AVERAGE TRUCK TIMES)

RATE PER HAUL

DEL	DELIVERY CHARGE	\$ 40.03	0.00%	\$ -	\$ 40.03
10HG	10 YD TRASH BOX HAUL	\$ 87.57	0.00%	\$ -	\$ 87.57
20HG	20 YD TRASH BOX HAUL	\$ 87.57	0.00%	\$ -	\$ 87.57
30HG	30 YD TRASH BOX HAUL	\$ 87.57	0.00%	\$ -	\$ 87.57
47HG	47 YD TRASH BOX HAUL	\$ 87.57	0.00%	\$ -	\$ 87.57
40CG	COMPACTOR HAUL FEE (ALL SIZES)	\$ 87.57	20.00%	\$ 17.51	\$ 105.08

**RECOLOGY WESTERN OREGON
AST CITY OF ASTORIA**

**SUMMARY RATE SHEET
EFF. DATE: 7/1/2016**

CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
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DEBRIS BOX DISPOSAL FEES (\$\$/TON)

RATE PER TON

DFDM	DISPOSAL FEE - DEMOLITION	\$ 94.00	0.00%	\$ -	\$ 94.00
DFG	DISPOSAL FEE - GARBAGE	\$ 102.61	0.00%	\$ -	\$ 102.61

Note: Recycling ton fees will be equal to or less than trash fees, based on current market pricing.

RELATED FEES

RATE PER DAY

RENTD	DAILY RENTAL FEE	\$ 12.48	0.00%	\$ -	\$ 12.48
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Note: Daily Rent applies after 48 hours, excluding evenings and weekends.

RATE PER MONTH

RENTM	MONTHLY RENTAL FEE	\$ 131.11	0.00%	\$ -	\$ 131.11
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Note: Monthly rent applies for customers who keep a box for a year or longer.

RATE PER HOUR

TIME	TRUCK TIME FEE	\$ 117.72	0.00%	\$ -	\$ 117.72
1T1E	1 TRUCK - 1 EMPLOYEE	\$ 111.67	0.00%	\$ -	\$ 111.67
1T2E	1 TRUCK - 2 EMPLOYEES	\$ 176.58	0.00%	\$ -	\$ 176.58

Note: Hourly Truck Time is used for hauls to destinations outside our normal operating areas.

TEMPORARY RENTAL CONTAINERS

RATE PER EACH

3YRGD	DELV 3 YD RENTAL FOR TRASH	\$ 26.03	0.00%	\$ -	\$ 26.03
3YRGP	SERVICE 3 YD RENTAL FOR TRASH	\$ 86.23	0.00%	\$ -	\$ 86.23
3YRXD	ADDL DAY - 3YD RENT CONTAINER	\$ 2.00	0.00%	\$ -	\$ 2.00

Note: Temporary = not longer than 30 days, with 45 days between projects. Rent included for first 7 days.

BULKY ITEMS - DEBRIS BOX

STANDARD FEES APPLY FOR THESE ITEMS IF DECLARED & SEPARATED ACCORDING TO INSTRUCTIONS.

ADDITIONAL FEES MAY APPLY FOR ITEMS FOUND IN LOADS.

RATE PER EACH

TOFFR	TIRE CHARGE NO RIM	\$ 4.59	0.00%	\$ -	\$ 4.59
TONR	TIRE CHARGE ON RIM	\$ 9.18	0.00%	\$ -	\$ 9.18
APPL	APPLIANCE	\$ 11.48	0.00%	\$ -	\$ 11.48
APF	REFRIGERATOR/FREEZER	\$ 51.66	0.00%	\$ -	\$ 51.66

MEDICAL WASTE COLLECTION SERVICES

RATE PER EACH

M4HSC	4.7 QT SHARPS CONTAINER	\$ 19.74	2.50%	\$ 0.49	\$ 20.23
M10SC	10 QT SHARPS CONTAINER	\$ 22.95	2.50%	\$ 0.57	\$ 23.52
M23SC	23 QT SHARPS CONTAINER	\$ 44.65	2.50%	\$ 1.11	\$ 45.76
9CDBC	9GAL CONFIDENTIAL DOCUMENT BOX	\$ 34.78	2.50%	\$ 0.86	\$ 35.64
M21BX	21 GAL MEDICAL WASTE BOX	\$ 35.46	2.50%	\$ 0.88	\$ 36.34
M48BX	48 GAL MEDICAL WASTE BOX	\$ 41.46	2.50%	\$ 1.03	\$ 42.49
M8GBP	RX MED WASTE TUB	\$ 93.23	2.50%	\$ 2.33	\$ 95.56

Note: Additional fees may apply for overweight tubs. Improperly prepared materials cannot be collected.

Finance Charges (0.75% monthly, 9% annually) will be assessed on any past due amount (excluding amounts in dispute over billing or service issues).
Billing Terms: Commercial Accounts are billed on a monthly basis.
Residential accounts are billed once every two months; one in advance and one in arrears.




CITY OF ASTORIA

Founded 1811 • Incorporated 1856

May 11, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: COLUMBIA MEMORIAL HOSPITAL (CMH) BOND ISSUE

BACKGROUND

Columbia Lutheran Charities, dba Columbia Memorial Hospital (CMH), an Oregon nonprofit public benefit corporation and an organization described in Section 501(c)(3) of the Internal Revenue code of 1986 (the "Code"), has requested The Hospital Facilities Authority of the City of Astoria, Oregon (the "Authority") issue non-recourse revenue bonds for and on behalf of Columbia Memorial in an aggregate principal amount not exceeding \$ 20,000,000, and, on May 19, 2016, the Authority adopted a Bond Resolution approving such request.

Section 147(f) of the Code requires qualified 501(c)(3) bonds be approved by the applicable elected representatives of the governmental unit issuing such bonds and the governmental unit having jurisdiction over the area in which the Project is located. The Mayor and City Council of the City are the elected representatives; the Board of Directors of the Authority are not elected representatives.

The principal and interest on the Bonds will not constitute a debt of the City of Astoria or the Authority, nor shall the Bonds be payable from a tax of any nature levied upon any property within the City of Astoria nor any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources of CMH.

DISCUSSION

The Oregon Revised Statutes provide a municipality may establish a Hospital Facilities Authority (HFA) to oversee the development of hospital facilities within the city. The City of Astoria has established such an authority to oversee the development of Columbia Memorial Hospital (CMH). The HFA may issue bonds for hospital facilities but only after the City Council approves the bond issue.

CMH is seeking approval for financing the following projects: i) capital construction, remodeling and equipping of facilities used to provide health care, including, without limitation, a cancer center, ii) funding a debt service reserve fund, if required, iii) financing the payment of interest on the Bonds during construction, and iv) certain costs relating to the issuance of the Bonds.

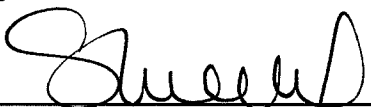
ORS 441.565 states very clearly the obligations of the HFA and CMH are not the obligation of the municipality. The statutes make it clear the debt is the debt of CMH and CMH is required to pay off the bonds. Additionally, the attached resolution highlights the Bonds do not constitute a debt of the City and are payable by the Borrower (CMH). The bond issues are in not an obligation of the City, are not debt backed by the full faith and credit of the City and the City's General Fund is in no way liable for any payment related to these bonds.

HFA is asking the Council to hold a hearing regarding issuance of the bonds. If the hearing is without consequence, the HFA is requesting Council to approve the attached resolution. This is a technical exercise required to satisfy the legal requirements for CMH to sell the bonds.

City Attorney Blair Henningsgaard has reviewed the attached materials as to form and concurs the request is appropriate.

RECOMMENDATION

It is requested that Council hold a hearing regarding issuing the bonds and consider approval of the attached resolution authorizing the sale of bonds.

By:  _____
Susan Brooks, CPA
Director of Finance & Administrative Services

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASTORIA, OREGON AUTHORIZING THE APPROVAL OF HOSPITAL REVENUE BONDS, SERIES 2016 (COLUMBIA MEMORIAL HOSPITAL) ISSUED BY THE HOSPITAL FACILITIES AUTHORITY OF THE CITY OF ASTORIA, OREGON IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000.

WHEREAS, The Hospital Facilities Authority of the City of Astoria, Oregon (the "Authority"), has received a request from Columbia Lutheran Charities, dba Columbia Memorial Hospital, a nonprofit corporation organized and existing under the laws of the State of Oregon (the "Borrower"), to issue its Hospital Revenue Bonds, Series 2016 (Columbia Memorial Hospital) in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds") to finance the costs of the following projects (collectively, the "Project"):

- (i) capital construction, remodeling, and equipping of facilities used to provide health care, including, without limitation, a cancer center;
- (ii) funding a debt service reserve fund, if required;
- (iii) financing the payment of interest on the Bonds during construction; and
- (iv) paying certain costs relating to the issuance of the Bonds.

WHEREAS, on May 19, 2016 the Authority adopted an Inducement Resolution giving preliminary approval of the issuance of the Bonds and on June 6, 2016 the Authority adopted a Bond Resolution authorizing the negotiated sale, execution and delivery of the Bonds and related bond documents for and on behalf of the Borrower.

WHEREAS, the City Council of the City of Astoria, Oregon (the "City") has been asked to conduct a public hearing and approve of the issuance of the Bonds by the Authority.

WHEREAS, the City has been advised by Orrick, Herrington & Sutcliffe LLP, bond counsel to the Authority, that the principal of and interest on the Bonds will not constitute a debt of the City, nor shall the Bonds be payable from a tax of any nature levied upon any property within the City or any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources provided by the Borrower.

WHEREAS, the Internal Revenue Code of 1986, as amended, (the "Code") authorizes the issuance of revenue bonds for a "qualified 501(c)(3) entity," such as the Borrower.

WHEREAS, Section 147(f) of the Code requires that qualified 501(c)(3) bonds be approved by the applicable elected representatives of the governmental unit issuing such bonds and the applicable elected representatives of the governmental unit having jurisdiction over the area in which the Project is located.

WHEREAS, the City Council of the City is the applicable elected representative of the governmental unit having jurisdiction over the Authority and having jurisdiction over the area in which the Project is located.

WHEREAS, notice of the public hearing regarding the Bonds was published on June 2, 2016 in *The Daily Astorian*. The City Council finds that such publication was reasonable public notice of such hearing.

WHEREAS, the City Council conducted a public hearing on the date hereof regarding the issuance of the Bonds and has invited oral and written comments from the public. The public hearing provided a reasonable opportunity for members of the public to be heard by the City Council.

WHEREAS, the City finds that it would be in the best interest of the City to approve of the issuance of the Bonds by the Authority pursuant to the requirements of Section 147(f) of the Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ASTORIA, OREGON RESOLVES, AS FOLLOWS:

Section 1. Public Hearing. The City Council has conducted a public hearing regarding the issuance of the Bonds and has invited oral and written comments from the public.

Section 2. Approval of the Bonds. The City Council, as the applicable elected representatives of the governmental unit having jurisdiction over the Authority and having jurisdiction over the area in which the Project is located (Columbia Memorial Hospital), and after holding the public hearing, approves of the issuance of the Bonds by the Authority in an aggregate principal amount not to exceed \$20,000,000.

Section 3. No Liability. The Bonds are nonrecourse revenue Bonds of the Authority payable solely from the revenues and resources provided by the Borrower. The City has no liability or obligation with respect to the Bonds.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption by the City Council.

ADOPTED BY THE CITY COUNCIL THIS __ DAY OF JUNE, 2016.

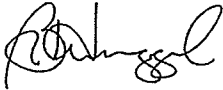
APPROVED BY THE MAYOR THIS ___ DAY OF JUNE, 2016.

CITY OF ASTORIA, OREGON

By: _____
Mayor

ATTEST:

By: _____
City Manager



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CITY OF ASTORIA

Founded 1811 • Incorporated 1856

May 31, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER


SUBJECT: RESOLUTION TO ELECT TO RECEIVE STATE SHARED REVENUES

DISCUSSION/ANALYSIS

Oregon Revised Statute 221.770 requires the City to adopt a resolution to declare its intent to receive state revenue for each new fiscal year. State shared revenues include the state gas tax, alcohol tax, cigarette tax and state shared revenues. The attached resolution expresses the City's intention to receive state shared revenues for FY 2016 - 17.

RECOMMENDATION

It is recommended that the City Council consider this resolution for adoption.

By: 
Susan Brooks, CPA
Director of Finance and Administrative Services

Resolution No. 16-

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASTORIA:

Section 1. That, in accordance with ORS 221.770, the City of Astoria hereby elects to receive state revenues for fiscal year 2016-2017.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2016.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2016.

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
Councilor - Nemlowill			
Herzig			
Price			
Warr			
Mayor LaMear			




CITY OF ASTORIA

Founded 1811 • Incorporated 1856

May 19, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: PUBLIC HEARING AND RESOLUTION TO ADOPT THE CITY OF
ASTORIA BUDGET FOR FYE JUNE 30, 2017

Discussion & Analysis

Oregon Local Budget Law requires that the City Council hold a public hearing on the budget, as recommended for approval by the Budget Committee. Notice of this hearing, scheduled for June 6, 2016, was published in the Daily Astorian on Wednesday, May 18, 2016.

The budget for the City of Astoria, as discussed and recommended for approval by the Budget Committee, is ready for the City Council to consider for adoption. Copies of the approved budget were previously distributed to the Council. The budget was also posted on the City's website and is available in hard copy at the Finance Department and the Astoria Public Library.


Changes from the proposed budget, approved by the Budget Committee are reflected in the attached resolution as follows:

The Ending Fund Balance of the Capital Improvement Fund is reduced by \$ 60,000 and the Capital Outlay - Machinery and Equipment is increased to recognize the additional cost for Spur 14 Project brought before Council at the May 16, 2016 meeting.

The attached resolution will adopt resources and appropriations and authorize the collection of taxes at a rate of \$8.1738 per thousand for FYE June 30, 2017.

Recommendation

It is recommended City Council hold a public hearing on the FYE June 30, 2017 budget as approved by the Budget Committee. After the hearing, it is recommended that the Council consider the resolution to adopt the budget.

By: 

Susan Brooks CPA
Director of Finance and Administrative Services

**A RESOLUTION TO ADOPT BUDGET, MAKE APPROPRIATIONS, DECLARE TAX LEVIES AND
CATEGORIZE TAXES FOR THE CITY OF ASTORIA BEGINNING JULY 1, 2016**

WHEREAS, in accordance with ORS 294.456, the City Council is required to adopt the budget, make appropriations, declare tax levies and categorize taxes by resolution; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASTORIA:

Section 1. That the City Council of the City of Astoria hereby adopts the budget as approved by the Budget Committee for 2016-17 in the total sum of **\$ 37,733,284.00**, now on file at City Hall.

Section 2. That the expenditures for the fiscal year beginning July 1, 2016, and for the purposes shown below, are hereby appropriated as

<u>General Fund</u>		<u>CSO Projects Fund</u>	
City Council	13,220	Personnel Services	-
City Manager	278,920	Materials & Services	225,000
Municipal Court	181,680	Capital Outlay	2,075,000
Finance	678,190	Contingency	-
City Attorney	88,050	Ending Fund Balance	-
Community Development	403,110	FUND TOTAL	<u>2,300,000</u>
City Hall	63,840		
Non & Interdepartmental	678,500		
Fire	1,829,980	<u>Local Impr. Debt Service Fund</u>	
Police	2,439,500	Debt Service	-
Library	500,640	Ending Fund Balance	189,870
Contingency	2,017,990	Transfer to Other Funds	22,000
Transfers to Other Funds	<u>1,634,000</u>	FUND TOTAL	<u>211,870</u>
FUND TOTAL	<u>10,807,620</u>		
		<u>East Astoria Waterline Debt Service Fund</u>	
<u>Capital Improvement Fund</u>		Debt Service	66,970
Materials & Services	197,200	Ending Fund Balance	26,330
Capital Outlay	1,603,630	FUND TOTAL	<u>93,300</u>
Debt Service	40,480		
Contingency	50,000	<u>7th Street Dock LID Debt Svc Fund</u>	
Ending Fund Balance	<u>1,147,090</u>	Debt Service	14,090
FUND TOTAL	<u>3,038,400</u>	Ending Fund Balance	16,830
		FUND TOTAL	<u>30,920</u>
<u>Unemployment Fund</u>		<u>Combined Sewer Overflow (CSO) Debt Service Fund</u>	
Materials & Services	15,000	Materials & Services	56,480
Contingency	2,250	Debt Service	1,430,940
Ending Fund Balance	<u>27,910</u>	Contingency	50,000
FUND TOTAL	<u>45,160</u>	Ending Fund Balance	739,570
		FUND TOTAL	<u>2,276,990</u>
<u>Revolving Loan Fund</u>		<u>Public Works Fund</u>	
Special Payments	80,000	Engineering	1,093,910
Contingency	12,000	Shop & Yard	517,720
Ending Fund Balance	<u>69,620</u>	Streets	589,090
FUND TOTAL	<u>161,620</u>	Sanitation	68,780
		Sewer	1,234,520
<u>Building Inspection Fund</u>		Stormwater	190,670
Personnel Services	212,340	Water	1,661,660
Materials & Services	27,950	Contingency	107,590
Contingency	20,000	FUND TOTAL	<u>5,463,940</u>
Transfers to Other Funds	15,210		
Ending Fund Balance	<u>336,000</u>		
FUND TOTAL	<u>611,500</u>		

Emergency Communications Fund

Personnel Services	1,057,980
Materials & Services	115,400
Capital Outlay	66,000
Transfers to Other Funds	21,000
Contingency	31,200
Ending Fund Balance	<u>117,930</u>
FUND TOTAL	<u>1,409,510</u>

Community Policing Fund

Materials & Services	8,500
Contingency	<u>-</u>
FUND TOTAL	<u>8,500</u>

Parks Project Fund

Materials & Services	20,000
Capital Outlay	77,970
Ending Fund Balance	<u>-</u>
FUND TOTAL	<u>97,970</u>

Maritime Memorial Fund

Materials & Services	25,000
Capital Outlay	75,240
Contingency	<u>-</u>
FUND TOTAL	<u>100,240</u>

Parks Operation Fund

Aquatics	601,820
Recreation/Administration	927,050
Maintenance	558,540
Contingency	<u>17,574</u>
FUND TOTAL	<u>2,104,984</u>

Astoria Road District Fund

Materials & Services	20,660
Capital Outlay	500,000
Contingency	75,000
Ending Fund Balance	<u>240,000</u>
FUND TOTAL	<u>835,660</u>

State Tax Street Fund

Transfer to Other Funds	762,000
Contingency	43,960
Ending Fund Balance	<u>-</u>
FUND TOTAL	<u>805,960</u>

Trails Reserve Fund

Materials & Services	5,000
Capital Outlay	<u>29,790</u>
FUND TOTAL	<u>34,790</u>

Public Works Improvement Fund

Materials & Services	768,000
Capital Outlay	118,200
Debt Service	609,170
Transfer to Other Funds	208,830
Contingency	<u>219,920</u>
FUND TOTAL	<u>1,924,120</u>

Cemetery Fund

Capital Outlay	38,820
FUND TOTAL	<u>38,820</u>

17th Street Dock Fund

Personnel Services	12,500
Materials & Services	45,500
Capital Outlay	294,000
Debt Service	135,540
Transfer to Other Funds	146,500
Contingency	60,000
Ending Fund Balance	<u>209,360</u>
FUND TOTAL	<u>903,400</u>

Aquatic Facility Trust

Materials & Services	1,130
Ending Fund Balance	<u>6,390</u>
FUND TOTAL	<u>7,520</u>

Astoria Public Library Endowment Fund

Materials & Services	21,240
Capital Outlay	4,500
Contingency	-
Ending Fund Balance	<u>111,920</u>
FUND TOTAL	<u>137,660</u>

Cemetery Irreducible Fund

Ending Fund Balance	<u>869,670</u>
FUND TOTAL	<u>869,670</u>

Promote Astoria Fund

Materials & Services	603,830
Capital Outlay	113,000
Debt Service	148,940
Contingency	100,000
Ending Fund Balance	<u>575,350</u>
FUND TOTAL	<u>1,541,120</u>

Logan Memorial Library

Materials & Services	-
Contingency	-
Ending Fund Balance	<u>872,040</u>
FUND TOTAL	<u>872,040</u>

Public Works Capital Reserve Fund

Capital Outlay	1,000,000
FUND TOTAL	<u>1,000,000</u>

TOTAL	
APPROPRIATIONS	<u>37,733,284</u>

CSO Maintenance Fund

Transfer to Other Funds	-
FUND TOTAL	-

Section 3. That the City Council of the City of Astoria hereby imposes taxes provided for in the adopted budget at the rate of \$8.1738 per \$1,000 of assessed value for operations.

Section 4. That, in accordance with ORS 310.060(2), the taxes imposed in Section 3 are categorized as General Government taxes subject to the limits of Section 2, Article XI of the Oregon Constitution.

Section 5. That the Finance Director will file this resolution with the Clatsop County Clerk and the County Assessor on or before July 15, 2016.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2016.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2016.

Mayor

ATTEST:

City Manager

	YEA	NAY	ABSENT
ROLL CALL ON ADOPTION			
Councilor			
Mayor			




CITY OF ASTORIA

Founded 1811 • Incorporated 1856

May 31, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: LIQUOR LICENSE APPLICATION

Discussion & Analysis

A liquor license application has been filed by Erica Miltenberger for Oregon Lass LLC doing business as Workmans Irish Pub. This application is a New Outlet for a Full On-Premises Sales Commercial Establishment License which allows the following:

- May sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises (this is the license most “full-service” restaurants obtain)
- May sell malt beverages, wine, and cider to individuals in a securely covered container (“growler”) for consumption off the licensed premises
- Eligible to apply to get pre-approved to cater some events off of the licensed premises (events that are small, usually closed to the general public, and where food service is the primary activity)
- Eligible to apply for a “special event” license

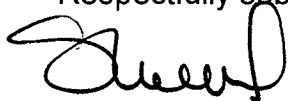
The site is located at 218 W Marine Drive, Astoria, formerly the Union Town Cafe. The application will be considered at the June 6, 2016 meeting. A copy of the application is attached.

The appropriate Departments have reviewed the application. The Astoria Police Department has prepared the attached memorandum for Council’s review. Based upon their analysis it is recommended that Council recommend denial.

Recommendation

It is recommended that the City Council consider this application.

Respectfully submitted,



Susan Brooks

Director of Finance & Administrative Services



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
- Commercial Establishment
- Caterer
- Passenger Carrier
- Other Public Location
- Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: CO

Date: 3/30/16

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Oregon Loss, LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): Workmans Irish Pub

3. Business Location: 218 W. Marine drive Astoria, Clatsop, OR
(number, street, rural route) (city) (county) (state) (ZIP code) 97103

4. Business Mailing Address: 2516 3rd Street Tillamook, OR 97141
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-801-9086 n/a
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No It was previously

7. If yes to whom: n/a Type of License: Full

8. Former Business Name: Union town cafe,

9. Will you have a manager? Yes No Name: n/a
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Astoria, OR / Clatsop
(name of city or county)

11. Contact person for this application: Erica Miltenberger 503-801-9086
(name) (phone number(s))
2516 3rd Street, Tillamook OR 97141 ericamiltenberger
(address) (fax number) (e-mail address) @gmail.com

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Erica Miltenberger Date 3/29/16 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Erica Miltenberger Phone: 503-801-9080

Trade Name (dba): Workmans Irish Pub

Business Location Address: 218 W. Marine drive

City: Astoria ZIP Code: 97103

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 3pm to 2:30
Monday 3pm to 2:30
Tuesday 3pm to 2:30
Wednesday 3pm to 2:30
Thursday 3pm to 2:30
Friday 3pm to 2:30
Saturday 3pm to 2:30

Outdoor Area Hours:

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

The outdoor area is used for:

- Food service Hours: _____ to _____
- Alcohol service Hours: _____ to _____
- Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

we may close earlier if it is not busy

ENTERTAINMENT

Check all that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday 5pm to close
Thursday 5pm to close
Friday 5pm to close
Saturday _____ to _____

SEATING COUNT

Restaurant: _____ Outdoor: 0
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____

OLCC USE ONLY
Investigator Verified Seating: ___(Y)___(N)
Investigator Initials: _____
Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Erica Miltenberger Date: 3/29/10

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

June 1, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: ERIC HALVERSON, DEPUTY CHIEF

SUBJECT: LICENSE RECOMMENDATION WORKMANS IRISH PUB

Astoria Police have conducted a thorough investigation into the applicant and proposed licensed premise related to this application. Based on this investigation, detailed below, Astoria Police recommend an unfavorable recommendation for the Applicant Erica Miltenberger and the outlet Workmans Irish Pub.

Where recently, (on a separate application) the Police Department recommended no action or approval because the finding would have no affect on a change of privileges, In this case, with a new applicant and a substantial number of statutory reasons to recommend a denial the Department believes that the correct action is to find unfavorably and that this action will have significant impact on the OLCC consideration.

DISCUSSION/ANALYSIS

1 BACKGROUND

On 04/05/2016 staff was requested to complete an investigation regarding an application for full on-premise sales commercial establishment / new outlet license for Workmans Irish Pub, 218 W. Marine Dr. Astoria OR 97103. The application indicates that business hours will be 3:00 P.M. to 2:30 AM Sunday through Saturday. On 05/12/2016 Staff received amended times. The amended hours for the business are from 3:00 P.M. – 12:00 A.M. Sunday through Thursday and 3:00 P.M – 1:00 A.M. Friday and Saturday. Additionally the applicant added an outdoor area to the application with hours from 3:00 P.M. – 10:00 P.M. Sunday through Saturday. Entertainment will include live music, DJ music, karaoke, coin operated games and pool tables. Live or DJ music will occur Wednesday through Friday from 5 PM until closing. Later staff received amended entertainment hours which are 6:00 P.M. - 9:00 P.M on Thursday, Friday, Saturday and Sunday.

During staff's preliminary investigation several issues of concern were found. These issues include the following things cited in ORS 471.313 **Grounds for refusing to issue license OLCC**. Due to the amount of follow up needed and the lack of access to the OLCC inspector, who was out of the area until 04/26/2016, a request for an extension of 45 days was made for additional time to investigate the applicant.

On 05/12/2016 Chief Johnston and Deputy Chief Halverson met with applicant Erica Miltenberger to discuss findings and questions that arose during the investigation. Staff has indicated Miltenberger's responses to questions by listing "applicant response" following each section discussed.

Based upon the investigation, staff is recommending an unfavorable recommendation to OLCC. The applicant is aware that staff will be recommending an unfavorable recommendation by Council; however she has been advised that the Council is the final decision maker for such a recommendation.

2 CRITERIA

This memorandum is organized using Oregon Revised Statutes (ORS) 471.313 **Grounds for refusing to issue license OLCC. Each bullet point refers to a subsection of ORS 471.313** While these issues are not binding on Council's decision, they reflect a legal standard that OLCC considers in refusing to issue a liquor license, and which are also pertinent to the character of the applicant, applicant's history, and premise history for current or previous alcohol dispensing establishments the applicant has operated in the past. All of these issues are relevant to the consideration of the council. ORS 471.313 establishes criteria to be considered by OLCC for license refusal. Staff will only address the sub sections of the ORS which are relevant to this applicant. A copy of the ORS is attached at the end of this document for review.

2A FALSE STATEMENT

471.430(4)(b) "That the applicant has made several false statements to the commission" These statements include:

1. In a previous OLCC Liquor License Application applicant failed to disclose a previous DUII Diversion.
2. In the current OLCC Liquor License Application including:
 - (a) Failure to disclose previous conviction by OLCC definition
 - (b) Failure to provide accurate information regarding residency
 - (c) Failure to disclose a previously used surname

This information, if true, would indicate that the applicant may have engaged in the crime of false swearing under ORS 162.075.

Explanation

- (1) In an application filed to obtain the OLCC License for Workmans Irish Pub 111 Main Ave. Tillamook OR on 10/15/2014 question 23, ***Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)*** Miltenberger marked as "no".

In the application filed to obtain an OLCC License for Workmans Irish Pub 218 W. Marine Dr. Astoria OR 97103, Miltenberger indicated on question 23 that "yes" "I completed a diversion program in 2009". For the purposes of this background staff

ran a criminal history check on Miltenberger, who indicated on question 4 of the application ***Other names used (maiden, other)*** that her only other name used was that of Mote. Miltenberger did not come up with any criminal history under either name, which staff would expect to see for a person who completed a diversion program. Staff consulted with Tillamook OLCC Inspector Chris Nolte who initially indicated Miltenberger did not disclose having completed a diversion program. Staff since obtained a copy of the application and independently verified this information. The application for the Tillamook establishment was filed after 2009 when Miltenberger indicates that she did take a diversion. The application also allows for Miltenberger to indicate that she is “unsure” if for some reason she is not clear about the outcome.

Staff used another database to run Miltenberger and found that she also previously used the last name of **Gerlach**. Staff found that Miltenberger did have a criminal history under the name of Gerlach. Gerlach had been arrested in 2009 for DUII in Beaverton Oregon, and that the case was dismissed in 2010 as a result of diversion.

Applicant Response

Miltenberger told Halverson and Johnston she “flew” through the applications. Miltenberger indicated she did not know she hadn’t listed the diversion in the previous two applications (Kilt and Workmans Tillamook).

- (2a) Failure to disclose previous conviction by OLCC definition. In the application for the Astoria business, on Question 19 of the OLCC application, ***In the past 12 years have you been convicted (“convicted”) includes paying a fine’ in Oregon or any other state of a misdemeanor or a felony?*** Miltenberger indicated “no”. In order for a person to qualify for a DUII diversion, they must first plead guilty or no contest and pay fines. Upon successful completion of the diversion program the charge is dismissed. Under the OLCC definition of “convicted” Miltenberger made a false statement in her application.

Applicant Response

Miltenberger told staff she didn’t know that the diversion qualified as a “conviction”. Staff explained the application actually indicates the definition for conviction.

- (2b) Failure to provide accurate information regarding residency. On question 11 of the OLCC application, ***Residence Address*** Miltenberger listed an address of residence at 3969 F Circle Washougal Washington. According to Sergeant Bomar of the Tillamook Police Department, the applicant’s vehicles still display Washington State license plates, however the applicant is residing at 2516 3rd St. Tillamook Oregon 97141. The applicant currently maintains a Washington Driver’s License The applicant’s children are enrolled in Tillamook Oregon Schools as resident children. ORS 803.200 establishes criteria for determining residency. Per the statute, A person is a resident of this state for purposes of titling and registering vehicles if the person engages in any gainful employment in this state or takes any action to indicate the acquiring of the residence in this state during the period of sojourn in this state by (a) remaining in this state for a consecutive period of six months or more regardless of the domicile of the person. (b) Placing children in a

public school without payment of nonresident tuition fees. Staff asked Bomar to check with Tillamook schools to determine whether Miltenberger's children are registered in an Oregon school as Oregon resident children. Based upon this information the applicant has made false statements to the commission regarding her residency and is in violation of several Oregon State Laws pertaining to residency including vehicle registration and individual driver's licensing. The applicant has also failed to pay non-resident tuition fees from which the applicant has gained a financial benefit.

Applicant Response

Miltenberger told staff she and her husband have been going back and forth between Tillamook and Washougal Washington. Miltenberger said her family recently purchased a house in Tillamook and they are renting out their home in Washington. Miltenberger said she did not realize she was out of compliance with registration and licensing laws of Oregon. Miltenberger said that her husband had already started changing over to Oregon license. Miltenberger told staff that they had to order birth certificates which delayed the process.

Miltenberger told staff she did have her kids enrolled as Oregon resident students and she did not realize that out of state tuition was required for out of state children. Miltenberger doesn't think the school inquired about this when enrolling her children. (Staff consulted with Astoria School District Superintendent who indicated that there is no formal procedure statewide for enrollment, however Astoria inquires because it is on the state border and therefore it is more likely that non-resident students might enroll in Astoria Schools. The tuition is also set by the district. Astoria sets theirs at \$5000.00.)

(2c) Failure to disclose a previously used surname

Miltenberger failed to provide the previously used Surname of Gerlach under which several records were located that could be interpreted as relevant grounds for OLCC to refuse to issue a liquor license. There will be additional information regarding this later in this memorandum.

Applicant Response

Miltenberger did not realize she hadn't provided all of her names and she didn't realize that it was important. Miltenberger told staff that she did not intentionally omit her previous names to hide anything.

2B RECORD OF COMPLIANCE

471.313(4)(g) That the applicant did not have a good record of compliance with the alcoholic liquor laws of this State and the rules of the Commission when previously licensed.

1. Staff has received 26 police reports from City of Tillamook Police Department for calls involving or related to Workmans Irish Pub located at 111 Main Ave. in Tillamook Oregon which is operated by the same applicant. This issue dovetails with premise history which will be discussed further later in this memorandum.

2. Staff received reports from Oregon Liquor Control Commission regarding OLCC violations at establishments, previously or currently operated by applicant Miltenberger.

Applicant Response

This will be discussed in conjunction with the premise history further in the memorandum.

Explanation

OLCC Violations Reported

On October 30, 2014 Miltenberger's husband was contacted by OLCC in regard to a complaint about violation of advertising rules. Miltenberger's husband was identified in the inspectors report as the licensee. Miltenberger's husband advised that he was unaware of the advertising violation. Miltenberger was provided with education and no further action was taken regarding the matter.

On February 18, 2015 Workmans Irish Pub Tillamook, bartender failed to verify the age of an OLCC Minor Decoy and served him an alcoholic beverage.

On August 20, 2015 Miltenberger, operating under applicant name Woodstock Lass LLC and business name KILT, was given a letter of reprimand by OLCC following the receipt of two OLCC violations for allowing open containers to be removed from the premises. The two violations occurred within 8 days of one another and in both instances Miltenberger was on site. The violations occurred when patrons took open containers onto a patio area that had not been licensed. Applicant's license was suspended for 14 days.

2C SERIOUS AND PERSISTANT PROBLEMS

ORS 471.313(5) That there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licensed or involving patrons of the establishment in the immediate vicinity of the premises, if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior which is grounds for refusal of a license under this section, where so related to the sale or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or related litter; trespassing on private property; and public urination. Histories from premises currently or previously operated by the applicant may be considered when reasonable inference may be made that similar activities will occur as to the premises proposed to be licensed. The applicant may overcome the history by showing that the problems are not serious or persistent or that the applicant demonstrates a willingness and ability to control adequately the premises proposed to be licensed and patrons behavior in the immediate vicinity of the premises which is related to the licensee's sale or service of alcohol under the licensee's exercise of the license privilege.

CALL HISTORY WORKMANS IRISH PUB TILLAMOOK

Staff requested Tillamook Police Department provide the City with calls to Workmans Irish Pub located at 111 Main St. Tillamook Oregon, because applicant Miltenberger operates that establishment and reasonable inference can be made that similar activities will occur at the premises proposed to be licensed. The reports are as follows:

- 10/29/2014 Warrant Arrest / **Not related to any call or behavior at the bar.**
- 11/28/2014 Probation Violation / **Not related to any call but discovered at the bar.**
- 12/20/2014 Bar Fight / Officers were in the area regarding a bar fight at Workmans Irish Pub in which one involved individual ran away. While in the vicinity a deputy radioed about another fight in front of the bar. Two individuals were arrested by deputies.
- 02/08/2015 Bar Fight / Incident started inside the bar and ended up outside. Case sent to D.A. for review of charges related to harassment and disorderly conduct.
- 02/28/2015 Unwanted person / **Fired Employee called in by bar staff / Trespassed by Tillamook Police Department.**
- 02/28/2016 Criminal Mischief / Knocked over flowerpot next in front of business next to Workmans Irish Pub. Business owner reports that he regularly finds trash, debris, vomit or other substances in front of his business, the Workmans Irish Pub and in the parking lot of the Rodeo Steakhouse on Saturday and Sunday mornings. The business owner reported he has tried to work with the applicant and her husband with no success. Business owner reported he received a call from the owner of Rodeo Steakhouse reporting on this same morning that he found trash and broken beer bottles in his parking lot.
- 03/01/2015 Criminal Mischief - Officers contacted by employees of Rodeo Steakhouse next to Workmans Irish Pub reporting that they were going to start roping off their parking lot due to persistent discoveries of vomit, trash, beer cans and bottles in their parking lot that they have to clean up frequently. Neighboring business Sunset Tans Salon employee reported that she regularly has to clean up trash, vomit and cigarette butts all the time. Officer observed cigarette butts all over the sidewalk and street.
- 03/14/2015 Disturbance - Officer driving by observed a disturbance. A very large intoxicated man reported that he was kicked out of Workmans Irish Pub earlier. The man was yelling at a crowd in front of the Workmans Irish Pub including the applicant, and members of the crowd were yelling back at the man. The man was taken into custody for detox. The man reported he was over served and the bar was giving him four drinks at once then kicked him out when someone tried to fight him.
- 03/17/2015 Harassment/Criminal Mischief - Officer was dispatched to a disturbance at Workmans Irish Pub where "preachers" were outside. A pub patron reportedly

pushed one of the preachers 3 times then ripped a camera off of his shoulder damaging the camera. Suspect cited and released for Harassment and Criminal Mischief.

- 03/25/2015 Harassment/Criminal Mischief - Officer was dispatched to a disturbance at Workmans Irish Pub where "preachers" were outside. A man reportedly came up and was yelling at one of the preachers then ripped a camera off of his shoulder and threw it on the ground. The "preachers" then followed the man and a female he was with to their vehicle and reported the man tried to run them over. Suspects were later contacted and admitted damaging the camera following aggressive proselytizing by the "preachers". Case sent to D.A. for review.
- 03/27/2015 Alcohol related litter - Officer dispatched to neighboring business that reported a mess left by Workmans Irish Pub Patrons. Officer verified four "piles of vomit", a glass from the pub and "countless" cigarette butts. Officer also discovered a sandwich board from the pub that stated "Topless Bartenders" and "Free Beer." Damage was noted to a parking post in a shared parking lot for both businesses.
- 05/20/2015 Disturbance - Officer in the area observed a disturbance outside Workmans Irish Pub involving two males in a shoving match. One male was visibly intoxicated, slurring his words and "mostly incoherent". One bar patron had reportedly walked the visibly intoxicated male outside after he became upset about how he perceived a female inside the bar was being treated. He was not asked to leave the bar per the bartender, who also witnessed what she thought was a fight outside. The bartender said she saw the police were on scene.
- 05/22/2015 Disturbance - Officer dispatched to Workmans Irish Pub for a disturbance. On arrival in the area a visibly intoxicated female began trying to argue with the officer. The officer went into Workmans Irish Pub looking for the reported disturbance. The same female went into the bar and began arguing with the bartender. The female was advised to leave the bar or go to jail. The female continued her behavior outside the bar and continued on an ongoing basis. The officer was dispatched back to the bar when the female again returned to argue with the bartender. The female was not arrested.
- 05/24/2015 Ordinance Violation - Large amount of cardboard boxes outside the adjacent door to Workmans Irish Pub. Cigarette butts on the sidewalk.
- 06/03/2015 Suspicious Circumstances - Officer dispatched to an open front door at Workmans Irish Pub. Bar manager reported she forgot to close the door. Per Officer's report alcohol inventory was readily available if entry had been made.
- 06/06/2015 Disturbance - Officer had just left a bar check at Workmans Irish Pub when he saw a crowd of people spill into the street. The Officer observed three people tussling in the street. One subject was described as highly intoxicated. The officer described being approached by approximately 10 people all of whom he

noted were visibly intoxicated came up and were telling variations of what had happened.

- 06/13/2015 Disorderly Conduct/Harassment- Officer driving by Workmans Irish Pub observed several males and females shoving each other and shouting at each other. A male identified as trying to fight everyone, was out with his wife who was trying to get him to leave. The wife was described as so intoxicated she barely spoke and was leaning against a wall throughout most of the officer's contact. Another female trying to get the male suspect to leave was also visibly intoxicated with a strong odor of alcohol, red watery eyes, staggering and slurring her words. The male suspect was also visibly intoxicated. The male suspect reported that he was attacked by six men inside the bar. The Officer made contact inside the bar and witnesses reported that the male suspect was walking up to people in the bar grabbing them and trying to fight. The applicant's husband asked the officer if he needed to make a report and stated that many of these people drink elsewhere then come to Workmans Irish Bar. During the officer's investigation a patron asked him why he didn't just shut the bar down. The male suspect was arrested after trying to flick blood into the faces of two officers.
- 06/27/2015 Disturbance/Service to visibly intoxicated person - Officer driving by Workmans Irish Pub observed a "heavily intoxicated" male fall in front of the bar then stagger inside. The Officer went to check that the man would not be served and when he walked in the same subject was holding two shots that he was drinking. The bartender was contacted and the bartender announced to patrons they were done serving for the evening. 30 minutes later a Deputy radioed that there was a disturbance in front of Workmans Irish Pub. Two heavily intoxicated sisters reported that one of them had been punched in the face. Other subjects reported a shoving match and no assault.
- 09/30/2015 Disturbance/Officer dispatched to Workmans Irish Pub for a disturbance. A male subject was pointed out by a group of customers. The subject was described as stumbling about. He had been in the pub and was asked to leave but created a disturbance and the bartender called for police.
- 10/13/2015 Disturbance/Disorderly Conduct/Interfering with a fire fighter - Officer dispatched to Workmans Irish Pub for a report of a female unconscious and breathing. The female's boyfriend was visibly intoxicated, uncooperative and attempting to interfere with medical personnel who were trying to provide aid to his girlfriend. The male was arrested for interfering with a fire fighter and disorderly conduct.
- 10/23/2015 Harassment - Officer dispatched to a report of a possible drunk driver leaving the Rodeo Restaurant. Officer was flagged down by an intoxicated male who indicated that his girlfriend was inside the bar (Workmans Irish Pub) with two intoxicated males and they were about to drive drunk. The male at one point got into an argument with his girlfriend and one of the males in the Rodeo parking lot. The male made numerous additional calls alleging harassment

inside of and outside of the Workmans Irish Pub. A case was forwarded to the D.A.'s Office for Misuse of 911. **The male was later interviewed and claimed he was drinking at the Rodeo.**

- 01/29/2016 Court Violation / **No additional information regarding any knowledge or wrongdoing by Workmans Irish Pub.**
- 01/29/2016..Ordinance Violation - Neighboring business complaint that Workmans Irish Pub is leaving garbage cans without lids on the sidewalk. A letter was sent to applicant's husband about abating the nuisance.
- 02/22/2016 Disturbance - Applicant's husband and neighboring business owner became involved in a physical altercation after neighboring business owner reportedly spit on the applicant's husband's truck. The neighboring business owner denied spitting on the truck and claimed he was pushed to the ground by applicant's husband. Applicant was present during this incident and both parties called 911 to report it.
- 03/06/2016 Assault/Disorderly conduct - Officer was dispatched to a disturbance outside Workmans Irish Pub. On arrival an intoxicated male subject was lying in the street starting to come to. A witness said the victim threw a bottle breaking it in the street. People began yelling at the male for breaking the bottle when an unidentified male "sucker punched" the victim who then fell striking his head on the pavement and became unconscious. The victim was diagnosed at the hospital with a fractured indented maxillary sinus and zygomatic bone and had a laceration on the back of his head. The suspect was later identified by a bar employee who was off duty but present at the time of the assault. The suspect was arrested for assault.
- 03/19/2016 Disturbance / Harassment / Disorderly Conduct - Officer witnessed a female walk away from a cab and punch a man in the mouth. The woman and man were in a relationship for 10 years and the woman was mad the man did not want to leave so she struck him.

Additional Reports Obtained 05/12/2016

- 03/20/2016 Contact / Officer was on patrol and located a crowd that was not fighting yet but may be soon. The officer requested additional units. (There is no additional information on the outcome)
- 04/24/2016 Assault / Applicant was the caller. Report indicates that a male was assaulted by being head butted. The victim had minor injuries and was transported to the emergency room. (There is no additional information on the outcome).

KILT IRISH PUB / PORTLAND

- 05/01/2015 Disturbance - Neighbor to business reported verbal threat, fighting, shouting / yelling and pushing / shoving in a report he filed with OLCC regarding Kilt Irish Pub. The complainant's written report indicated that he heard yelling outside that went on for 10-15 minutes and he saw several of his neighbors outside houses observing the incident. Patrons of KILT reportedly were upset that their vehicles had been towed and were yelling at owners and customers of two other businesses in the same building. The patrons reportedly ripped down signage on the side of the building and smashed the mirror of a truck owned by one of the business owners. KILT employees were on scene trying to diffuse the situation. Neighbors then tried to intervene and were pushed to the ground. Portland Police arrived and reportedly arrested the men as neighbors and business owners began driving the subjects toward Woodstock Street.
- 05/10/2015 Disturbance 00:00 – 01:00 -Neighbor to business reported shouting / yelling. In the report filed by the neighbor he indicated that bar customers were drinking and talking loudly at the sidewalk tables outside the business. (note that KILT did not have a license for patrons to remove drinks to the outside area of the bar)
- 05/10/2015 Disturbance / Public Sex 02:00 – 02:10 - Neighbor to business reported loud music from the business and while investigating discovered KILT patrons having sex in the parking lot behind the business. Patrons reportedly admitted coming from the KILT.

Applicant Response

Miltenberger described Tillamook as a rough area. Miltenberger said that not only their establishment but other establishments have lots of fights. Miltenberger said that there has not been a fight inside of the bar in Tillamook in over a year. Miltenberger said that she has trained her staff to cut people off. Miltenberger said that ½ of the bar's clientele have been "86'd" from the bar. Miltenberger said problems persist because previously excluded patrons will still hang out, outside the bar, and the local police say they cannot move them from the city sidewalk.

Miltenberger told me that they are looking at closing the bar in Tillamook earlier to help limit some of the problems. Miltenberger said that one of the reasons they have had so many problems is because people become intoxicated at other establishments and then come to Workmans because it is open later.

Staff asked Miltenberger about issues with the neighboring businesses. Miltenberger said the neighbor with the tanning salon has a problem with them. Miltenberger said that he blows cigarette butts over in front of the door to Workmans. Miltenberger said she has instructed her staff to sweep up the sidewalks in front of the businesses including the neighboring business to try and eliminate some of the problems.

Miltenberger said regarding the OLCC violations at the KILT they involved a neighbor who repeatedly called. With regard to the serving of alcohol outside, she was told by OLCC to get a sidewalk permit from the city and she didn't realize she needed one

from OLCC. Miltenberger said that the OLCC representative failed to tell her this and apologized. Miltenberger said she has emails which support this. Staff asked Miltenberger to provide them as mitigating information. Miltenberger provided the email which was cut off and the correspondence incomplete. Staff located the same complete email in paperwork obtained from OLCC. The issue dealing with service outside, dated 04/13/2015 read “ Also, I apologize. I don’t recall if we discussed the outdoor area. If you are seeking an outdoor area, I will need a specific control plan and a copy of the sidewalk café permit from the City of Portland. If you are not looking at having an outdoor area at this time, please let me know and I will reflect that in the file.” Staff noted that the two violations occurred on 05/26/2015, 06/03/2015 and 06/09/2015.

Miltenberger told me that part of the reason they chose the location of the Astoria Workmans Irish Pub is because it is not in downtown and is less likely to have problems from patrons going from one establishment to another.

2D FINANCIAL RESPONSIBILITY

ORS 471.313(4)(i) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

During the background check staff located information that there were multiple court judgments against Miltenberger, under the name Erica Gerlach as follows:

08/30/2012 there is unsatisfied judgments against Erica Gerlach in the amount of \$9080.00, \$481.00, and \$707.00. The monetary award was to Meyer Sign Co. of Oregon. The total unsatisfied judgment for this suit was \$10,268.00.

On 03/24/2010 there is unsatisfied judgments against Erica Gerlach in the amount of \$151.50, \$85.00 and \$3475.00. The monetary award was to Nancy Bender. The total unsatisfied judgment for this suit was \$3711.50.

On 07/06/2016, 08/05/2015, 11/02/2010, there are unsatisfied judgments against Erica Gerlach and Chris Gerlach in the amount of \$163.00, \$60.00, \$110.00, \$360.00 and \$224.00. The monetary award was to Rental Management Services. The total unsatisfied judgment for these suits was \$917.00.

On 07/01/2011 Encompass Property Management filed a forcible entry detainer against Erica Gerlach and Chris Gerlach.

On 02/27/2012 Kathryn Conrow filed for a forcible entry detainer and a small claims contract against Erica Gerlach and Chris Gerlach.

On 04/04/2012 Columbia Collection Services filed a small claims contract against Erica and Chris Gerlach.

Applicant Response

Miltenberger told staff she claimed Bankruptcy in 2012. Miltenberger said the debts were handled by the declaration of bankruptcy. Miltenberger said the debts were related to a business she owned called Portland Bagel Company.

3 ADDITIONAL INFORMATION

For the purposes of the memorandum, staff ran a business registry search for registered Oregon Business in the name of Oregon Lass LLC. There was an administrative dissolution of the business on 12/03/2015. Staff discussed this with OLCC on 05/04/2016, who advised that they would notify the applicant since they could not issue a license to a nonexistent applicant. Staff found that on 05/04/2016 the business was reinstated.

Staff reviewed Miltenberger's Liquor License application for KILT and found on question 23, ***Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)*** Miltenberger marked "no". The application was filed in 2015 after Miltenberger took a diversion for DUUI in 2009.

Staff also noted that Miltenberger failed to disclose any previously used surnames marking "N/A" on the application.

Miltenberger stated that she is a rule follower and she is trying to focus more on a restaurant atmosphere than a bar atmosphere. Miltenberger said she wants Workmans Irish Pub in Astoria to be family friendly with the business being "kid friendly" until 9:00 P.M.

Staff received information that the opening of Workmans Irish Pub was portrayed in much the same way, to the City of Tillamook. A copy of Tillamook City Council Minutes was obtained and they indicate Tyson Miltenberger presented the information to the council although in the application, under question #15, Miltenberger indicated her spouse is Tyson Miltenberger. Under question #16 **if yes to #15, will this person work at or be involved in the operation or management of the business?** Miltenberger indicates "no."

According to the Tillamook City Council Minutes: "OLCC License Application – Workmans Irish Pub – Tyson Miltenberger of Washougal, WA addressed the Council. He explained that he and his wife had a dream to open a pub on the Oregon Coast. As a Navy Seabee, his favorite place to go on shore was an Irish Pub. They were inspired by the area and want to bring a taste of the Irish culture, as well as local bands or other events. There will be a full menu for breakfast, lunch, and dinner. Eight locals have been hired to work at the pub. The Name is historical, having been a "Workmans" many years ago."

During staff's conversation with Miltenberger they inquired about why she would not have a manager, since she has had a substantial premise history. Miltenberger said she likes to do it herself but she was looking at hiring a manager that works at Denny's in Tillamook. On 05/16/2016 staff received an email from Miltenberger indicating that she failed to mention that she had hired two former managers, including the current manager for Port of Call and

the former manager of the Merry Time. Miltenberger did not hire them to manage the business, but was demonstrating that she has hired experienced staff.

Miltenberger was pleasant to speak with during the interview. She became visibly emotional and concerned about an unfavorable recommendation. Miltenberger was advised staff did not have the final say on whether or not she would receive a favorable or unfavorable recommendation. Staff did indicate that she might want to come prepared by becoming current with Oregon Law and residency. It was also suggested that she have a plan to present to council about what might mitigate her premise history.

RECOMMENDATION

Based upon the staff investigation it is recommendation that Council provide an **unfavorable** recommendation to OLCC. This is based upon all of the issues documented by subsection in ORS 471.313. It is staff's opinion that there is too substantial a negative premise history to reasonably infer a different result in an Astoria location.



Eric Halverson, Deputy Chief

§ 471.313¹

Grounds for refusing to issue license

The Oregon Liquor Control Commission may refuse to license any applicant under the provisions of this chapter if the commission has reasonable ground to believe any of the following to be true:

- (1) That there are sufficient licensed premises in the locality set out in the application, or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience. In determining whether there are sufficient licensed premises in the locality, the commission shall consider seasonal fluctuations in the population of the locality and shall ensure that there are adequate licensed premises to serve the needs of the locality during the peak seasons.
- (2) That the applicant has not furnished an acceptable bond as required by ORS 471.311 (Application for license) or is not maintaining the insurance or bond required by ORS 471.168 (Certain licensees required to maintain liquor liability insurance or bond).
- (3) That, except as allowed by ORS 471.392 (Definitions for ORS 471.392 to 471.400) to 471.400 (Exceptions to prohibition of financial assistance), any applicant to sell at retail for consumption on the premises has been financed or furnished with money or property by, or has any connection with, or is a manufacturer of, or wholesale dealer in, alcoholic liquor.
- (4) That the applicant:
 - (a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.
 - (b) Has made false statements to the commission.
 - (c) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.
 - (d) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.
 - (e) Has maintained an insanitary establishment.
 - (f) Is not of good repute and moral character.
 - (g) Did not have a good record of compliance with the alcoholic liquor laws of this state and the rules of the commission when previously licensed.
 - (h) Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.
 - (i) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.
 - (j) Is unable to read or write the English language or to understand the laws of Oregon relating to alcoholic liquor or the rules of the commission.
- (5) That there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licensed or involving patrons of the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior which is grounds for refusal of a license under this section, where so related to the sale or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or related litter; trespassing on private property; and public urination. Histories from premises currently or previously operated by the applicant may be considered when reasonable inference may be made that similar activities will occur as to the premises proposed to be licensed. The applicant may overcome the history by showing that the problems are not serious or persistent or that the applicant demonstrates a willingness and ability to control adequately the premises proposed to be licensed and patrons behavior in the immediate vicinity of the premises which is related to the licensee's sale or service of alcohol under the licensee's exercise of the license privilege.

[Formerly 471.295; 2001 c.785 §1; 2011 c.165 §1; 2013 c.149 §1]

§ 471.313¹

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May 27, 2016

MEMORANDUM

TO:  MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: **2016 PAVING PROJECT - AUTHORIZATION TO BID**

DISCUSSION/ANALYSIS

The Public Works Department developed a list of the following streets to be included in the 2016 Paving Project. These locations were chosen using input from the City's pavement maintenance software, anticipated future project needs, stopgap maintenance obligations, field evaluation, and cost efficiency considerations.

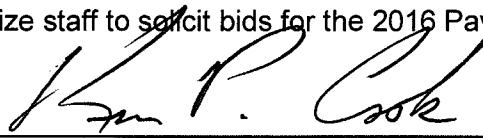
Road Description	From	To
Exchange Street	14 th Street	16 th Street
Duane Street	15 th Street	16 th Street
13 th Street	Duane Street	Exchange Street
Bond Street	4 th Street	6 th Street
W. Lexington Ave.	1 st Street	Sonora Ave.
16 th Street	Niagara Ave.	James Street
Irving Ave.	11 th Street	14 th Street
39 th Street	Franklin Ave.	Grand Ave.
Nimitz Road	Kincaid Road	Halsey Road

**The attached exhibit map displays the project locations.

The project will include asphalt pavement overlay, asphalt grinding, ADA ramp upgrades, road base reconstruction, striping and other associated improvements. The construction estimate for this project is \$430,000, including a 10% contingency. Funding for this project is available in the Astoria Road District Fund (Local Fuel Tax Fund). At the City Council meeting, Assistant City Engineer Nathan Crater will provide additional background on pavement management and the areas to be paved.

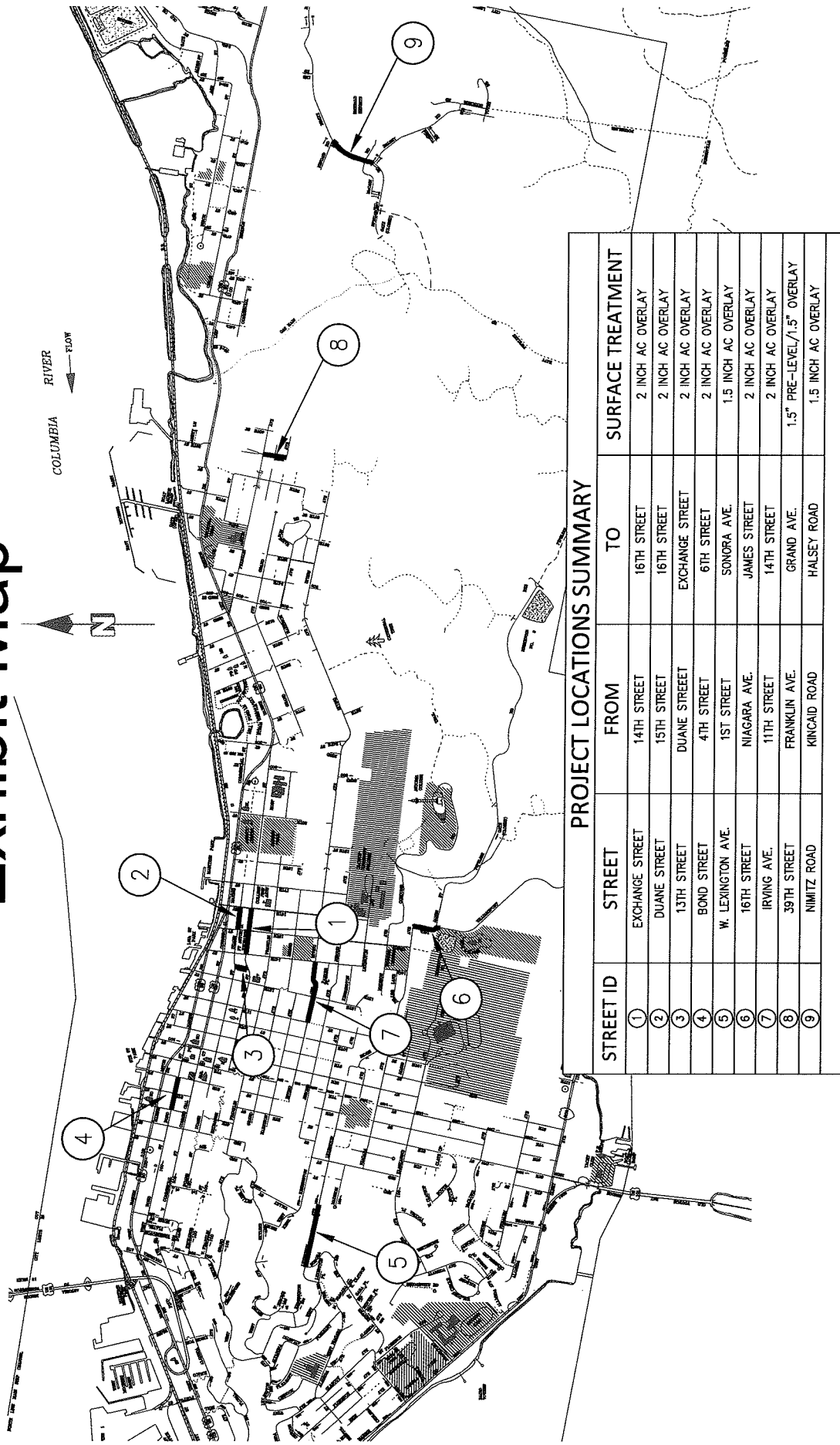
RECOMMENDATION

It is recommended that City Council authorize staff to solicit bids for the 2016 Paving Project.

Submitted By 
Ken P. Cook, Public Works Director

Prepared By: 
Nathan Crater, Assistant City Engineer

2016 Paving Project Exhibit Map



PROJECT LOCATIONS SUMMARY

STREET ID	STREET	FROM	TO	SURFACE TREATMENT
①	EXCHANGE STREET	14TH STREET	16TH STREET	2 INCH AC OVERLAY
②	DUANE STREET	15TH STREET	16TH STREET	2 INCH AC OVERLAY
③	13TH STREET	DUANE STREET	EXCHANGE STREET	2 INCH AC OVERLAY
④	BOND STREET	4TH STREET	6TH STREET	2 INCH AC OVERLAY
⑤	W. LEXINGTON AVE.	1ST STREET	SONORA AVE.	1.5 INCH AC OVERLAY
⑥	16TH STREET	NIAGARA AVE.	JAMES STREET	2 INCH AC OVERLAY
⑦	IRVING AVE.	11TH STREET	14TH STREET	2 INCH AC OVERLAY
⑧	39TH STREET	FRANKLIN AVE.	GRAND AVE.	1.5" PRE-LEVEL/1.5" OVERLAY
⑨	NIMITZ ROAD	KINCAID ROAD	HALSEY ROAD	1.5 INCH AC OVERLAY