

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
SEPTEMBER 19, 2000**

**CALL TO ORDER**

Mayor Tomei called the 1846<sup>th</sup> meeting of the Milwaukie City Council to order at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King  
Jeff Marshall

Larry Lancaster  
Brian Newman

Also present:

Mike Swanson,  
City Manager Pro Tem  
Tim Ramis,  
City Attorney  
Charlene Richards,  
Assistant City Manager

Alice Rouyer,  
Planning Director  
Sue Stepan,  
Public Works Director  
JoAnn Herrigel,  
Program Services Coordinator

**PLEDGE OF ALLEGIANCE**

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

Mayor Tomei read proclamations for Constitution Week, Undoing Racism Day, and Walk a Child to School Day.

**CONSENT AGENDA**

It was moved by Councilor Marshall and seconded by Councilor Newman to adopt the Consent Agenda consisting of:

- A. City Council Minutes of August 28 & 29, 2000;
- B. 1999 - 2000 Waterline Improvements -- Phase 3 Project Acceptance;
- C. Brookside Storm Improvements -- Phase 2 Project Easements;
- D. Resolution 30-2000: A Resolution of the Milwaukie City Council Showing the Intent of the City Council to Appoint a City Manager; and
- E. Liquor License Application for 7-Eleven, 10435 SE 42<sup>nd</sup> Avenue, Change of Trade Name.

Motion passed unanimously.

**AUDIENCE PARTICIPATION**

**James Bernard**, 12255 SE 41<sup>st</sup> Court, Milwaukie. He announced the Committee to Save Milwaukie Junior High School will meet at Milwaukie High School. People using the Southgate Park and Ride received notice there will be a \$20 per month fee, and he was concerned users would get the erroneous impressions this was a City fee.

**Sharon Phillips**, 11028 SE 28<sup>th</sup> Avenue, Milwaukie. She said she would like to be involved in any citizen committee for upcoming Festival Daze events.

**Councilor Marshall** encouraged people to step forward and get involved in this non-profit organization.

**Bernard** briefly described the organization and said interested persons could contact him.

**Phillips** thanked Richard Beck for showing old City videos.

## **PUBLIC HEARING**

### **Residual Solid Waste Permit**

**Mayor Tomei** called the public hearing on the proposed municipal code amendments to order at 6:15 p.m.

The purpose of the hearing was to consider an ordinance establishing a residual solid waste permit system. **Mayor Tomei** reviewed the conduct of the hearing.

Staff Report: **Herrigel** presented the staff report. She asked the City Council to approve an ordinance adopting a new chapter to the code, chapter 13.26. The proposal was in response to a recent court injunction against Washington County and the City of Beaverton. She reviewed the actions taken to date by City Council. The major components of the ordinance are to establish a permit system, identify exempt loads, define a registration system, and outline enforcement action. This chapter would be subject to an annual review and expire September 2003. She reviewed the administrative changes the city attorney made to the original draft.

**Councilor Newman** asked if the ordinance could be easily amended if the court case were overturned on appeal. He referred to the tonnage fee and asked if the intent was to make it revenue neutral.

**Herrigel** said the ordinance is easily amended. The fee is intended to recoup the cost of administering the ordinance but not necessarily fill other lost revenues. The fiscal impact was originally estimated at \$30,000, but it depends on how many non-franchised haulers there are.

**Ramis** suggested revisiting the issue after litigation.

**Councilor Newman** asked if the tonnage reports would be done on an honor system.

**Herrigel** responded the proposal is a quarterly report on how much and to what facility material was hauled. Metro has determined recovery rates at each facility, and Milwaukie would get the tonnage fee on that portion which is not recycled by that facility.

**Councilor Newman** requested copies of fee reports.

Correspondence: None.

Audience Participation: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Testimony: **Mayor Tomei** closed the public hearing at 6:25 p.m.

Discussion and Decision: **It was moved by Councilor Newman and seconded by Councilor King to read the ordinance adopting municipal code section 13.26 of the solid waste management chapter for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.**

**It was moved by Councilor King and seconded by Councilor Lancaster to read the ordinance adopting municipal code section 13.26 of the solid waste management chapter for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.**

**It was moved by Councilor Lancaster and seconded by Councilor Newman to adopt the ordinance adopting municipal code section 13.26 of the solid waste management chapter and declaring an emergency. Motion passed unanimously.**

**ORDINANCE NO. 1879:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MILWAUKIE, OREGON, ADOPTING SECTION 13.26 OF THE SOLID  
WASTE MANAGEMENT CHAPTER OF THE MILWAUKIE CITY CODE  
AND DECLARING AN EMERGENCY.**

**Comprehensive Plan, Zoning Ordinance and Municipal Code Amendments to Implement the Downtown Land Use Framework Plan, Files ZA-00-01 & CPA-00-02.**

**Mayor Tomei** said this hearing was continued from August 29, 2000, to allow additional public comment on the Downtown Land Use Framework Plan. She reviewed the purpose and conduct of the hearing.

Correspondence: None.

Testimony in Support of the Application: None.

Testimony of Those Opposed to the Application: None.

Staff Response: **Rouyer** said staff made certain amendments based on earlier testimony by Gary Michael, and his comments on these amendments were favorable. She requested the City Council approve the packet of amendments implementing the downtown framework plan.

Providing Information: **Ray Bryant**, 11416 SE 27<sup>th</sup> Avenue, Milwaukie. The Planning Commission addressed traffic concerns, and he asked if anything had been done. He understood there would be a master plan for traffic downtown, and he asked where in the development process a citizen would be able to express his or her concerns.

**Councilor King** suggested Bryant request Planning Commission agendas.

**Rouyer** said there was information and discussion at the last City Council meeting regarding traffic impacts and mitigation measures. The traffic management study was not budgeted for this fiscal year, but she intended to recommend it in the 2001 - 2002 budget. The study will probably cost between \$20,000 and \$30,000. The traffic impact code revisions requiring improvements commensurate with development will be done by June 2001.

**Mayor Tomei** noted the City was looking for volunteers interested in being part of the transit oriented development selection committee.

**Rouyer** added there will be citizen involvement with the McLoughlin Boulevard improvement project as well as the new commission on downtown design standards.

**Councilor King** was deeply concerned about traffic impacts and hoped some mitigation elements, such as limiting access to Monroe Street, might be implemented before next year. As an early effort, she suggested asking ODOT to remove the sign at Hwy. 224 and Monroe Street and direct drivers to Harrison Street.

**Stepan** was concerned about the engineering department's current work load and the street funding ad hoc committee.

Close public hearing: **Mayor Tomei** closed the public testimony portion of the hearing at 6:40 p.m.

Discussion and Decision: **It was moved by Councilor King and seconded by Councilor Marshall to read the ordinance adopting the Downtown and Riverfront Framework Plan for the first time by title only and accepting the findings as amended. Motion passed unanimously. The ordinance was read for the first time by title only.**

**It was moved by Councilor King and seconded by Councilor Lancaster to read the ordinance adopting the Downtown and Riverfront Framework Plan for the second time by title only and accepting the findings as amended. Motion passed unanimously. The ordinance was read for the second time by title only.**

**It was moved by Councilor Newman and seconded by Councilor King to adopt the ordinance adopting the Downtown and Riverfront Framework Plan and accepting the findings as amended. Motion passed unanimously.**

**ORDINANCE NO. 1880:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE DOWNTOWN AND RIVERFRONT LAND USE FRAMEWORK PLAN AS AN ANCILLARY DOCUMENT TO THE COMPREHENSIVE PLAN; AND AMENDING THE COMPREHENSIVE PLAN LAND USE MAP AND TEXT, ZONING ORDINANCE AND MAP, AND MUNICIPAL CODE TO IMPLEMENT THE DOWNTOWN LAND USE FRAMEWORK PLAN.**

**OTHER BUSINESS**

**Clackamas Education Service District, 4011 SE Lake Road, Findings and Conditions for Applications CSO-99-06 and TPR 99-09**

**Rouyer** presented the staff report in which the City Council was requested to adopt the final order approving land use applications CSO-99-06 and TPR-99-09 for Clackamas Education Service District (ESD). At its July 31, 2000, City Council directed staff to prepare a final order with findings and conditions. She referred to corrections of several scrivener errors in the document originally distributed.

**Forris Frick**, 11658 SE 35<sup>th</sup> Avenue, Milwaukie. The Planning Commission did not really look at the traffic problem, and the City Council overturned the Commission's decision. CESD went to the Land Use Board of Appeals (LUBA), and the City Council changed its mind. The traffic problem is still there. He asked the maximum number of employees.

**Rouyer** referred to Finding #1. The normal expected occupancy is 109 employees.

**It was moved by Councilor King and seconded by Councilor Marshall to adopt the final order approving land use applications CSO-99-06 and TPR-99-09 for Clackamas Education Service District (ESD). Motion passed unanimously.**

**Consider Tabling Milwaukie Municipal Code and Zoning Ordinance Amendments to Implement an Urban Forestry Protection Plan**

**Rouyer** presented the staff report in which City Council was asked to consider tabling the Municipal Code and Zoning Ordinance amendments to implement an Urban Forestry protection program.

**Mayor Tomei** hoped to set a specific date for the program to be resumed.

**Councilor King** thought the citizen ad hoc committee could begin its work in January and establish a meeting schedule.

**Councilor Lancaster** agreed the program was important, but it might be delayed because of upcoming transitions.

**It was moved by Councilor Lancaster and seconded by Councilor Newman to table the Municipal Code and Zoning Ordinance amendments to implement an Urban Forestry protection program. Motion passed unanimously.**

**Street Funding Ad Hoc Committee**

**Mayor Tomei** announced a special committee was being formed to address street funding issues and charged with recommending a strategy to the City Council next spring. Council hopes to make appointments by mid-October.

**ADJOURNMENT**

**Mayor Tomei** announced the Council would meet in executive session pursuant to ORS 192.660 to discuss property acquisition.

**It was moved by Councilor Marshall and seconded by Councilor King to adjourn the meeting. Motion passed unanimously.**

**Mayor Tomei** adjourned the meeting at 6:55 p.m.

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Pat DuVal, Recorder