

MILWAUKIE  
CITY COUNCIL MEETING  
NOVEMBER 18, 1986

COUNCIL CHAMBERS

1516th MEETING

The one thousand five hundred and sixteenth meeting of the Milwaukie City Council was called to order at 7:00 p.m. on November 18, 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  
Ron Goodpaster,  
Police Chief

Jane Heisler,  
Associate Planner  
Steve Hall,  
Public Works Director  
Jerri Widner,  
Finance Director  
Roy Freemantle,  
Supervising Accountant  
Pat DuVal,  
Executive Secretary

AUDIENCE PARTICIPATION

Good News

Mayor Kinsella congratulated the winners of the November, 1986, General Election.

Allen Cohen, 9877 SE 38th, announced to Council that the Jaycees would vote on December 10th regarding the question of giving the Ardenwald Community Club to the City of Milwaukie. His recommendation will be that the Jaycees not continue with the project, and he believes that recommendation will be accepted.

Public Works Director Steve Hall presented Council with an update on the water system problems surrounding the drainage and inspection of the tank at 40th and Harvey. An unexpected surge of pressure resulted from the Portland intertie causing some problems in the City. When Milwaukie's system was turned back on, a resultant drop in pressure was noted by some residents. Councilmember Lomnicki asked about the condition of the tank, and Hall responded that the Public Works Department was still awaiting the engineer's final report and his recommendations.

PUBLIC HEARING

Asbahr Appeal - AP-CU-86-08); Location S.E. Corner of Lake Rd. and Shell Lane; Appellant: George Jacobs. Mayor Kinsella opened the public hearing at 7:09 p.m. and reviewed the quasi-judicial land use hearing procedure. No ex parte contacts or conflicts of interest were declared.

Staff Report - Associate Planner Jane Heisler presented the Staff Report. In October, 1986, the Planning Commission voted unanimously to approve a minor partition, a lot width variance, and a condition use for this property. The appellant Mr. Jacobs gave the following reasons for this appeal: (1) proposed project does not maintain single family bulk, scale, and height; (2) potential unsafe traffic conditions; and (3) whether a structure of similar type is within 200' of proposed structure. Ms. Heisler stated that Milwaukie does not have a design review board, and the Planning Commission and Staff have concluded that the proposal complies with the requirements of the Comprehensive Plan and the Zoning Ordinance. In response to concern (2), Public Works Director Steve Hall responded that his department would have to take into account traffic safety considerations at the time of actual application for construction. Regarding item (3) City Attorney Greg Eades advised Council to use items listed in Sec. 6.02.07 of the Zoning Ordinance only to determine if specific conditions are necessary to make the use compatible with surrounding uses.

Correspondence: None

Applicant's Presentation: Burton Weast of Western Advocates, 1555 Bangy Rd., Lake Oswego, represented the the applicant. He pointed out that the area already has duplexes on Shell Lane, and, therefore, land use is compatible. Since there is no design review, the plans meet set back and necessary variance requirements of the City. He also pointed out the assessed value of the proposed structure would be \$87,000 and would be compatible with the values of surrounding residences. Mr. Weast also stated the applicants intended accessing the property from Shell Lane -- not Lake Road. He urged Council's denial of the appeal.

Other Testimony in Support: None

Opponent's Testimony: Appellant George Jacobs, 12404 SE Shell Lane, told Council the proposed structure was not large enough and that the long, narrow building was not similar to the surrounding, single-family dwellings. Mr. Jacobs stated that putting a duplex in an R-10 zone would deteriorate the area because each "home" would be valued at approximately \$45,000. He stated that the proposed location of the driveway and tennis court parking would conflict. He requested that Council consider a different type of structure -- one more in keeping with the houses in the area.

Ernest Bisio, 3695 SE Lake Rd., spoke in opposition stating that his home in the immediate area had been assessed at \$170,000, and that he lived closer the building site than the properties mentioned by Mr. Weast. He stated Council should recommend a more appropriate structure for the site.

Additional Staff Comments: None

Questions of Clarification: None

Applicant's Rebuttal: Mr. Weast stated the structure would be 16,000 - 17,000 square feet and would have the same "footprint" as a single-family dwelling. The property is being developed according to the financial abilities of the owners.

The public hearing on AP-CU-86-08 closed at 7:38 p.m.

Council Discussion: Councilmember Lomnicki asked if the dedicated roadway would be 9 feet, or 5 feet as stated on page 8 of the packet. Ms. Heisler stated that "9 feet" was the actual figure, and the correction would be made. Mayor Kinsella, referring to the style of the proposed structure, said there was no consistency on bulk and height in the neighborhood. He stated he felt this would be the best use of the property at this time. Mayor Kinsella moved to approve CU-86-08, MLP-86-09, and VR-86-13. Councilmember Lomnicki seconded. Council voted unanimously to approve MLP-86-09 and VR-86-13.

#### OTHER BUSINESS

Audit Report - Nancy Wertz, Audit Manager of Deloitte Haskins & Sells, presented Council with a clean report, with the exception of fixed assets. She said significant improvements had been noticed immediately due to the competent work of Supervising Accountant Roy Freemantle. Mayor Kinsella, referring to the management letter, expressed thanks to the entire Finance Department and particularly Freemantle. Finance Director Jerri

Widner expressed her pleasure with all the departmental improvements.

Johnson Creek Boulevard Truck Traffic - Resolution - Councilmember Lomnicki moved for the adoption of the resolution with language changes as discussed in the work session. Councilmember Hall seconded. By unanimous vote of the Council, Resolution No. 18-1986 was adopted.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REGULATING TRUCK TRAFFIC ON A PORTION OF JOHNSON CREEK BOULEVARD.

Councilmember Lomnicki said he felt the City should be responsible for posting truck routing signs. Sharnelle Fee, chief petitioner for the ballot measure, thanked the voters and City Council for their assistance.

Changes in Certain City Fees and Procedures

1. Delinquent Sewer Accounts - Ordinance - Finance Director Jerri Widner stated to Council this ordinance would allow the City to turn over to County tax assessor delinquent sewer user fees for collection. It was moved by Councilmember Hall and seconded by Councilmember Lomnicki, to read the ordinance by title only. Motion passes unanimously. The ordinance was read the first time. It was moved by Councilmember Hall, seconded by Councilmember Lomnicki to read the ordinance the second time by reference. Motion passed unanimously. The ordinance was read the second time. It was moved by Councilmember Hall, seconded by Councilmember Lomnicki, to adopt the Ordinance. Motion passed with the following vote: Hall, Lomnicki, Kinsella, Sandusky, Richmond, aye.

Ordinance No. 1611

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1548 BY ADOPTING ORS 454.225 PROVIDING FOR COLLECTION OF DELINQUENT SEWER CHARGES.

2. 2% Administrative Fee on Installment Accounts - Resolution - Finance Director Jerri Widner explained to Council that a 2% addition to the net interest cost of a bond sale would cover incurred registrar fees. Assessed property owners paying in cash would not pay for costs of assessed property owners paying in installments. Councilmember Sandusky moved for the adoption of the resolution, and Mayor Kinsella

seconded. By unanimous vote of the Council, Resolution No. 19-1986 was adopted:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IMPOSING A 2% ADMINISTRATIVE FEE TO INSTALLMENT PAYMENT ACCOUNTS FOR ASSESSMENTS.

3. Returned Check Fee - Resolution - Finance Director  
Jerri Widner told Council this resolution, increasing the returned check fee to \$10.00 and imposing conditions, would deter water customers from writing bad checks on shut-off day. The resolution would require the check writer to pay in cash, cashier check, or money order to replace the returned check. Mayor Kinsella moved for the adoption of this resolution, and Councilmember Sandusky seconded. By unanimous vote of the City Council, Resolution No. 20-1986 was adopted:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING A RETURNED CHECK FEE AND SPECIFYING CONDITIONS.

Agreement with Clackamas Service District #1 - Crosswhite -  
City Manager Hugh Brown recommended Council's approval of this interim agreement because it would (1) allow the Service District to serve the immediate needs of the area and to encourage new development and (2) place a hold on serving any other properties pending the establishment of the City's urban services boundary. Mayor Kinsella moved to approve the interim agreement with Clackamas Service District #1, and Councilmember Richmond seconded. Council voted unanimously to approve the agreement.

Automatic Response Agreement with Fire District #1 -  
Councilmember Hall moved to approve the agreement pending clarification on page 1, item #1, and Councilmember Sandusky seconded. Council unanimously voted to accept the agreement with Fire District #1 pending clarification.

Regarding the meeting with Portland and Fire District #1 attended by City Manager Hugh Brown, Mayor Kinsella, and Councilmember Hall, a first-in charge of \$3.30/\$1000 would be required by the City of Portland. Council supported continued negotiations and suggested that Milwaukie should also investigate the feasibility of supplying first-in service. City Manager Brown suggested going to the board meeting to discuss the agreement while making it clear that the City of Milwaukie wished to continue a good working relationship with the District.

Mayor Kinsella announced an organization meeting of the Milwaukie Festival Daze Committee on December 3, at 8:00 a.m. and 8:00 p.m. at the Food Warehouse.

Mayor Kinsella read a letter from Charlie Swan of Woodwind Realty regarding to temporary storage of the Crystal Lake Church on International Way. Staff told Council that the City did not have the ability to prohibit temporary storage in a manufacturing zone.

#### Discussion Items

Councilmember Richmond suggested that Council begin preparing policy statements and goals for the January, 1987 meeting. Councilmember Hall said plans should be made for filling the Council vacancy as soon as possible. Council requested budget meeting schedules for the upcoming process. Mayor Kinsella recommended to staff a "City Project" board for display in the Council Chambers, and Councilmember Richmond asked that a City of Milwaukie wall map be posted. Councilmember Lomnicki asked that, in answer to citizen requests, a report be prepared on emergency response for major accidents within the City, such as train accidents. Bill Hupp asked that the City approach Southern Pacific about freight trains on the lower tracks holding up traffic at rush hour.

#### CONSENT AGENDA

Councilmember Hall moved to approve the consent agenda consisting of the minutes of the November 4, 1986 City Council meeting, and Councilmember Sandusky seconded. Council voted unanimously to approve the Consent Agenda.

#### ADJOURNMENT

Councilmember Hall moved to adjourn the meeting, and Councilmember Sandusky seconded. By unanimous vote of the Council, the meeting adjourned at 8:58 p.m.

Pat DuVal, Executive Secretary