

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 5, 2002**

Call to Order

The 1879th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King	Brian Newman
Larry Lancaster	

Staff present:

Mike Swanson, City Manager	Kelly Somers, Fleet & Facilities Manager
Gary Firestone, City Attorney	Alice Rouyer, Interim Community Development Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard read a proclamation recognizing the week of February 3, 2002, as Scouting Anniversary Week in the City of Milwaukie.

CONSENT AGENDA

It was moved by Councilor King and seconded by Councilor Newman to adopt the consent agenda consisting of:

- A. City Council Minutes of January 22, 2002
- B. Compensation for Those Called to Active Military Duty

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

Richard Cayo, 4203 SE Johnson Creek Boulevard, discussed the amount of money the City has spent to acquire riverfront property. He did not believe city government should be in the real estate business and felt surplus property should be sold. Under the previous Mayor, Council considered an ordinance regulating trees on private property. He felt the Council could redeem itself now by letting residents know what could happen to their property rights under the City of Portland's Healthy Streams Initiative.

Councilor Lancaster assured Cayo this Council is committed to doing the right thing.

Denise Magee-Gonzales, 4536 SE Conway Street, Milwaukie. She requested the Council change the City's right-of-way code to allow for roadside memorials. Her son Cole died in a pedestrian/motorcycle accident, and she believes memorials remind drivers to be more cautious. She discussed the inadequacies of Railroad Avenue.

Mayor Bernard said staff is scheduled to make a recommendation at the March 4 Council work session. **Magee** indicated she would attend the work session and provide input.

Council granted her request to re-erect the memorial during Cole's birthday month.

Dave Hixon, 12249 SE Oatfield Road, Milwaukie. His son died in a pedestrian/vehicle accident at 22nd Avenue and McLoughlin Boulevard. The area is dangerous and needs better lighting and crosswalks. He did not think it was fair to allow people to hang advertising from utility poles and make Magee remove her memorial.

Councilor Newman explained McLoughlin Boulevard is a state highway, and Milwaukie is interested in talking to the Oregon Department of Transportation (ODOT) about making needed safety improvements.

Swanson will research the status of the safety improvement issues and prepare a letter for City Council review.

Councilor Lancaster added the City Council will support Hixon in his endeavors with ODOT.

Heather Miller, 4516 SE Llewellyn Street, Milwaukie. She asked why real estate signs are allowed while Magee must remove the cross.

PUBLIC HEARING

Real Property/Property Sale Ordinance -- MMC Section 3.15 -- Ordinance

Mayor Bernard called the public hearing on the proposed municipal code amendment to order at 6:30 p.m.

The purpose of the hearing was to consider an ordinance adding chapter 3.15 relating to the acquisition and sale of real property. **Mayor Bernard** reviewed the conduct of the hearing.

Staff Report: **Rouyer** and **Somers** presented the staff report in which the City Council was requested to adopt an ordinance adding a new section to the municipal code relating to property sale and acquisition. The proposed ordinance categorizes properties and outlines the sale process, including Council's role and citizen participation, for each type.

Swanson added Budget Committee Chair Aschenbrenner wants to assure any property purchases or dispositions include Committee notification.

Councilor King suggested public notification in the newspaper.

Firestone said the process is different for substandard undeveloped property and standard undeveloped or developed property. In most instances, substandard undevelopable property is of interest only to an adjacent property owner, so notice would go only to those within 300 feet of the property. Standard, developable property goes through a much more formal bidding process.

Mayor Bernard commented in certain instances only a small strip of property is in question.

Councilor Lancaster agreed that in such an instance, only affected people needed to receive notification.

Correspondence: None.

Audience Testimony: None.

Additional Staff Comments: None.

Questions of Clarification: None.

Mayor Bernard closed the public testimony portion of the hearing at 6:40 p.m.

It was moved by Councilor Newman and seconded by Councilor Lancaster to read the ordinance adding Chapter 3.15 to the Milwaukie Municipal Code relating to property sale and acquisition for the first time by title only. Motion passed unanimously among the members present. 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 adding Chapter 3.15 to the Milwaukie Municipal Code relating to property sale and acquisition for the second time by title only. Motion passed unanimously among the members present. 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 adding Chapter 3.15 to the Milwaukie Municipal Code relating to property sale and acquisition. Motion passed unanimously among the members present.

ORDINANCE NO. 1897:

AN ORDINANCE ADDING CHAPTER 3.15 TO THE MILWAUKIE MUNICIPAL CODE RELATING TO THE ACQUISITION AND SALE OF REAL PROPERTY.

OTHER BUSINESS

Election of Council President

Councilor King nominated **Councilor Lancaster** for **Council President** and **Councilor Newman** seconded. Motion passed unanimously among the members present.

City-Owned Property

Mayor Bernard indicated a map of City-owned properties, and **Councilor Lancaster** noted there was very little property that was not actively in use.

Board and Commission Appointments

Mayor Bernard, with the consensus of Council, appointed Madalaine Bohl, Kathy Buss, Wilda Parks, and Susan Bradley-Frye to the Centennial committee

Adjournment

It was moved by **Councilor Newman** and seconded by **Councilor Lancaster** to adjourn the meeting. Motion passed unanimously among the members present.

Mayor Bernard adjourned the meeting at 6:50 p.m.

Pat DuVal, Recorder