

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
OCTOBER 19, 1993

The one thousand six hundred and eighty-first meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Milwaukie Center with the following Councilmembers present:

- |                          |                |
|--------------------------|----------------|
| Craig Lomnicki,<br>Mayor | Jean Schreiber |
| Rick Farley              | Rob Kappa      |
|                          | Bob Knudson    |

Also present:

- |  |                                       |
|--|---------------------------------------|
| Dan Bartlett,<br>City Manager                          | Tim Corbett,<br>Public Works Director |
| Jim Coleman,<br>City Attorney                          | Greg Drechsler,<br>City Engineer      |
| Charlene Richards,<br>Assistant to the<br>City Manager | Darrell Lyons,<br>Program Specialist, |
| Angus Anderson,<br>Finance Director                    | Pat DuVal,<br>Recorder/Secretary      |

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

**Milwaukie Downtown Development Report**

Larry Froland, Treasurer, Milwaukie Downtown Development Association, 14110 SE Fair Oaks Lane, Milwaukie, requested continuation and renewal of the City of Milwaukie/Milwaukie Downtown Development Association (MDDA) Agreement. He said the MDDA Board and the City Council had met and agreed to continue consideration of the Economic Improvement District (EID) ordinance to a Spring 1994 meeting. He said extending the business license surcharge ordinance for an additional five years was important to stabilize funding for current and future projects.

Councilmember Kappa asked if the Association had long-range plans. Froland said MDDA's mission is to revitalize the downtown core area and to improve the economic condition. The Association seeks to involve downtown business people in creating a cohesive plan for the future.

Councilmember Kappa asked how business owners found time to volunteer. Froland said each business has an individual goal and many owners have been involved with the Association. He said the Association is seeking to overcome apathy by keeping downtown business owners informed of projects and events.

## CITY COUNCIL MEETING - OCTOBER 19, 1993

Karen O'Dowd, Milwaukie Downtown Development Association Manager, discussed the action plan and what the Association is trying to accomplish. She discussed those areas of revitalization that could be measured. These included a 12% increase of assessed value and 4% increase in the number of jobs in the downtown area since the MDDA was formed. She reviewed the projects which included the facade program, sidewalk repair, beautification, and Share the Lights.

O'Dowd reviewed involvement by several of the downtown businesses and volunteer groups. She discussed MDDA participation in light rail planning. She urged that the investment in downtown be continued through the business license surcharge.

Councilmember Kappa asked if the MDDA intended to work with a development plan. O'Dowd responded that development plans were the responsibility of the City, but MDDA would assist in the design development phase.

Councilmember Knudson asked if MDDA had plans to put attractive "Welcome to Milwaukie" signs on McLoughlin Blvd. O'Dowd said signs and banners for special events will be part of the work plan.

**AUDIENCE PARTICIPATION**

None.

**PUBLIC HEARING****Consider Surcharge Ordinance to Support the Economic Improvement Activities of the Milwaukie Downtown Development Association**

Mayor Lomnicki called the public hearing on the adoption of an ordinance which imposes a business tax surcharge on businesses in the downtown area at 7:28 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider an ordinance which would authorize the continuation of the business license surcharge ordinance that supports the economic improvement activities of the Milwaukie Downtown Development Association. The Council will then discuss the matter. If the Council decides to move forward with this ordinance, there will be a public hearing set at a later date on this matter.

Staff Report: Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider continuing the business license surcharge through 1998 and granting persons conducting business in the District the right to remonstrate. He said that a public hearing was proposed for November 23, 1993, for the purpose

of allowing remonstrance. He said the current assessment was estimated at \$24.75 per employee.

Correspondence: None.

Testimony in Support: Larry Froland said as a business and property owner he has seen benefits from MDDA. He said he believed those participating would see a large return on their investment.

Testimony in Opposition: George Van Bergen said he was both a home owner and business owner in Milwaukie. He said he was concerned with taxes and the City's commitment of \$18,000 from the budget. He said he believed the accomplishments have been cosmetic and no new businesses have been attracted. He said he has not seen the level of involvement by merchants and business men increase. Van Bergen said most people coming into the community are destination oriented, and flowers on the street corners have not been beneficial. He said reality needed to be defined, and the reality was that the downtown area is made up of professionals. He said he believed more could be achieved by making the community more permit friendly. He said MDDA should not simply be an organization to take over Festival Daze. He added that he had never been invited to participate in any of the MDDA activities. As a City tax payer, he said he had a problem that \$18,000 was taken from his taxes to pay for the MDDA. He said he does not expect City leadership to delegate authority to MDDA. He suggested that the only way to have growth is to break into the three major streets to the east. He said the Milwaukie Jr. High School and Milwaukie City Hall were two sites that the City should considered for expansion.

Neutral Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing at 7:45 p.m.

Discussion among Councilmembers: Mayor Lomnicki said the City Manager recommended a second public hearing on November 23, 1993, to consider remonstrances. There would have to be 33% of the downtown businesses remonstrating to halt the EID. Bartlett discussed the procedure and the dates for remonstrances and public hearings.

Mayor Lomnicki said downtown business owners would have to determine if they wished to continue the business license surcharge.

Councilmember Knudson asked for clarification of the term of the Agreement. Bartlett said under ordinance 1702, the City agreed to have the license for three years. MDDA is requesting a five year surcharge period as authorized by the State.

Councilmember Schreiber said any future Council could decide to review the Agreement. She asked how downtown business owners could bring the ordinance back up for review. Bartlett said any Council could reconsider the ordinance and Agreement if there is interest expressed. The surcharge can only be repealed by remonstrance at the designated public hearing and deadline.

Decision by Council: It was moved by Councilmember Schreiber and seconded by Councilmember Farley to read the ordinance continuing the business license surcharge throughout 1998 and granting persons conducting business in the District the right to remonstrate for the first time by title only.

Councilmember Kappa said he was concerned about the group's long-range plan. Mayor Lomnicki said the Manager's report outlined MDDA's goals.

Councilmember Schreiber said downtown business owners must decide if they wish to tax themselves.

Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to read the ordinance continuing the business license surcharge through 1998 and granting persons conducting business in the District the right to remonstrate for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Mayor Lomnicki to adopt the ordinance continuing the business license surcharge through 1998 and granting persons conducting business in the District the right to remonstrate. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

## ORDINANCE NO. 1750:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
PROVIDING FOR CONTINUING THE BUSINESS LICENSE  
SURCHARGE THROUGH 1998 AND GRANTING PERSONS  
CONDUCTING BUSINESS IN THE DISTRICT THE RIGHT TO  
REMONSTRATE.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to set the public hearing date for Tuesday, November 23, 1993, at 7:00 p.m. at the Milwaukie Center, for the purpose of receiving remonstrances. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Providing for Continued Economic Improvement District Assessments and Grant Property Owners in the District the Right to Remonstrate

Mayor Lomnicki called the public hearing to consider the ordinance that provides for continued EID assessments and the right to remonstrate to order at 7:58 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider an ordinance that provided for continued Economic Improvement District assessments and granted property owners in the district the right to remonstrate. Mayor Lomnicki reviewed the conduct of the hearing.

Staff Report: Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider an assessment within the same economic improvement district and establish a method of assessment. Assessments are turned over to the County Tax Collector under Ballot Measure 5 provisions. This item does not have to be acted upon until July 15, 1994. MDDA would like to continue the issue until Spring.

Correspondence: None.

Testimony in Support: O'Dowd said the MDDA board wished an extension until May in order to discuss the issue with property owners.

Testimony in Opposition: George Van Bergen, 2336 SE Washington, said an MDDA levy will not have much impact on him because the Ballot Measure 5 cap would probably be reached.

## CITY COUNCIL MEETING - OCTOBER 19, 1993

Councilmember Kappa asked Van Bergen for his development vision. Van Bergen said development would have to break through the barriers to the east. The permit system and the Comprehensive Plan would have to become more friendly. The City needs growth. Flowers do not invite new businesses or encourage customers.

Neutral Testimony: None.

Staff Comments: Bartlett said if Council wished, the issue could be tabled until April 19, 1994, in order to give sufficient time to prepare the budget document.

Questions of Clarification: None.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing on the proposed ordinance at 8:07 p.m.

Councilmember Schreiber said she would like to give the downtown manager an opportunity to exhibit her full range of skills and more clearly define Association goals. She said she hoped that the downtown community would focus its energy on the EID concept.

Councilmember Kappa said he would like to see a product within the next year or two. He said he was personally most interested in the downtown and the riverfront end product.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to table the issue to the second meeting in April, 1994. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Amendment to Chapter 10.20 of the Milwaukee Municipal Code Regarding Truck Parking in Commercial and Industrial Zones in the City

Mayor Lomnicki called the public hearing to consider amending Municipal Code Chapter 10.20 regarding truck parking at 8:12 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider an ordinance that amends Chapter 10.20 of the Milwaukee Municipal Code regarding truck parking in Commercial and Industrial zones in the City.

Staff Report: Greg Drechsler, City Engineer, presented the staff report in which the City Council was requested to consider an ordinance that would allow truck parking in Commercial and Industrial zones for a period not to exceed 24 hours. The Comprehensive Plan states that a broad

industrial base would be supported and encouraged. Staff developed a recommendation that the time period be changed to allow eight hour parking between 6:00 a.m. and 9:00 p.m. in Commercial and Industrial zones unless a time limit is specifically posted. Two hour parking would be kept in place for trucks within residential areas and between the hours of 9:00 p.m. and 6:00 a.m. in Industrial and Commercial zones. This would also provide a restriction on overnight truck parking.

**Councilmember Schreiber** asked if this enforcement would also apply to moving vans. **Drechsler** said in certain circumstances, the City Manager could issue a special permit.

**Councilmember Knudson** asked how this would apply to construction trucks. **Drechsler** said the City Manager would have to issue a permit.

**Councilmember Kappa** said he was concerned that this might cause more truck traffic on non-designated streets. He said restroom facilities and trash containers might also be required.

**Bartlett** said this proposed code amendment was in response to businesses located on International Way. He said this ordinance will impact only public streets.

**Drechsler** said this action applies to only the Commercial/Industrial zones and will not impact residential areas.

**Bartlett** said the ordinance is City-wide and enforced only in commercial areas. The action should standardize truck parking throughout the City.

**Drechsler** said the ordinance proposed enforcement between 6:00 a.m. and 9:00 p.m. The two-hour parking limit would be in effect after these hours to eliminate overnight truck parking.

**Bartlett** said there are signs in certain areas indicating "no parking" for vehicles over five feet high.

**Councilmember Farley** said he was concerned about clear vision at intersections. **Bartlett** said a 20-foot radius was required at intersections for clear vision. He said a traffic regulation restricting height can be implemented.

**Councilmember Schreiber** said she was concerned that trailers could be left on City streets. **Bartlett** said trailers without tractors have been ticketed.

Testimony in Support: None.

Testimony in Opposition: None.

Neutral Testimony: None.

Close Public Hearing: None.

Council Discussion and Decision: It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance amending Section 10.20.060 of the Milwaukie Municipal Code pertaining to truck parking for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance amending section 10.20.060 of the Milwaukie Municipal Code pertaining to truck parking for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the ordinance amending Section 10.20.060 of the Milwaukie Municipal Code pertaining to truck parking. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

**ORDINANCE NO 1751:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
AMENDING SECTION 10.20.060 OF THE MILWAUKIE  
MUNICIPAL CODE PERTAINING TO TRUCK PARKING.**

**AUDIENCE PARTICIPATION**

Polly Robinson, Milwaukie Loaves & Fishes Manager, discussed the need for volunteer drivers for the Meals on Wheels program. She said the program helps keep senior residents in their homes and out of nursing facilities.

Councilmember Kappa asked if there were special insurance requirements. Robinson said volunteers are required to have a valid drivers license and their own insurance. She said volunteers are reimbursed for their mileage.

Mayor Lomnicki suggested putting the request on the government access reader board.

Councilmember Farley asked how many routes there were. Robinson said there were 17 routes.

Bartlett said the City would help communicate the need to employees and the public.

**OTHER BUSINESS**

**Consider Property and Casualty Insurance Program Fiscal Year 1993 - 1994**

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to consider a recommendation from the designated Agent of Record for the City, Sedgwick James, Inc. The recommendation included Northland for primary liability and umbrella policy; Northland for auto coverage; self insure for more expensive equipment such as the fire engine and Aquatech; and Chubb for boiler insurance. The total cost is below the \$120,000 budgeted for insurance.

Councilmember Farley asked how this dollar amount compared to last year. Anderson said the total premium was about \$3,000 more and was based on a fiscal year cycle. He said several coverages were increased over last year. These included above ground reservoirs; increased self insured limit; and addition of employment related claims coverage.

Councilmember Farley asked how many vehicles the City owned valued between \$25,000 and \$50,000. Anderson said there were none.

Councilmember Kappa asked what boiler insurance covered. Anderson said it includes any explosion of a mechanical nature.

Councilmember Farley asked if there were exclusions to the boiler policy. Anderson said there were certain exclusion; however, the City does carry earthquake insurance.

Councilmember Schreiber asked how much the City would actually spend in insurance costs. Anderson said the City would probably spend about \$90,000 this year. The balance will be carried over to the next fiscal year in the General Government fund.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to accept the recommendation of Sedgwick James, Inc. for property and casualty insurance coverage. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Intergovernmental Agreement with Metro for Multi-Family Recycling

Darrell Lyons, Program Specialist - Recycling, presented the staff report in which the City Council was requested to consider an Intergovernmental Agreement (IGA) with for a multi-family recycling program grant for fiscal year 1993-1994.

The grant amount and the City match is \$1845 for a total of \$3690. The funds will help multi-family residence managers provide recycling opportunities and meet waste reduction requirements. Lyons reviewed the proposed program budget which included education, signage, and site preparation at the complexes. The Metro grant portion is designated for recycling containers.

Councilmember Kappa asked how recycling is accomplished in complexes with limited space. Lyons said he has already worked with most of the multi-family residences in the area, and some have required modifications.

Councilmember Farley asked how many complexes did not have recycling. Lyons said there were about 15-20 complexes with five or more units without the service. The programs at each complex are designed for convenience.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to authorize the Mayor to sign on behalf of the City an Intergovernmental Agreement between Metro and the City for the multi-family recycling program. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

OTHER

Councilmember Kappa discussed the joint City Council, Planning Commission, and Parks and Recreation Commission meeting. Bartlett said the work session will be scheduled depending upon the availability of information from Metro.

councilmember schreiber said there was a planning effort for the Clackamas Town Center area. She expressed concern that Milwaukie would be able to track all of the activities. Bartlett said Metro has already been informed that Milwaukie wants to be deeply involved. He said there have been interns brought in temporarily and a Senior Planner will be hired. Bartlett said he and Mayor Lomnicki were meeting with planners to have a voice in what happens within the urban growth boundary.

Bartlett discussed the Neighborhood District Association information in the Council packet.

Councilmember Schreiber discussed the visioning process and community wide issues.

Mayor Lomnicki discussed the Scoping Meeting on October 27 at Rex Putnam High School.

**CONSENT AGENDA**

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the Consent Agenda which consisted of the City Council Minutes of October 5, 1993 and a liquor license for David S. and Barbara P. Chow, dba Chopsticks Express. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa and Councilmember Knudson aye; no nays; no abstentions.

**INFORMATION**

Bartlett reported on the Public Safety Building and Chief Mansfield's retirement.

Councilmember Schreiber and Bartlett discussed 32nd Avenue Reconstruction Project.

**ADJOURNMENT**

Mayor Lomnicki adjourned the meeting at 9:30 p.m.

*Pat DuVal*

---

Pat DuVal, Recorder/Secretary

