

MILWAUKIE
CITY COUNCIL MEETING
MARCH 4, 1986

COUNCIL CHAMBERS

1499th MEETING

The one thousand four hundred ninety-ninth meeting of the Milwaukee City Council was called to order at 7:00 p.m. on March 4, 1986, with the following Councilors present:

Ron Kinsella, Mayor
Craig Lomnicki
Mike Richmond

Roger Hall
Chere' Sandusky

Also present:

Hugh H. Brown,
City Manager
Greg Eades,
City Attorney

Sandra Miller,
Asst. to the City Mgr.
Steve Hall,
Public Works Director
Joy Brookhouse,
Executive Secretary

AUDIENCE PARTICIPATION

Good News - Bill Hupp explained that he had donated a fan to the Senior Center and that he had approached Horton Electric, who offered to donate the labor. Bill also urged the promotion of the Food Warehouse receipt program because it would benefit our City parks.

City Vehicle and Budget Queries - Al Liane recounted the figures for the repainting and maintenance of fire and police vehicles and requested a similar response on the cost for the public works vehicles. Mayor Kinsella explained that a recent report contained that figure, which reflected a cost of approximately \$90 per vehicle. Mr. Liane then listed, from the proposed budget, 16 key positions within the City that reflected an increase in salary from the last budget. Mayor Kinsella explained that the amounts reflected in the Proposed Budget for 1986-87 are the same as those approved for the FY 1985-86. Mr. Liane stated that the manner in which the Proposed Budget represented this matter was not clear. City Manager Hugh Brown suggested that both he and Finance Director Marge Post would make themselves available to explain the process and answer any questions he might have.

Commendation - Jim Backenstos expressed his appreciation for Horton Electric's donation and also for the City painting the crosswalks at 42nd and Johnson Creek Blvd. He also expressed his concern with inefficiencies within the City and stated that the Concerned Citizens were contemplating action to evaluate the justification for the salary adjustments.

OTHER BUSINESS

Regional Library Levy Presentation - Mary Slaughter, President of the Citizens Policy Board, presented a brief overview of the programs available through the Clackamas County Library System and stated that these programs and services would continue with the approval of the upcoming levy, asking for 23¢/1,000. Mayor Kinsella expressed his support of the County's Library System and urged citizens to vote.

Councilmember Lomnicki moved for the Council to endorse the Library Levy and Councilmember Sandusky seconded the motion. The motion carried unanimously.

PUBLIC HEARING

A. Remonstrance Hearing on Roswell/43rd L.I.D. & Scheduling of Assessment Role Hearing - Ordinance - The Public Hearing was opened at 7:28 p.m. Mayor Kinsella reviewed the process to be followed for this hearing. Councilmember Lomnicki declared a conflict of interest and announced that he would abstain from voting.

Public Works Director Steve Hall presented the staff report, which reviewed the process followed by residents to bring this L.I.D. request before Council. Steve then introduced petitions and correspondence that had been received after the agenda had been printed. Steve explained that the petitions received reflected that, based on ownership, 51.4% of the homeowners agreed to participate, 37.2% did not choose to participate and 11.4% were not committed or had not responded. As the non-votes are normally included as positive votes, the positive total equaled 62.8%.

Harold Kulm, 8808 S.E. 43rd, stated that he was speaking for several residents who had been unaware of the financial obligation when they signed the original petition in support of the improvements. He expressed concern with the manner in which information had been presented during the process. Mr. Kulm concluded by urging Council to review the petition process used in this L.I.D. and to weigh the information carefully before proceeding.

Larry Miller, 4234 S.E. Roswell, voiced concurrence with Mr. Kulm and suggested that the L.I.D. might foster a potential traffic problem, which should be addressed.

Kenneth Roush, representing his parents who reside at 4340 S.E. Johnson Creek Blvd., indicated his belief that the monies dedicated to this L.I.D. by individual homeowners could be used in a more beneficial manner. He indicated that the improvements would bring about higher property taxes and that

it seemed unfair that developers in the area would derive a substantial benefit at the expense of the current residents.

Mayor Kinsella closed the Public Hearing at 8:00 p.m.

Mayor Kinsella asked staff if a cost had been mentioned at the onset of the petition procedure and Public Works Director Steve Hall stated that a rough estimate had been provided, which had held very closely to the current estimate.

Councilmember Hall asked if previous L.I.D.'s had been handled in this same manner or if this L.I.D. had been handled differently. Steve Hall responded that this L.I.D. had been handled in the same manner as previous L.I.D.s.

Councilmember Sandusky requested additional information regarding the percentage of participation required in order to form an L.I.D.

City Attorney Greg Eades reviewed the requirement for forming an L.I.D. and explained that, although 60% participation was required to bring the request for an L.I.D. before Council, the ordinance allowed for more flexibility in subsequent proceedings and the City Council's final action.

Councilmembers expressed concern with the reluctance exhibited by a number of the signers of the original petition to now support the L.I.D. and stressed their feeling that 51.4% participation was not sufficient.

Councilmembers agreed that additional information should be provided to the residents and that the hearing should be continued at a later date to allow for adequate time for the information to reach all of the residents of the area. Mayor Kinsella moved to continue the Public Hearing and to provide additional information to residents. Councilmember Sandusky seconded the motion. Council requested that the L.I.D. request be brought back to Council at the April 1st City Council meeting.

Mrs. Swisher, 4325 S.E. Roswell, asked if the undeclared vote was being considered as a 'yes' vote and Council indicated that they were especially cognizant of the actual responses from residents.

The motion passed 3-1-1, with Councilmember Richmond voting against and Councilmember Lomnicki abstaining.

B. Comprehensive Plan Amendment and Zone Change for Jager Property

1. ZC-86-01(A) - Mayor Kinsella opened the Public Hearing at 8:38 p.m., outlining the procedure to be followed for this hearing. No ex parte contacts or conflicts were declared. Associate Planner Mike Wheeler presented the staff report, reviewing the process to date resulting in

the Planning Commission recommendation for approval. He then read the findings outlined in the proposed ordinance.

Mr. Jager, 12350 S.E. 21st Place, stated that he had no additional information to present.

Elaine Powers, 11926 S.E. 28th Avenue, expressed her desire and hopes that the setting would remain the natural and peaceful setting it was now. Ms. Powers stated that her concern was that the construction (buildings) would hinder her ability to plant and maintain greenery on her own property.

Sharon Manzione, 11960 S.E. 28th, stated that she objected to allowing multi-family zoning in an established single-family neighborhood.

Mayor Kinsella closed the Public Hearing at 9:09 p.m.

Councilmembers requested a brief summary of testimony that had been presented to the Planning Commission in the absence of approved minutes from that meeting. They also asked for information regarding the developer's requirements following Council approval, if given, in terms of design layout and landscaping and Mayor Kinsella stressed the need to provide for the involvement of residents in the design process.

Councilmember Hall moved for the first reading of the ordinance by title only and Councilmember Richmond seconded the motion. The motion carried unanimously. Councilmember Hall moved for the second reading of the ordinance by title only and Councilmember Richmond seconded the motion. The motion carried unanimously. Councilmember Hall moved for the adoption of the ordinance and Councilmember Richmond seconded the motion. Council was polled and, by a vote of 5 - 0, Ordinance No. 1587 was adopted.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING ORDINANCE NUMBER 1438, BY REZONING
CERTAIN PROPERTY FROM R-7 TO R 2 (ZC 86 01(A),
ALTON L. JAGER).

2. CPA-86-01 AND ZC-86-01(B) - Mayor Kinsella opened the Public Hearing at 9:22 p.m., announcing that the procedure would be the same as the previous hearing. No ex parte contacts or conflicts were declared. Associate Planner Mike Wheeler presented the staff report, reviewing the process to date. He then read the findings outlined in the proposed ordinance.

Mr. Jager, 12350 S.E. 21st Place, stated that he felt that there was a definite need for additional housing in Milwaukie and that the existing units illustrated that the

properties would be well maintained and attractive.

Mayor Kinsella introduced a letter from Milwaukie Floral and asked that it be read into the record. The letter read as follows:

"Concerning the zone change on the property at the end of 33rd place. We would like to state our concerns. We feel that if the zoning change is approved, and unrestricted dwellings that would be allowed by such a zone change are constructed, the lighting from interior, exterior stationary lights, and also car head lights directed or reflected onto or above our greenhouses adjacent to the property at the end of 33rd place, would be extremely detrimental to our Poinsettia, chrysanthemum and kalanchoe crops."

Keith Leitz, 3306 S.E. Lake Road (Milwaukie Floral), indicated that the concern was not with the project itself, but with taking the necessary precautions to prevent potential damage to their crops. He also stated that Milwaukie Floral was asking that the developer be responsible for the cost incurred to provide protection for those crops.

City Attorney Greg Eades indicated that the Zoning Ordinance provided for protective measures for a transition area, but did not address this particular case.

Council concurred that the resolution of this matter was an issue to be handled by the people involved.

Mayor Kinsella closed the Public Hearing at 9:55 p.m.

Councilmember Hall moved for the first reading of the ordinance by title only and Councilmember Sandusky seconded the motion. The motion carried unanimously. Councilmember Hall moved for the second reading of the ordinance by title only and Councilmember Sandusky seconded the motion. The motion carried unanimously. Councilmember Hall moved for adoption of the ordinance and Councilmember Sandusky seconded the motion. Council was polled and, by a vote of 5 - 0, Ordinance No. 1588 was adopted.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING ORDINANCE NUMBERS 1437 AND 1438, BY
REDESIGNATING CERTAIN PROPERTY FROM MODERATE
DENSITY RESIDENTIAL COMPREHENSIVE PLAN DESIGNATION
TO HIGH DENSITY RESIDENTIAL COMPREHENSIVE PLAN
DESIGNATION AND REZONING THE PROPERTY FROM R-7 TO R-2
(CPA-86-01, ZC-86-01(B), ALTON L. JAGER).

OTHER BUSINESS

Discussion of Portland Amendments to McLoughlin Resolution -
Public Works Director Steve Hall introduced Greg Jones from the Bureau of Transportation, Development and Finance for the City of Portland. Greg explained that Portland's amendments were not meant to preclude any previous agreements, that Portland adopted a program identical to that adopted by Milwaukie, and that the additional amendments addressed specific needs within the City of Portland. He continued by explaining the access for Oregon Worsted, stating that the agreement added no cost to the project.

Howard Dietrich, President of Oregon Worsted, provided a hand-out to Council and summarized the reasons for concern regarding the effect of the McLoughlin Corridor Project on his business. He stressed the position Oregon Worsted had held in the Milwaukie community since 1919 and recommended that Council accept the Portland amendments.

Councilmember Lomnicki expressed concern regarding the fourth amendment, which provided for a pathway from Tacoma to 36th and Johnson Creek Boulevard to serve only a few residents. Greg Jones explained that this amendment was in response to a concern expressed regarding the conflict and possible safety hazard between pedestrian and vehicle traffic in this specific area.

Councilmember Lomnicki stated that he was concerned about the additional monies that had been dedicated to the project without approval by the other jurisdictions involved in the project. He further stated his disappointment that this neighborhood concern had been addressed while the concern expressed by the Ardenwald Neighborhood Association had not been.

Greg Jones explained that the amendments added by Portland dealt only with groups officially registered with the City of Portland, which did not presently include the Ardenwald Neighborhood Association.

Catharine Sohmc, representing the Sellwood/Moreland Neighborhood Association, urged a cooperative effort between all neighborhood associations to make the McLoughlin project a benefit to all and to focus on making the east/west study a reality.

City Attorney Greg Eades stated that it was not necessary to adopt the Portland amendments. Council's consensus was to indicate agreement with the amendments, but not to require adoption.

Consideration of Bike Path Enforcement Ordinance Amendment -
City Manager Hugh Brown explained the need to provide for the

citing of vehicles parked in the bike paths or bike lanes, indicating areas within the City experiencing problems and potential safety hazards.

Councilmember Hall moved for the first reading of the ordinance by title only and Councilmember Richmond seconded the motion. The motion carried unanimously. Councilmember Hall moved for the second reading of the ordinance by title only and Councilmember Richmond seconded the motion. The motion carried unanimously. Councilmember Richmond moved for the adoption of the ordinance and Councilmember Hall seconded the motion. Council was polled and, by a vote of 5 - 0, Ordinance No. 1589 was adopted.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING ORDINANCE NO. 1361 ADDING ADDITIONAL
PARKING RESTRICTIONS.

Consideration of Ordinance Allowing for Short Form Complaint and Citation Method in Municipal Court - Public Works Director Steve Hall explained the need for expanding the number of City personnel who are authorized to give citations for City ordinance violations, indicating that the flexibility would improve the City's ability to enforce. Councilmember Lomnicki expressed a concern regarding certain personnel being given the power to issue citations. Councilmember Sandusky requested a brief overview of the responsibilities and qualifications of a Utility Worker III. Mayor Kinsella requested additional justification for requesting the large number of personnel to be added. Council's consensus was to delete ".Utility Worker III.." from the proposed ordinance. Councilmember Hall moved for the first reading of the ordinance by title only and Councilmember Lomnicki seconded the motion. The motion carried unanimously. Councilmember Hall moved for the second reading of the ordinance by title only and Councilmember Lomnicki seconded the motion. The motion carried unanimously. Councilmember Richmond moved to adopt the ordinance and Councilmember Hall seconded the motion. Council was polled and, by a vote of 5 - 0, Ordinance No. 1590 was adopted.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING ORDINANCE NUMBER 1380 AUTHORIZING USE
OF THE SHORT-FORM UNIFORM COMPLAINT AND CITATION
METHOD FOR MINOR OFFENSES IN MUNICIPAL COURT.

Civil Service Commission Appointment - Councilmember Hall moved to reappoint Gordon Morterud to his position on the Civil Service Commission and Councilmember Sandusky seconded the motion. The motion carried unanimously.

Expo '86 - The City Manager announced that the Oregon Expo '86 Relay would be passing through Milwaukie on April 26th at approximately 3 - 5 p.m. and that the City of Milwaukie had requested a baton to carry a message from Milwaukie to

March 4, 1986, City Council Meeting

Page 8

Vancouver, B.C. He suggested that the City might conduct a ceremony or special function to mark the event.

CONSENT AGENDA

Councilmember Hall moved to adopt the entire consent agenda, which included the City Council minutes from February 18, 1986, and liquor license applications for 1) KAYLO'S THE LITTLE STORE, 2) JOE'S WAREHOUSE, 3) ROSWELL MARKET and 4) FERNWOOD INN. Councilmember Sandusky seconded the motion and the motion carried unanimously.

ADJOURNMENT

Councilmember Hall moved to adjourn the meeting and Councilmember Sandusky seconded the motion. The meeting was adjourned at 11:06 p.m.

Respectfully submitted,


Joy Brookhouse, Executive Secretary