

MILWAUKIE
CITY COUNCIL MEETING
AUGUST 5, 1986

COUNCIL CHAMBERS

1509th MEETING

The one thousand five hundred and ninth meeting of the Milwaukie City Council was called to order at 7:02 p.m. on August 5, 1986, with the following Councilors present:

Ron Kinsella,
Mayor
Roger Hall

Craig Lomnicki
Chere' Sandusky
Mike Richmond

Also present:

Hugh H. Brown,
City Manager
Greg Eades,
City Attorney
Sandra Miller,
Assistant to the
City Manager

Steve Hall,
Public Works Dir.
Bill Adams,
Community Development Dir.
Don Robertson,
Parks & Recreation Coord.
Pat DuVal,
Executive Secretary

AUDIENCE PARTICIPATION

Joc Bernard as the representative of the City of Milwaukie presented a summary prepared by the Smooth Roads Committee of Clackamas County. Because of an estimated \$3.6 million shortfall for road maintenance, due particularly to decreased timber revenues, the committee recommended a 3¢/gallon gas tax. Mr. Bernard urged Council's endorsement of this decision to provide adequate road maintenance for the safety and convenience of residents and businesses of Clackamas County. Council agreed to support this ballot measure to be proposed in the November county-wide election.

Fred Linn, representing the Friends of the Center Board of Directors, told Council although the organization was not realizing as much money as they hoped, gains were being made. Mr. Linn cited three goals in the attempt at self-sufficiency for the Center: (1) short-term, such as bingo; (2) mid-term, membership increases; and (3) long-term, investment programs.

Bill Hupp, urged City staff to continue work on an adult entertainment ordinance.

Jim Backenstos urged administration's curb on salary needs. He cited legislative problems, such as the increased rates of fishing licenses. Mr. Backenstos told Council that a pay-as-you-go system such as the proposed gas tax is easier on low and fixed income families.

Wichita Water Board Recognition - Steve Hall introduced Pat Fountain of the Wichita Water Board. Mayor Kinsella presented her with a certificate of appreciation, and thanked her and all others involved in the 50 successful years of the District. Mayor Kinsella also complimented staff on the work they had done to make the transition a smooth one.

OTHER BUSINESS

- A. North Clackamas Park Ballfield Lighting Proposal - Don Robertson, Parks and Recreation Coordinator, presented the staff report in which the Comp Plan was cited as providing for a lighted ballfield in a district park. Of greatest concern is the compatibility within the neighborhood, and restrictions were recommended by the Parks and Recreation Commission which provided for these concerns. The report recommended Council approve the proposed lighting to be purchased by North Clackamas Central Park Association (NCCPA) with a 10:30 p.m. shut-off time to allow the playing of three full games.

George Van Bergen, 12366 SE Guilford, representing the NCCPA, explained the organization's position as a non-profit group to aid in park development. Mr. Van Bergen told Council he felt this project would serve a large portion of the City's population and that NCCPA was willing to work closely with the City of Milwaukie. He cited three improvement projects already accomplished at North Clackamas Park: levelling of the ballfield area, moving the road to accommodate more playing fields, and installing a waterline (funded by ballgroups). Recently, NCCPA made an offer for ballfield lights and equipment, and Mr. Van Bergen stated to Council that the organization had the money on hand -- or available -- to commit to the project.

Discussion

Jean Dugan, 13122 SE Capistrano Ct., expressed her concern with noise and lights. She further stated people in the area had not been adequately notified. Feeling that the Planning Department was not sufficiently concerned with the neighborhood, Ms. Dugan urged Council to consider the existing calm in the area and the resulting conditions after installation of the lights. She asked Council how the lights would be maintained if they were purchased with private money? -- how would the 6' cyclone fence be financed?

Bill Adams, Community Development Director, told Council that the Community Service Overlay (CSO) would not necessarily apply in this situation because it is an enhancement of a district park, and therefore, does not

require zoning approval. Adams went on to state a DEQ inspector could be requested if residents suspected excessive noise levels.

Susan Barber, 5558 SE Aldercrest Ln., said in her opinion as a real estate appraiser, lighting the ballfield would decrease the value of the neighborhood. She asked Council how this proposal would enhance the livability of the community. Ms. Barber stated lights would create an athletic field, rather than the neighborhood park atmosphere now existing. She asked how the City would maintain Kellogg Creek Drive with the increase of pedestrian traffic.

In response, Bill Adams clarified the point that this property was zoned R-10 and is designated a public facility by the Comp Plan with a pre-existing Non-Conforming Use. Mr. Adams stated that a 45-acre park would not be considered a neighborhood park, but rather a district park.

Don Robertson cited the provisions of the City's current Comp Plan for lighted ballfields in Objective #4, Policies #3 and #4.

Councilmember Sandusky asked Robertson about the current hours of use and how much longer they would be extended.

Robertson answered that lighting the fields would increase use by approximately 45 minutes per day.

Councilmember Sandusky asked how this would actually change the current availability, and Robertson answered this would add about 240/week to the facility use.

Mayor Kinsella asked if there would be an hourly charge for the use of the lights.

Robertson answered that there would. He estimated that the City would charge approximately \$15/hour for light use. This charge would cover maintenance costs and electricity.

Councilmember Lomnicki asked if lighted ballfields would extend the season.

Robertson said softball and Little League seasons would stay the same, but would open up the possibility of usage as a night soccer field.

Councilmember Lomnicki asked if an automatic timer could be installed, so lights would go off at a predetermined time.

Robertson answered this was feasible, although the method of shut-off had not as yet been decided.

Joe Bernard, speaking in favor of the proposal, said ball-field lighting would be wonderful for the children of the community.

Jim Schuld, 5603 SE Aldercrest, reading from a letter of transmittal from the County dated March 3, 1977, cited conditions the City needed to acknowledge when the park was deeded to the City. He said the City was not taking the environmental impact on the neighborhood into consideration and he believed the City was not standing by the agreement to work with unincorporated area residents.

Bill Wilcox, 13145 SE Capistrano, asked if softball leagues would be pressured to increase their activity.

Jack Smith, 17906 SE Cottonwood, Gladstone, a member of the North Clackamas Chamber of Commerce, stated this is a constructive move by the City of Milwaukie and should be supported.

Gerry Barnes, 5211 SE Aldercrest, asked why urban and rural areas cannot co-exist. He pointed out that the park was not at this time being fully scheduled. He asked how residents would be able to access their property with the road closed in the evening.

Helen Leatham, 5217 SE Aldercrest, asked if there were any height restrictions on the light poles, and also expressed concern over access to properties.

Roy Leatham, 5217 SE Aldercrest, told Council he would have difficulty maintaining his fence and gate with increased park use.

Jim Backenstos told Council that for the number of months the neighborhood would be bothered by lights, it is much more constructive for the kids to be at the ball park than on the streets.

Ann Wilcox, 13145 SE Capistrano, told Council she had chosen her property for its rural setting, and it is steadily deteriorating. She told Council future annexation would be less difficult if this proposal were turned down.

LaVonne Welp, 5303 SE Aldercrest, told Council she had spent considerable money on fence maintenance for horse boarding, but with the increase of park use she was concerned with vandalism. She hoped there would be patrols for resident protection. She also stated that residents were not adequately notified. Ms. Welp presented Council a petition with signatures of residents opposed to the installation of lights and the resulting environmental impact.

April Nielsen, 6644 SE Mabel, expressed her concern of the present restrictions becoming more lax in the future.

Recess - 8:40 p.m. -- Reconvene - 8:50 p.m.

Council Discussion

Councilmember Lomnicki asked if ballgame schedules could be started earlier in the day so that games would not run so late.

Don Robertson said that game times were set to accommodate people who worked in order for them to have time to get to the park.

Mayor Kinsella suggested the use of an automatic timer.

Councilmember Hall asked about the time limits for games.

Robertson explained softball games were 1½ hours, while Little League games could run over because of levels of player skill. He told Council he felt 10:30 p.m. shut-off would accommodate the Little League games.

Councilmember Richmond questioned the status of the curfew ordinance. Robertson explained that current park rules provided the parks close at sundown, although park closure times could be extended on an individual basis. The responsibility of curfews remains with the Parks and Rec. Coordinator. Councilmember Richmond then asked about the possibility of a DEQ noise analysis, and Robertson agreed this was feasible.

Councilmember Hall said the type of noise should be considered in this project and that a DEQ noise level test would not be necessary.

Councilmember Sandusky asked if Milwaukie Police Department would respond to neighborhood complaints. Robertson answered the Police would be called except in cases of noise for which the park caretaker would be called.

Councilmember Sandusky asked if most of the games were composed of children's teams. Robertson told her the teams were predominantly adult.

Councilmember Sandusky asked who would pay for the 6' cyclone fence, and Robertson answered, though it would require conservative measures in other areas, the money would come from the Parks and Recreation Department budget.

Councilmember Sandusky asked if there is a potential problem with access gates for residents, and Robertson said there had been no problems in the past.

Councilmember Hall moved to approve the proposal to erect lights at one ballfield in North Clackamas Park with the addition that there be an automatic 10:00 p.m. shut-off and the City staff work with residents of the neighborhood on fences and property access. Councilmember Lomnicki seconded the motion. Councilmember Richmond reiterated his concern with the noise levels. By a unanimous vote Council approved the proposal to erect lights at North Clackamas Park.

B. 43rd/Roswell L.I.D. - Ordinance

Mayor Kinsella summarized the events leading to this Ordinance: (1) bids were too high for the project and would be sought in Spring, 1987; and (2) continue the L.I.D. but return assessment money collected to the residents. Councilmember Lomnicki asked about the interest accrued on these funds -- should it be returned to the property owners? City Manager Brown said the City was not liable for any interest on the money and the City had acted in good faith. Councilmember Hall said although the City was under no legal obligation, returning the money plus interest would be an act of good faith.

Councilmember Richmond moved for the first reading of the ordinance by title only, and Councilmember Hall seconded the motion. By a vote of 4-0, with Councilmember Lomnicki abstaining, the first reading of an ordinance of the City of Milwaukie, Oregon, cancelling the assessments and deferring the improvement of portions of SE Roswell and 43rd Avenues was approved.

Councilmember Sandusky stated that if residents had to pay interest on unpaid assessments, the City should pay the residents.

City Attorney Eades told Council an L.I.D. was a benefit to a specific group of people, and for the City to pay these people interest would be asking the remainder of the population to subsidize a local project. He said the City had also incurred engineering and administrative costs in the process.

Councilmember Lomnicki suggested a reduction in payment for those who paid when the L.I.D. assessment roll is re-opened at a later date.

City Attorney Eades told Council it was neither legally required nor advisable to do this.

C. Ardenwald-Johnson Creek Truck Traffic Initiative -

City Manager Hugh Brown told Council that representatives of both the neighborhood association and trucking companies would be meeting during the next two weeks to discuss options. He recommended that Council take no further action until the meeting of August 19. Councilmember Hall moved Council accept the petition, and Councilmember Richmond seconded the motion. By unanimous vote of Council, the petition was accepted as filed with the City.

D. Land Use Fee Schedule

Bill Adams, Community Development Director, presented Council with a proposed Resolution amending land use application fees. Adams gave three key reasons for the fee schedule changes: (1) Current fees are lower than processing costs, (2) Fees would be more in line with costs, and (3) Fees would be in line with other local jurisdictions. He told Council the current fees put an additional burden on the rest of the taxpayers.

Mayor Kinsella stated the new schedule would bring in an estimated additional \$4,000/year to the City.

Councilmember Hall moved to adopt the resolution and the motion was seconded by Councilmember Richmond. By unanimous vote of Council, Resolution 14-1986 was adopted:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MILWAUKIE, OREGON, AMENDING RESOLUTION NO.
7-1981 SETTING PLANNING FEES.

Councilmember Sandusky was excused from the meeting at 9:32 p.m.

E. Riverfront Restaurant

City Manager Hugh Brown told Council the Riverfront has remained closed since the hearing on July 9. Because of continuing use of the facility for a catering business and the imminent closure of the whole facility, Brown recommended the hearing remain open until September 9, at which time he expects to suggest actions to conclude the hearing.

Councilmember Lomnicki moved to continue the public hearing until September 9, and Mayor Kinsella seconded the motion. By a vote of 4-0, City Council approved the recommendation that the hearing on the Riverfront Restaurant be held open until September 9.

F. Myrtle Street Vacation

City Manager Hugh Brown presented a recommendation to Council

to initiate street vacation proceedings for Myrtle Street between Washington St., and Highway #224. Councilmember Lomnicki asked what the two property owners adjoining Myrtle Street would be able to do with the additional land. Public Works Director Steve Hall told Council that no permanent structures would be allowed because the City retains easements for sanitary sewer, waterline and other facilities.

Councilmember Hall moved to initiate street vacation proceedings and set a public hearing date for October 1. Councilmember Richmond seconded. By a vote of 4-0, street vacation proceedings for Myrtle Street were initiated.

V. CONSENT AGENDA

Mayor Kinsella questioned the following items on the Consent Agenda. He asked Public Works Director Hall if Item V-C: Bid Award for Cab & Chassis had already been budgeted, and Hall indicated it was in the Water Department's current budget.

Mayor Kinsella, referring to agenda item V-D: Lease Purchase Agreement - Sewer Cleaner, asked if the equipment were necessary. Public Works Director Hall said it was needed for the cleaning of the 48" storm sewers. Mayor Kinsella expressed his concern of the encumbrance being placed on the City, and asked if a cash purchase would not be more advantageous. Public Works Director Hall said although the cash is on hand, a lease purchase agreement would allow more flexibility. He went on to say a clause in the contract says that if money is not available in the next budget, the equipment is returnable. Councilmember Lomnicki questioned the legality of "piggybacking" on bids, to which City Attorney Eades responded it was legal under state statute. Public Works Director Hall stated Corvallis' study had been thorough and he was satisfied with their findings that Vactor was the best equipment investment. Councilmember Richmond questioned the price difference between the lowest and the recommended bid which was the highest; he also questioned the amount of interest involved. Councilmember Lomnicki asked if there were a time limit involved -- did the City need the equipment immediately. Public Works Director Hall said the need was not immediate.

City Manager Brown told Council the "piggybacking" method was a time-saving process. Mayor Kinsella said he had doubts on the four year financing and with the selection process. City Manager Brown stated the method of financing allowed cash flow flexibility.

Dennis Smith, representing Camel Co. who was also involved in the Corvallis bid process, told Council of new considerations that should now be taken into account.

Council directed staff to table the recommended equipment purchase and to reopen bidding for the sewer cleaner.

Councilmember Hall moved for the approval of the Consent Agenda Items A-City Council Minutes of July 15, 1986; B-Bid Award - Brookside Sewer Rehabilitation, and C-Bid Award - Cab & Chassis. Councilmember Lomnicki seconded. By a vote of 4-0, items A, B, and C of the Consent Agenda were approved.

INFORMATION

Councilmember Hall moved for the appointment of Lynne B. Roy to the Parks and Recreation Commission to complete the term of Karen Coe who resigned. Councilmember Lomnicki seconded. By a vote of 4-0. Lynne B. Roy was appointed to the Parks and Recreation Commission.

ADJOURNMENT

Councilmember Hall moved to adjourn. The meeting adjourned at 10:17 p.m.

Pat DuVal

Pat DuVal, Executive Secretary

