

CITY OF MILWAUKIE
CITY COUNCIL MEETING
MARCH 2, 1993

The one thousand six hundred and sixty-sixth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:05 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki, Mayor	Jean Schreiber
Rick Farley	Rob Kappa
	Bob Knudson

Also present:

Dan Bartlett, City Manager	Maggie Collins, Community Development Director
Mike Robinson, City Attorney	Pat DuVal, Recorder/Secretary
Charlene Richards, Assistant to the City Manager	

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Historic Moments

Mayor Lomnicki discussed the early nursery and fruit business in the Milwaukie area. An ox-drawn wagon was loaded with 700 young fruit trees in the mid-west and arrived in this area in 1847. About one-half of the trees survived the journey and were planted on a five-acre cleared area which is now Waverley. This was an early phase of our thriving Northwest fruit business.

Milwaukie Downtown Development Association (MDDA) Annual Report

Larry Froland, MDDA Treasurer, 14110 SE Fair Oaks Way, discussed the 1993 budget and the results of a recently compiled business survey. He discussed several of the planned expenditures; the recruitment for the vacant Downtown Manager's position; and the downtown parking enforcement program.

Froland discussed the facade improvement project. MDDA is offering up to \$500 for improvements and is working in conjunction with local banks to make additional low interest loans to downtown business owners. He said residents can look forward to cosmetic improvements in the downtown district.

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Froland discussed the recently completed downtown business survey. Owners indicated that they felt they were doing better and that there was potential for increased business. They also indicated support for the parking program and the facade improvement project.

Councilmember Kappa said the survey indicated that not many of the businesses advertise on a regular basis. Froland said many of the downtown businesses responding were in the service industry and did not usually advertise. Other businesses were very small and did not have the funds to advertise.

Froland addressed the amount budgeted for payroll and contingency.

Councilmember Schreiber asked if there would be a profit and loss statement for Council review. Pam Reynolds, MDDA President, said there was a profit and loss statement for the end of 1992 available.

Froland said the revenue source has not changed dramatically since last year.

Councilmember Schreiber asked if last year's promotions had generated any income. Froland said about \$6,000 was raised last year. He said he could provide Council with information on upcoming promotions.

Councilmember Knudson asked for additional information on the facade improvement program. Froland said a design review committee had been formed that would review the applications from downtown business owners. They would attempt to standardize the look of the downtown area.

Councilmember Knudson asked if there would be any carpentry work on the storefronts. Froland said business owners could make as many improvements as they liked as long as the design criteria were met. He added that there had also been a discussion of landscaping and benches, but the grants were only for facade improvements.

Councilmember Schreiber said she understood there was a cooperative program with Milwaukie High School. Froland said Principal Winder was receptive to working with the MDDA and discussed the Applause Program.

Councilmember Kappa asked Froland which promotions were most successful. Froland said the "Share the Lights Festival" at Christmas and the "May Plant Sale" were the most successful.

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PUBLIC HEARING

Consider Revision of City Sign Ordinance, File No. ZA-92-01
- Ordinance

Mayor Lomnicki called the public hearing on adoption of revisions to the City Sign Ordinance to order at 7:26 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider adoption of revisions to the City Sign Ordinance located in Title 14 of the Milwaukie Municipal Code as recommended by the Milwaukie Planning Commission.

Mayor Lomnicki reviewed the conduct of the hearing. He said the applicant had the burden of proving that the proposed rezoning of the property is consistent with the City of Milwaukie's Zoning Ordinance and Comprehensive Plan.

Mayor Lomnicki said that all testimony and evidence must be directed toward criteria in the plan or land use regulation which one believes applies to the decision. Failure to address a criterion or to raise any other issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes an appeal to the Land Use Board of Appeals based on that criteria or issue.

There were no ex parte contacts or conflicts of interest announced. There was no challenge to any member's impartiality or jurisdiction to consider the proposal.

Staff Report: Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider an ordinance that would revise the City Sign Ordinance located in Title 14 of the Milwaukie Municipal Code as recommended by the Milwaukie Planning Commission. The Planning Commission began work on this project in October, 1992 and undertook a thorough revision of the sign ordinance. The Commission held a series of three public work sessions on this project and prepared six drafts of proposed revisions.

Collins announced that the City Attorney had advised that an additional finding be added to the proposed ordinance referring to Statewide Planning Goals and Guidelines. She reviewed the findings in the proposed ordinance. She said the Planning Commission and the Milwaukie Downtown Development Association (MDDA) had reviewed and endorsed the proposed ordinance.

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Councilmember Kappa referred to 14.20.010 Signs prohibited. He asked if this section would also prohibit the placement of garage sale signs in the right-of-way. He asked how the City would deal with a person who placed a garage sale sign in the public right of way. Bartlett said signs placed on a traffic control signal or in the public right-of-way would be taken down. The City would store these signs for 30 days and would dispose of them after 30 days if not claimed.

Mayor Lomnicki asked if sign owners would be notified of code violations. Bartlett said staff does not do this unless a chronic problem is identified.

Councilmember Schreiber asked if "For Sale" signs in a vehicle window were prohibited. Mike Robinson, City Attorney, said it was the attorney's opinion that it was not advisable to regulate car signs. The Oregon Constitution, however, prohibits and regulates the contents.

Councilmember Farley said anything could be put in or on a vehicle. He asked if signs attached to a balloon were prohibited. Collins said attaching a sign to a balloon was not allowed. She said that signs are for identification and based upon reasons.

Correspondence: None.

Testimony in Support: None.

Testimony in Opposition: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing at 7:43 p.m.

Discussion among Councilmembers: Councilmember Kappa said he believed it was a good document and expressed his gratitude to the Planning Commission and Community Development staff.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance repealing Title 14 of the Milwaukie Municipal Code and subsequent amendments thereto, entitled the "Sign Ordinance of the City of Milwaukie, Oregon" and recreating the "Sign Ordinance of the City of Milwaukie, Oregon" (ZA-92-01) 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.

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It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance repealing Title 14 of the Milwaukie Municipal Code and subsequent amendments thereto, entitled the "Sign Ordinance of the City of Milwaukie, Oregon" and recreating the "Sign Ordinance of the City of Milwaukie, Oregon" (ZA-92-01) 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 Farley and seconded by Councilmember Knudson to adopt the ordinance repealing Title 14 of the Milwaukie Municipal Code and subsequent amendments thereto, entitled the "Sign Ordinance of the City of Milwaukie, Oregon" and recreating the "Sign Ordinance of the City of Milwaukie, Oregon" (ZA-92-01). 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. 1733:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, REPEALING TITLE 14 OF THE MILWAUKIE MUNICIPAL CODE AND SUBSEQUENT AMENDMENTS THERETO, ENTITLED THE "SIGN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON" AND RECREATING THE "SIGN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON" (ZA-92-01).

Consider Code Amendment Establishing Criteria for Sister City Relationships - Ordinance

Mayor Lomnicki called the public hearing to consider adoption of the Sister City Ordinance to order at 7:45 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider adoption of an ordinance that would amend the Milwaukie Municipal Code by adopting an ordinance establishing criteria for Sister City relationships.

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 ordinance that would amend the Milwaukie Municipal Code by establishing criteria for Sister City relationships. This would give authority to a Sister City organization. He said the City has been working with the City of Iwaki, Japan, since April, 1990, and Mayor Kodera visited the City in August, 1991. Milwaukie has joined the Sister Cities International and reviewed documents from the cities of Portland and Gresham regarding Sister City

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relationships. After adoption of the proposed ordinance, members of the community can form a Sister Cities Association and prepare for a proposed visit by the Mayor of Iwaki, tentatively scheduled for June 4, 5, and 6.

Bartlett reviewed the process of this project and the relationship that was promoted in 1963 as part of the "People to People Program." This was a predecessor to the Sister City Program and was considered non-active in 1967.

Councilmember Kappa asked who initiated the contact. **Bartlett** said the City of Iwaki was seeking a Sister City relationship in this area and had contacted Professor Kodachi at Lewis & Clark College. Mayor Kodera and Professor Kodachi assessed several cities in the area, and Milwaukie was recommended. Dr. Haga visited Milwaukie in May, 1990 as an Iwaki representative to assess the possible affiliation.

Councilmember Knudson asked if the visitors coming in June would be able to visit the Public Safety Building. **Bartlett** said they would be able to tour the facility, but it would not be completed by June.

Bartlett discussed the Rotary Exchange Program and the Japanese Exchange Program at Milwaukie High School. He attended a session at Milwaukie High School to recruit freshman students to participate in the exchange, and the students were agreeable to meeting the Iwaki visitors. He discussed the exchange program in Yakima, Washington.

Councilmember Farley asked in what areas of agriculture the Iwaki visitors were interested. **Bartlett** said on their tour of Milwaukie, the visitors had been interested in the Oregon Cutting Systems tools and the work done at Pendleton.

Councilmember Schreiber said the Iwaki visitors had been interested in the Native Americans and perhaps this could be covered in more depth on their next trip.

Bartlett reviewed the tentative plans for the June visit.

Correspondence: None.

Audience Participation: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Hearing: Mayor Lomnicki closed the public testimony portion of the hearing at 8:05 p.m.

Discussion among Councilmembers: None.

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It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance establishing criteria for City of Milwaukie Sister City relationships and adding Section 2.44 to the Municipal Code 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 Kappa and seconded by Councilmember Farley to read the ordinance establishing criteria for City of Milwaukie Sister City relationships and adding Section 2.44 to the Municipal Code 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 Councilmember Kappa to adopt the ordinance establishing criteria for City of Milwaukie Sister City relationships and adding Section 2.44 to the Municipal Code. 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. 1734:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING CRITERIA FOR CITY OF MILWAUKIE SISTER
CITY RELATIONSHIPS AND HEREBY ADDING TO THE
MUNICIPAL CODE OF MILWAUKIE SECTION 2.44.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

Consider Portland General Electric Franchise Agreement - Ordinance

This agenda item was held over to March 16, 1993.

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Consider Appropriation of Contingency - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution transferring budget appropriations. He said it had been the practice in developing budgets that funds for salary increases be held in contingency until all salary figures were known. The proposed resolution also transferred \$55,263 to the Library Fund and \$80,880 to the Fire Rescue Fund.

Bartlett discussed the amount of money left in contingency. The audit identified \$872,000 ending fund balance. It is the City's goal to end the 1992-1993 budget year with an ending fund balance of \$700,000.

It was moved by Mayor Lomnicki and seconded by Councilmember Kappa to adopt the resolution transferring funds from contingency to various appropriation categories.

Councilmember Kappa asked what would happen if the City had an emergency. Bartlett said the balance of funds were not shown in the General Fund. The funds were in the Local Government Investment Pool.

Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 5-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TRANSFERRING FUNDS FROM CONTINGENCY TO VARIOUS APPROPRIATION CATEGORIES.

Consider Letter Supporting Metro Greenspaces Grant

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to authorize the Mayor to sign a letter supporting the Metro Greenspaces grant application. This would continue inner-city restoration projects; trails and greenway planning; environmental education; and public outreach. Metro is also applying for funds to establish a Greenspaces pilot land acquisition fund. Bartlett pointed out that the City has already benefitted from some of the Metro projects.

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It was moved by Councilmember Knudson and seconded by Councilmember Farley to authorize the Mayor to sign a letter supporting the Metro greenspaces grant application. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Commission Appointments

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to appoint Greg Gibson to the Traffic Safety Commission; Dr. Don Simpson to the Parks and Recreation Commission; Scott McClure to the Planning Commission; and reappoint Don Trotter to the Planning Commission. Mayor Lomnicki explained that the Council believed that it was in the public interest to extend the appointment of Don Trotter to the Planning Commission beyond the two term limitation. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Council directed staff to prepare a letter of appreciation to Betty Fulmore for serving on the Planning Commission.

Gang Task Force

Councilmember Kappa discussed correspondence from Senator Dave McTeague regarding a meeting on Wednesday, March 3. He said he had been requested to attend and give a general overview of the activities in Clackamas County.

North/South Transit Corridor

Bartlett said he and Mayor Lomnicki would attend a meeting of the Clackamas County Board of Commissioners and County staff regarding the proposed light rail corridor.

CONSENT AGENDA

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the Consent Agenda which consisted of the City Council Minutes of February 16, 1993. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

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Councilmember Schreiber announced Casino Night on March 12.

Mayor Lomnicki reminded voters that the ballots would be mailed on March 5 for the Sheriff's 3-Year Serial Levy.

Mayor Lomnicki announced an executive session to be held immediately following adjournment of the regular session pursuant to ORS 192.660 1(b)(h).

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 8:28 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary

EXECUTIVE SESSION

Mayor Lomnicki called the meeting to order under ORS 192.660 (b)(h). The Council reviewed code enforcement complaints against a City employee and heard comments from Tim Corbett, Maggie Collins, Charlene Richards, Mike Robinson, and Dan Bartlett. Councilors reviewed the history of code enforcement and discussed their concerns.

The Council did not take any action on the complaint or staff presentation. Bartlett indicated that he would handle the matter administratively.

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

Dan Bartlett

Dan Bartlett, City Manager