



COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2378th Meeting

MINUTES

APRIL 4, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Justin Gericke, City Attorney
Adam Heroux, Associate Planner
Brett Kelter, Senior Planner
Vera Koliass, Senior Planner
Ann Ober, City Manager

Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder
Luke Strait, Police Chief
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:04 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including Earth Day events, a prescription drug drop-off and document shredding event, a city manager open door session, and a clean-up event at Minthorn Springs Natural Area. **Council President Nicodemus** noted the upcoming May special election and encouraged Milwaukie residents to vote.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. Opioid Settlement Funding – Report

Apryl Herron with the Clackamas County Public Health Division and **Elizabeth White** with Clackamas County Health, Housing, and Human Services provided an overview of the opioid addiction crisis and the nationwide settlement with healthcare companies that would fund local drug abuse prevention and treatment programs. They reported that Oregon had some of the highest drug overdose and fatality rates in the nation and Milwaukie had the highest rates in the county. They explained how the county and cities would use the settlement funds. **Ober** reported that the city had used settlement funds to support the Milwaukie Police Department (MPD) behavioral health specialist position and noted that some cities in the county had planned to use the funds to develop a software program to allow social workers to communicate better with each other.

Mayor Batey and **White** commented on successful prevention strategies.

Mayor Batey asked about the age range of individuals dying from opioid use. **Herron** reported the county had seen low fatality rates for those under age 18 and that the highest rate was among 30 to 40-year-olds. **White** noted the importance of prevention programs.

Councilor Massey remarked on what smaller cities were doing to address the crisis and asked if the county had resources to support these programs. **White** and **Herron** commented on county funding and how small cities are addressing the crisis.

Mayor Batey noted the increased availability of naloxone and **Herron** noted where the public can access naloxone for free or through their healthcare provider.

Councilor Stavenjord, **Herron**, and **White** remarked on the overdose calls data, whether prevention training helps reduce overdose fatalities, and if opioid settlement funding could be used with supportive housing funds to support addiction programs.

Councilor Khosroabadi asked for demographic data from the overdose call data. The group commented on how Milwaukie could use settlement funds.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures. **Ober** reported there was no follow-up from the March 21 comments and provided an update on a comment from March 7 regarding a parking ticket issued by a private company on a private parking lot.

Philip Moen, Milwaukie resident, remarked that no chemical was safe, thanked the city's public works crews for keeping the streets clear during the recent snow days, asked about the role of the Public Safety Advisory Committee (PSAC), and suggested the city adopt a requirement that all outside residential doors have a deadbolt. **Mayor Batey** encouraged Moen to attend a neighborhood district association (NDA) meeting.

6. CONSENT AGENDA

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. February 14, 2023, study session,
2. February 21, 2023, work session,
3. February 21, 2023, regular session,
4. ~~March 7, 2023, work session, and~~ (removed from the agenda)
5. ~~March 7, 2023, regular session.~~ (removed from the agenda)

B. Resolution 17-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an engineering services contract with Kittelson & Associates for a not to exceed amount of \$943,210 for the King Road Improvements Project (CIP-2022-A15).

C. Resolution 18-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an application for a Metro Nature in Neighborhoods Grant for the Scott, Bowman-Brae, and Balfour parks projects.

D. Resolution 19-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the purchase of replacement network equipment.

E. Resolution 20-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the purchase of a 2023 Ford F-550 service body truck.

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

7. BUSINESS ITEMS

A. Annexation of 8909 SE 55th Avenue (File #A-2023-001) – Ordinance

Kelver provided an overview of the annexation process and the city’s Northeast Sewer Extension (NESE) program. The group commented on how the county handles septic system replacement permits in unincorporated places.

Kelver noted there were two annexations for Council to consider. **Mayor Batey** and **Kelver** noted that one of the properties and the city’s Johnson Creek Boulevard (JCB) facility were in the Portland 97206 zip code.

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AB06500 and located at 8909 SE 55th Avenue into the city limits of the City of Milwaukie (File #A-2023-001). Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Stauffer read the ordinance two times by title only and polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ordinance 2227:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AB06500 AND LOCATED AT 8909 SE 55th AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2023-001).

B. Annexation of 9351 SE Stanley Avenue (File #A-2023-002) – Ordinance

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AC00700 and located at 9351 SE Stanley Avenue into the city limits of the City of Milwaukie (File #A-2023-002). Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Stauffer read the ordinance two times by title only and polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ordinance 2228:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AC00700 AND LOCATED AT 9351 SE STANLEY AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2023-002).

C. Oregon Criminal Justice Commission (CJC) STOPS Data – Report

Strait introduced Kelly Officer with the CJC. **Officer** provided an overview of the STOPS program and reported on the MPD traffic stop data for 2021-2022. The CJC did not find a significant difference in the data of MPD traffic stops for Asian, Black, Latinx, or Middle Eastern individuals. **Mayor Batey**, **Officer**, and **Council President Nicodemus** discussed why and how stops data for White drivers is used to compare other races.

Officer presented traffic stop search data and reported that there had not been enough data for each racial group to reach a finding for MPD searches.

Officer presented the decision to stop data and reported that MPD’s data for Black individual stops had changed to “not statistically significant” for 2021-2022 from the previous year’s findings of “significantly different”. The group discussed the positive change in the decision to stop data and commended Strait and the MPD for their work to address concerns about racial equity. **Councilor Massey** and **Officer** observed that Black individuals were still being pulled over at a higher rate than other groups.

Council President Nicodemus and **Strait** noted that race was not listed on Oregon driver licenses and police officers had to determine the driver’s perceived racial identity. **Councilor Stavenjard** suggested the city lobby the state to add race to licenses and commended the CJC for how it analyzed stops data.

Mayor Batey recessed the meeting at 7:46 p.m. and reconvened at 7:54 p.m.

D. Psilocybin Code Amendments – Discussion

Kolias noted previous Council discussion on the topic and changes in state law related to the regulation of Psilocybin and reviewed the city’s options for regulating Psilocybin.

Kolias reported that the Milwaukie Municipal Code (MMC) did not prohibit Psilocybin home grow operations and asked for Council feedback on the staff proposal to have the Psilocybin code mirror the marijuana code. The group noted that the city had received an application for a Psilocybin home grow operation.

Kolias reviewed the MMC regulations for grow operations in the North Milwaukie Innovation Area (NMIA) and asked for Council feedback on prohibiting Psilocybin grow operations in residential zones and the NMIA area.

Mayor Batey and **Kolias** noted that because of federal banking limitations of Psilocybin operations most sales would be cash transactions. They commented on previous city concern about industrial areas becoming large scale grow operations.

Council President Nicodemus and **Councilor Khosroabadi** supported the staff proposals to regular grow operations in the NMIA and residential areas.

Councilor Massey and **Kolias** commented on concerns about over-saturating the NMIA with grow operations. **Kolias** reported that the MMC’s 1,500-foot distance between operations rule had been enforced in the NMIA.

Councilor Stavenjard thought the state’s Psilocybin guidelines were enough but would also support local rules being adopted. The group discussed the state rules and proposed city rules for residential Psilocybin grow operations. It was Council consensus to prohibit residential Psilocybin grow operations.

Council discussed regulating Psilocybin grows in the NMIA and it was Council consensus to regulate NMIA grow operations in the same manner as marijuana grow operations were regulated.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

A. Legislative and Regional Issues – Discussion

The group commented on the status of bills being tracked by Council and staff.

Mayor Batey noted a request for Council to support the expansion of broadband. It was Council consensus to add the city's logo to a letter in support of expanding the availability of broadband.

Ober reported there had been a request from the county for Council to support a request that the Oregon Department of Transportation (ODOT) conduct more outreach on the proposal to add tolls on Interstate 205 (I-205). **Councilor Stavenjord** commented on how the tolling issue had been discussed at Clackamas County Coordinating Committee (C4) meetings. The group discussed tolling and it was Council consensus to support the request for additional tolling outreach.

Mayor Batey suggested Council would have more legislative letters to consider at the April 18 meeting.

10. ADJOURNMENT

It was moved by Councilor Massey and seconded by Council President Nicodemus to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Mayor Batey adjourned the meeting at 8:39 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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