

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
JUNE 19, 1990**

The one thousand six hundred and second meeting of the Milwaukie City Council was called to order at 7:00 PM at the Milwaukie Center with the following Councilmembers present:

Roger Hall,  
Mayor  
Craig Lomnicki

William Fitzgerald  
Chere' Sandusky

Michael Richmond arrived at 8:08 PM

Also present:

Dan Bartlett,  
City Manager  
Phil Grillo,  
City Attorney  
Charlene Richards,  
Assistant to the  
City Manager  
Jerri Widner,  
Finance Director

Maggie Collins,  
Community Development Dir.  
Paul Roeger,  
Acting Public Works Dir.  
Anne Nickel,  
Development Coordinator  
Pat DuVal,  
Executive Secretary

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

Presentation to Annie Ross House

On behalf of the Hope Foundation of Dallas, Texas, Roger Hall, Mayor, presented a grant check to Charles Kindt of Northwest Housing. The Annie Ross House had been selected on the basis of being a well-managed shelter, operating programs to bring the homeless back into society.

Consideration of 1990-93 IAFF Contract

**Charlene Richards**, Assistant to the City Manager, presented the staff report in which the City Council was requested to approve and authorize the Mayor and the City Manager to sign on behalf of the City of Milwaukie the IAFF, Local 1159, 1990-93 Collective Bargaining Agreement and Letter of Intent.

**Wes Johns**, Chief Negotiator for IAFF, spoke regarding the bargaining process.

**It was moved by Councilmember Sandusky and seconded by Councilmember Fitzgerald to approve and authorize the Mayor and City Manager on behalf of the City of Milwaukie to sign the Collective Bargaining Agreement and Letter of Intent. Motion passed 4 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald and Councilmember Sandusky; no nays; no abstentions; Councilmember Richmond not present.**

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Milwaukie Festival Daze

**Dan Bartlett**, City Manager, announced the activities of the 1990 Festival Daze to be held June 22 - 24.

Presentation by Royal Rosarians

Mayor Hall was presented the first annual Rose Festival Mayors Challenge award for his rose garden.

Announcement of Signing of Employment Contracts

**Bartlett** announced that employment contracts had been signed with Fire Chief Dan Olsen and Finance Director Jerri Widner.

**PUBLIC HEARING**1990-91 Budget Hearing

**Mayor Hall** called the public hearing on consideration of the 1990-91 Budget to order at 7:16 PM.

**Mayor Hall** explained the purpose of the hearing was to consider the 1990-91 Budget for the City. This included passage of an ordinance declaring the City's election to receive state shared revenues and the passage of three resolutions which would adopt the 1990-91 Budget, establish a new fund, and elect to receive state-shared revenues.

Staff Report: **Jerri Widner**, Finance Director, presented the staff report in which the City Council was requested to pass an ordinance and three resolutions that adopted the 1990-91 Budget.

Questions of Clarification: None.

Close Public Testimony: **Mayor Hall** closed the public hearing on the 1990-91 Budget at 7:19 PM.

Discussion among Councilmembers: None.

Decision by Council: It was moved by Councilmember Fitzgerald and seconded by Councilmember Sandusky to read the ordinance electing to receive state revenues for the first time by title only. Motion passed 4 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald and Councilmember Sandusky aye; no nays; no abstentions; Councilmember Richmond not present. The ordinance was read the first time by title only. The second reading and adoption of the ordinance would occur at the City Council meeting of July 10, 1990.

It was moved by Councilmember Lomnicki and seconded by Councilmember Fitzgerald to adopt the resolution stating services provided for state revenue sharing; the resolution establishing a new fund; and the resolution adopting the budget. Motion passed 4 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, and Councilmember Sandusky aye; no nays; no abstentions; Councilmember Richmond not present.

**RESOLUTION NUMBER 21-1990:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, STATING SERVICES PROVIDED FOR STATE REVENUE SHARING.**

**RESOLUTION NUMBER 22-1990:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING A NEW FUND FOR FISCAL YEAR 1990-91.**

**RESOLUTION NUMBER 23-1990:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE BUDGET, MAKING APPROPRIATIONS AND DECLARING THE AD VALOREM TAX LEVY FOR FISCAL YEAR 1990-91.**

Adoption of 1990-91 Goals

**Dan Bartlett**, City Manger, presented the staff report in which the City Council was requested to adopt the 1990-91 Goals.

**It was moved by Councilmember Fitzgerald and seconded by Councilmember Lomnicki to adopt the 1990-91 Goals. Motion passed 4 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, and Councilmember Sandusky aye; no nays; no abstentions; Councilmember Richmond not present.**

Solar Access Protection - Ordinance

**Mayor Hall** opened the public hearing on consideration of the proposed Solar Access Ordinance at 7:24 PM.

**Mayor Hall** explained that the purpose of the hearing was to consider the proposed Solar Access Ordinance. He said the ordinance would amend the Milwaukie Zoning Ordinance to provide for solar access protection to those homes which may make beneficial use of solar energy.

**Staff Report:** **Maggie Collins**, Community Development Director, presented the staff report in which the City Council was requested to adopt an ordinance amending the Milwaukie Zoning Ordinance to add provisions for Solar Access Protection. The first sections of the ordinance deal with definitions. A second portion deals with design options for single-family residence. The ordinance has been reviewed by the Planning Commission and recommended to the City Council.

Correspondence: None.

Audience Testimony: **Forrest Soth**, Metro Solar Access Project, expressed the steering committee's appreciation to **Maggie Collins** for her assistance in the project. He said the ordinance would provide a means for the City of Milwaukie to be on the forefront of the use of solar technology and energy conservation. Twenty-two jurisdictions had participated in the drafting of these ordinances to create

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guidelines for all parties involved. **Soth** urged that Council adopt the ordinance which would enhance future livability and aid in fossil fuel conservation.

**Jim Backenstos**, 3626 Harrison, said he was concerned that some trees which were not considered solar friendly and would be eliminated.

Staff Comments: **Collins** explained that existing trees are exempt. The planting of solar friendly trees, those which do not cause shade during the winter months, would be encouraged.

Questions of Clarification: None.

Close Hearing: **Mayor Hall** closed the public on the proposed Solar Access Ordinance at 7:36 PM.

Discussion among Councilmembers: **Councilmember Lomnicki** said that based on information provided during a City Council work session on the issue, he supported the adoption of the ordinance. **Councilmember Sandusky** agreed that Council had been involved from the beginning of the solar access project and believed that all members were well informed. **Mayor Hall** said this had been a very lengthy process, and the timing was appropriate for action.

Determination of Findings and Decision: It was moved by **Councilmember Sandusky** and seconded by **Councilmember Fitzgerald** to read the ordinance amending the zoning ordinance to add provisions for Solar Access Protection for the first time by title only. Motion passed 4 - 0 with the following vote: **Mayor Hall**, **Councilmember Lomnicki**, **Councilmember Fitzgerald**, and **Councilmember Sandusky** aye; no nays; no abstentions; **Councilmember Richmond** not present. The ordinance was read the first time by title only. The second reading of the ordinance was scheduled for the meeting of July 10, 1990.

Formation of Ochoco LID

**Mayor Hall** opened the public hearing on the establishment of a local improvement district for storm drainage in the area of Ochoco Street and McLoughlin Boulevard at 7:39 PM.

**Staff Report:** **Maggie Collins**, Community Development Director, presented the staff report in which the City Council was requested to approve an ordinance creating a local improvement district for the purpose of financing partial cost of a storm drainage system in the Ochoco/McLoughlin sub-drainage basin.

**Collins** said the City is obliged to subtract the estimated revenue to be received from the Oregon Department of Transportation from the projected total. The City of Milwaukie's total cost would increase to approximately \$117,000.

Questions of Clarification: **Mayor Hall** asked the source of additional City funds for the project. **Roeger** said Street Funds would be appropriated. **Councilmember Fitzgerald** suggested tabling adoption of the ordinance until the fee structure was corrected. **Collins** said the purpose of the hearing was to receive remonstrance from those involved in the district. **Bartlett** said this would be a technical correction. **Mayor Hall** asked if this would result in any additional charges to other LID participants. **Bartlett** said other participants would incur no additional charges.

**Alex Kramer**, property owner, said he was concerned that a property adjacent to his was not included in the proposed assessment role. **Kramer** said that this property was within Portland city limits, but water drained through his property which was included in the LID.

**Jim Helton**, Cunningham Associates, said that he had been contacted by City staff to determine if water from a property outside the proposed LID and outside the city limits of Milwaukie did drain into Kramer's property. **Helton** said it had been determined that a majority of the properties in the area drained into Johnson Creek via catch basins. He stated that in the near future such runoff problems should be solved by the proposed drainage projects. **Helton** added that State street improvements in the area should also help alleviate the problem.

**Bartlett** said State law does not allow the City of Milwaukie to assess within the City of Portland. He suggested that if Kramer were to study the State plans with Collins and Helton, he might better understand the upcoming project and its effectiveness.

Close Public Testimony: **Mayor Hall** closed the public testimony portion of the hearing on the creation of a local improvement district for storm drainage at 7:59 PM.

Discussion among Councilmembers: None.

Decision by the Council: It was the consensus of Council to consider adoption of the ordinance creating a local improvement district in the Ochoco/McCloughlin sub-drainage basin at the July 10, 1990 regular session.

**AUDIENCE PARTICIPATION**

**Jim Backenstos**, 3626 Harrison, President of the Concerned Citizens, spoke regarding the water treatment issue and the changes he proposed to the functions of the Citizens Utility Advisory Commission.

**Backenstos** spoke regarding the sale of the Oak Street property and the construction costs of the new Public Works/Community Development facility. He asked that the City Council investigate the City Manager's actions regarding this issue.

**OTHER BUSINESS**

Consideration of 1990-91 Compensation Recommendations for Management of Non-Represented Employees - Resolution

**Charlene Richards**, Assistant to the City Manager, presented the staff report in which the City Council was requested to approve a resolution which continues the implementation of the management/non-represented compensation plan adopted in 1989-90 including the "catch-up" increases and 4% general increase for 1990-91.

It was moved by Councilmember Fitzgerald and seconded Councilmember Richmond to adopt the resolution ratifying and adopting the salary schedule for management/non-represented employees. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky and Councilmember Richmond aye; no nays; no abstentions.

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**RESOLUTION NUMBER 24-1990:**

**A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON,  
RATIFYING AND ADOPTING SALARY SCHEDULES FOR  
CERTAIN EMPLOYEES OF THE CITY OF MILWAUKIE FOR  
THE PERIOD FROM JULY 1, 1990, THROUGH JUNE 30, 1991.**

Solar Access Protection - Ordinance, second reading

It was the consensus of Council to consider the Solar Access Protection Ordinance at this time as all Councilmembers were present.

It was moved by Councilmember Richmond and seconded by Councilmember Lomnicki to read the ordinance amending the zoning ordinance for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Richmond and seconded by Councilmember Fitzgerald to adopt the ordinance amending the zoning ordinance. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond; no nays; no abstentions.

**ORDINANCE NO. 1683:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
AMENDING ORDINANCE NUMBER 1438, THE ZONING  
ORDINANCE.**

Consideration of Election to Receive State Revenues - Ordinance, second reading

It was moved by Councilmember Sandusky and seconded by Councilmember Richmond to read the ordinance electing to receive state revenues for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Sandusky and seconded by Councilmember Richmond to adopt the ordinance electing to receive state revenues. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

**ORDINANCE NO. 1684:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
DECLARING THE CITY'S ELECTION TO RECEIVE STATE  
REVENUES.**

Downtown Development Project Status Report

Anne Nickel, Development Coordinator, presented the staff report in which the activities of the downtown development association were discussed. The merchants, property owners, interested residents and City staff had met for six months to address downtown issues. Goals and objectives had been identified. The group had agreed to incorporate, to create a funding mechanism, and to implement an action plan.

Consideration of SE 40th Avenue Sewer Easements - Resolution

Paul Roeger, Acting Public Works Director, presented the staff report in which the City Council was requested to adopt a resolution vacating all utility easements previously reserved and dedicated in vacated streets within Lots 3 & 4 of Minthorn Business Center subdivision. A small section of 40th Avenue north of International Way had been vacated and the easement was no longer needed.

Councilmember Lomnicki asked if the City had paid for these easements. Roeger said he would investigate the records, but this is not usually the case.

Councilmember Lomnicki said he believed if the City had paid for an easement, it should not be vacated. Bartlett said that the Minthorn Business Center improvements were included in the State lottery funds received by the City of Milwaukie. The total area is now assessed at \$26 million. Bartlett said he believed if the City had paid for the easement, the cost has been adequately repaid through improvements.

It was moved by Councilmember Richmond and seconded by Mayor Hall to adopt the resolution authorizing the City Manager to sign a quit claim deed vacating certain easements along vacated SE 40th Street. Motion passed 4 - 0 with the following vote: Mayor Hall, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; Councilmember Lomnicki abstained.

**RESOLUTION NUMBER 24-1990:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY A QUIT CLAIM DEED VACATING CERTAIN EASEMENTS FOR SANITARY SEWER WITHIN AND ALONG VACATED SE 40TH STREET.**

Commission Appointments

City Council first addressed the Citizens Utility Advisory Commission. Councilmember Richmond said he believed that if there were an insufficient number of applicants for this commission, that it would not be appropriate to make any appointments at this time. Councilmember Lomnicki said he felt the six applicants whom the Council had interviewed should be appointed. Councilmember Fitzgerald suggested the City distribute commission applications during Festival Daze. Councilmember Fitzgerald requested more information on the structuring of the committee's staggered terms. Mayor Hall suggested that when appointments are made that members should draw lots for lengths of terms. Councilmember Lomnicki said he felt appointments should be made as soon as possible.

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**It was the consensus of Council to set the selection of the members of the Citizens Utility Advisory Commission to the July 10, 1990 meeting.**

**It was moved by Councilmember Lomnicki and seconded by Councilmember Richmond to reappoint John Siefer to the Civil Service Commission and Robb Walraven to the Traffic Safety Commission. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond; no nays; no abstentions.**

Consideration of Southern Pacific Easement

**Bartlett said the City already provides \$2 million insurance for parking lot B. This easement would result in no additional costs. He added that the contractor would be responsible for \$2 million coverage.**

**It was moved by Councilmember Sandusky and seconded by Councilmember Lomnicki to authorize the City Manager to sign the easement agreement. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond; no nays; no abstentions.**

Additional Costs to the Waterline Upsizing, Phase II

**Roeger presented the staff report in which the City Council was requested to approve a Public Works Engineering overrun of 13%, or \$17,991 on the 1989 Waterline Upsizing Project, Phase II.**

**Councilmember Fitzgerald asked why staff had brought this as a supplemental agenda item. Roeger said that the Public Works Department had not been aware of the issue prior to preparation of the agenda. He said according to the City's purchasing procedures, the matter had to be dealt with immediately.**

**It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to approve the contract increase. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond; no nays; no abstentions.**

**INFORMATION**

**Bartlett brought Council attention to the staff report in response to Councilmember Richmond's question on how much the City had paid for the Johnson Creek Sewer Study.**

**CONSENT AGENDA**

**It was moved by Councilmember Sandusky and seconded Councilmember Sandusky to adopt the Consent Agenda which consisted of the City Council minutes of June 5, 1990. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.**

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Mayor Hall announced an Executive Session pursuant to ORS 192.660 immediately following adjournment of the Regular Session.

**ADJOURNMENT**

Mayor Hall adjourned the meeting at 8:54 PM.

**EXECUTIVE SESSION**

Mayor Hall called an Executive Session under ORS 192.660(1)(i) to evaluate the performance of the City Manager. The Council discussed various performance issues with the City Manager. They continued the evaluation to a special meeting on June 29, 1990, 8:00 AM at the Fire Administration Bldg.

Mayor Hall adjourned the meeting at 10:15 PM.

*Pat DuVal*

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EXECUTIVE SESSION  
JUNE 29, 1990

**Mayor Hall** convened the Council at 8:35 AM at the Fire Administration Building. He noted that the purpose of the meeting was for employee evaluation under ORS 192.660(1)(i). He noted that the press had been advised that certain documents distributed at the meeting were exempt from the Public Records Law.

The Council conducted a free and open discussion of the City Manager's performance. The City Manager provided information concerning the City's accomplishments since February 1, 1989. He answered all questions posed by Councilmembers.

**Councilmember Richmond** left the session at approximately 9:45 AM. He expressed his satisfaction with the Manager's performance. The Council directed the City Manager to set formal action on this evaluation and the City Manager salary increase from the July 10, 1990 Council meeting.

**Mayor Hall** adjourned the Executive Session at approximately 10:00 AM.