

MILWAUKIE
CITY COUNCIL MEETING
April 17, 1984

COUNCIL CHAMBERS

1454th MEETING

5:30 - Executive Session under ORS 192.660 (1) (d) re labor negotiations and ORS 192.660 (1) (d) re litigation.

Present:

Ron Kinsella, Council President
Mike Richmond
Don Graf

Absent:

Roger Hall

Also present:

Hugh H. Brown, City Manager
Greg Eades, City Attorney
Dick Bailey, Fire Chief
Marge Post, Finance Dir.
Gayle Easterday, Acting Police Chief
Laurie Perkin, Secretary

6:15 - Work Session re Municipal Court
(Hall arrived 6:40 p.m.)

Marge Post, Finance Director, talked about the advisability of transferring Milwaukie court cases from Clackamas County District Court to Milwaukie Municipal Court. She discussed the cost of returning major traffic and misdemeanors to Municipal Court, possible revenues, comparisons to other jurisdictions, etc.

7 P.m. REGULAR MEETING

The one thousand four hundred and fifty fourth meeting of the Milwaukie City Council was held on April 17, 1984 with the following Councilors present:

Ron Kinsella, President
Mike Richmond
Don Graf
Roger Hall

Also present:

Hugh Brown, City Manager
Greg Eades, City Attorney
Steve Hall, Public Wks. Dir.
Marge Post, Finance Dir.
Dick Bailey, Fire Chief
Gayle Easterday, Acting Police Chief
Laurie Perkin, Secretary

Appointment of Mayor

Richmond nominated Ron Kinsella for Mayor. There were no other nominations. It was MOVED by Richmond, SECONDED by Hall, to appoint Ron Kinsella as Mayor. MOTION CARRIED unanimously.

Kinsella was sworn into office by Municipal Court Judge, Robert B. Morgan.

Kinsella read proclamation declaring the month of May, 1984 as Older Americans month and May 8, 1984 as Older Americans Day.

Kinsella read a proclamation proclaiming May 20 - 26, 1984 as National Public Works Week.

AUDIENCE PARTICIPATION

Bill Hupp suggested city request more service and protection from the Sheriff's Dept. since city residents were paying a portion of the costs.

Mel Paulson has submitted memo dated April 17, 1984 regarding inequity of double taxation. He said that Portland State University, through the Dept. of Urban Services had done a study on this issue for Washington County with the cooperation of other jurisdictions. He urged the Council to seek equity on this matter.

Backenstos said he concurred with Paulson's statements. He expressed concern also, that the new fire truck would be knocking down tree limbs in the city. Fire Chief said that the Fire Dept. was working with the Public Works Dept. to cut down overhanging limbs. City Manager said that city staff also was concerned with the double taxation issue and solutions were being explored.

Public Hearing - Amendments to Zoning Ordinance re Secondary Dwellings

The Public Hearing was opened at 7:20 p.m. Lori Mastrantonio Meuser, Associate Planner, presented staff report. She said there have been numerous requests from elderly property owners to allow a separate second dwelling unit on a lot or conversion of an existing house. She said the proposed standards for secondary dwellings conform to the Comprehensive Plan, have been approved by the Planning Commission, and are recommended by the staff.

Speaking in favor of the amendments:

J. Earl Jones, 10363 SE 24th
Don Wilson, 12255 SE 32nd
Jim Backenstos, 3626 SE Harrison

No one appeared to speak in opposition to the amendments and no correspondence was received. The following citizens made comments concerning the amendments:

Bill Hupp, 2626 SE Washington
Bee Hall, 3695 Harvey Street
Phylis Clark, 10509 SE Crystal Lk Ln.
Bob Garbarino, 11466 SE Linwood

There was discussion on requirements of new construction and the advisability of having two houses on one lot. Lori M. said any new construction would have to meet setback requirements, that there were many oversized lots in the city which could meet those requirements. The public hearing was closed at 7:45 p.m. It was MOVED by Graf, SECONDED by Richmond to read the ordinance the first time by title only.
(AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1438 BY ADDING PROVISIONS FOR SECONDARY DWELLING UNITS).

Under discussion: Richmond said he did not like the idea of a separate dwelling on one lot and would like to see that part eliminated. Lori M. said approval of a secondary dwelling did not mean the lot would be divided. There was further discussion on requirements for secondary dwellings. On the MOTION to read the ordinance the first time by title only, MOTION CARRIED with the following vote: AYES: Graf, Hall, Kinsella. NO: Richmond. The second reading will take place at the next meeting.

LEGISLATION

It was MOVED by Hall, SECONDED by Graf, that the bills listed for payment on April 17, 1984 be approved for payment. MOTION CARRIED unanimously.

Ordinance re Special Assessments

Finance Director has prepared memo dated April 6, 1984 recommending a minimum charge of \$25 be established plus \$25 for each additional hour required for the reapportionment of special assessments. An ordinance and resolution have been prepared reflecting recommended changes. It was MOVED by Graf, SECONDED by Hall, to read Ordinance No. 1560 the first time by title only. MOTION CARRIED unanimously. (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING ORDINANCE NO. 1278 RELATING TO SPECIAL ASSESSMENTS). It was MOVED by Graf, SECONDED by Hall, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Hall, to adopt Ordinance 1560. MOTION CARRIED with the following roll call vote: AYES: Graf, Hall, Kinsella, Richmond. NOES: none. It was MOVED by Graf, SECONDED by Hall, to adopt Resolution No. 6-1984 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE AMENDING RESOLUTION NO. 7-1981 PROVIDING A FEE FOR REAPPORTIONMENT OF SPECIAL ASSESSMENTS.) MOTION CARRIED unanimously.

OTHER BUSINESS

City Manager said the Festival Daze Go Kart race proposal has been dropped due to insurance considerations.

Municipal Court procedures

Finance Director has prepared memo dated April 12, 1984 on the feasibility of transferring Milwaukie court cases from the County to Municipal Court. The study indicated that the major offenses should be brought back with some exceptions. She talked about legislative action regarding DUI's, liability resulting from bringing back majors, estimated costs and revenues. She said the conversion could take place by January 1, 1985 and if Council concurs with this recommendation, staff will go ahead with implementation procedures. There was discussion regarding prosecution of court cases. Council said they would like more information relating to prosecution costs, etc. It was

concurrence of Council to proceed with the conversion as recommended.

Schedule of Town Meetings

City Manager said Town Hall meetings have been scheduled for April 26, 1984 at United Church of Christ-Congregational, 4790 SE Logus Rd. at 7 p.m. and for May 10 at Campbell School, 11326 SE 47th Ave. at 7 p.m.

Richmond asked that staff implement some kind of suspense file to ensure that Council receive a progress report on items and concerns they have expressed an interest in. One such example being the request for a list of city memberships. City Manager said this could be done.

City Manager encouraged Council to attend LOC regional meeting on April 30, 1984 and commented on the April issue of Public Management magazine, which he said was a particularly good one.

Council Vacancy

It was decided that the Council vacancy be advertised and interviews set up either for the next meeting or a special meeting within the next few weeks and that appointment be made at the May 15 meeting. It was decided also that applicants be requested to fill out a form of application similar to that used by City Advisory Body applicants.

Award of Business Certificates

It was decided to award 6 certificates at a time to Milwaukie businesses, rather than the three originally agreed upon.

CONSENT AGENDA

Approval of minutes - April 3, 1984

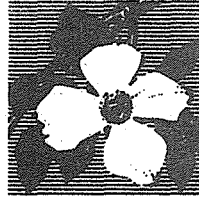
Results of March 27, 1984 election

It was MOVED by Hall, SECONDED by Richmond, to adopt the consent agenda. MOTION CARRIED unanimously.

Backenstos commented on the New Review article regarding Concerned Citizens opposition to the budget and specifically the city's lack of opposition to the Sheriff's levy. He said because of the high crime rate in the city, citizens were inclined to vote in favor of this type of measure.

Kinsella gave an update on the work of the Transit Center Task Force. He said though it was hoped a recommendation would be brought before the Council by now, the decision had been delayed due to concerns of some businesses.

The meeting was adjourned at 8:55 p.m.



CITY COUNCIL AGENDA
April 17, 1984
7 p.m.

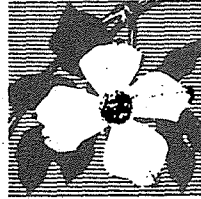
COUNCIL CHAMBERS

1454th Meeting

5:30 p.m. Executive Session under ORS 192.660(1)(d) re labor negotiations and ORS 192.660 (h) re consultation re litigation

6:00 p.m. Work session re Municipal Court

- I CALL TO ORDER
- II APPOINTMENT OF MAYOR
- III AUDIENCE PARTICIPATION
 - (a) Proclamation - Older Americans Day
 - (b) Proclamation - Public Works Week
- IV PUBLIC HEARING
 - (a) Amendments to Zoning Ordinance
ORDINANCE _____
- V LEGISLATION
 - (a) Payment of bills
 - (b) Amendments to ordinance and resolution
regarding apportionment of LID assessments
ORDINANCE _____
RESOLUTION _____
- VI NO OTHER BUSINESS
 - (a) Discussion of Go-Kart race proposal from
Festival Daze Committee
 - (b) Discussion of Municipal Court and jurisdiction
 - (c) Schedule of town meetings
- VII CONSENT AGENDA
 - (a) Approval of minutes - April 3, 1984
 - (b) Results of 3/27/84 election
- VIII INFORMATION
 - (a) Letter from Bill Hupp re Cable TV payments
 - (b) Minutes - Budget Committee, 4/2/84
- IX ADJOURNMENT



III
B

P R O C L A M A T I O N

PUBLIC works services provided in our community are part of citizen's everyday lives, and the support of citizens is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways.

THE health, safety, and comfort of this community depends on these facilities and services.

THE quality and effectiveness of these facilities, are dependent upon the efforts and skill of public works officials.

THE efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform:

THEREFORE, I, _____, Mayor of the City of Milwaukie, Oregon proclaim that May 20-26, 1984 as

NATIONAL PUBLIC WORKS WEEK

and call upon all citizens and civic organizations to acquaint themselves with the problems involved in providing our public works and to recognize the contributions that public works officials make everyday to our health, safety, and comfort.

Mayor

Date

IV
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MEMORANDUM

TO: Hugh Brown, City Manager

FROM: Topaz Faulkner, Director of Planning and
Community Services

RE: Secondary Dwelling Unit Amendment to the
Zoning Ordinance

DATE: April 13, 1984

The Comprehensive Plan encourages the availability of diverse housing types as well as low cost housing. Allowing a separate second dwelling unit on a lot or the conversion of an existing house will also assist the elderly in their efforts to afford to continue living in their homes. We have had requests from elderly property owners and discussions with senior groups regarding this opportunity.

The Comprehensive Plan also encourages a desirable living environment by allowing flexibility in design and minimizing the impact of new construction on existing development. We believe that the proposed standards for a secondary dwelling unit will allow a diverse range of housing types encouraged by the Plan while maintaining the residential character of existing neighborhoods.

ORDINANCE NUMBER _____

TV
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②

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1438 BY ADDING PROVISIONS FOR SECONDARY DWELLING UNITS.

WHEREAS, the following amendments were recommended by the Planning Department, public hearings were held before the Planning Commission and City Council and the Council finds that the amendments are necessary and in the best interest of the city, therefore,

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. Section 1.03 of Ordinance No. 1438 is amended by deleting the current definition of "dwelling unit" and by adding the following definitions in appropriate order:

Dwelling Unit: One or more rooms designed for occupancy by one family, but excluding a recreational vehicle.

Secondary Dwelling Unit: A second dwelling unit, either attached or separate, located on a lot already containing a dwelling unit.

Section 2. Conditional Uses Permitted. Sections 3.01.2, 3.02.2, 3.03.2, 3.04.2 and 3.05.2 of Ordinance 1438 are amended by adding at the end: Secondary dwelling unit.

Section 3. Secondary Dwelling Units. Section 6.02 of Ordinance No. 1438 is amended by adding the following:

17. Secondary Dwelling Unit: A secondary dwelling unit may be allowed in conjunction with a detached single-family dwelling by conversion of existing space, by means of an addition, or as an accessory structure on the same lot with an existing dwelling, when the following conditions are met:

Requirements for conversion of existing space, addition and accessory structure:

- a) The unit is in conformance with the site development requirements of the underlying zone.
- b) One off-street parking space is provided for the secondary unit in addition to the required parking for the primary dwelling.
- c) Garage or carport space may not be converted to a secondary dwelling unit, unless parking standards can be met after the completion of the unit.
- d) Public services must be adequate to serve both dwelling units, as determined by the Public Works Department.

ORDINANCE NO. _____

IV
③ a

- e) One unit shall be occupied by the property owner.
- f) The Planning Commission may impose conditions regarding height modification, landscaping, buffering and orientation of the secondary unit to protect privacy of the neighbors, and any other conditions deemed necessary.
- g) Conditions of approval shall be part of the deed restrictions.
- h) No more than one additional unit is allowed.

Requirements for conversion of existing space:

- a) Cannot exceed 50% of the existing structure.
- b) Each unit shall be a minimum of 250 sq. feet.
- c) No fire escape or exterior stair for access to an upper level may be located on the front of a building.

Requirements for addition or an accessory structure:

- a) Does not exceed one bedroom.
- b) The maximum area is 800 sq. ft.

Section 4. Conditional Use Procedure. Section 6.03 of Ordinance 1438 is deleted.

Read the first time on _____, 1984 and moved to second reading by _____ vote of the City Council.

Read the second time on _____, 1984 and adopted by the City Council on _____, 1984.

Signed by the Mayor on _____, 1984.

Mayor

ATTEST:

Laurie Perkin, City Recorder

Approved as to form:

Greg Eades, City Attorney

Va (1)

Approved Recommended
[Signature]
H. H. Brown
City Manager

CITY OF MILWAUKIE
BILLS PAYABLE APRIL 17, 1984

1.	A & A Welder's Supply, Inc.	25.85	7-	25.85
2.	Able Radiator	95.00	7-	95.00
3.	Bailey Tool	128.36	4-	29.62
			20-	29.62
			30-	69.12
4.	Baker & Taylor	34.06	1-34	34.06
5.	Bartel, Raymond J. AIA	500.00	1-62	500.00
6.	Ben-Ko-Matic	175.85	7-	175.85
7.	Bernstein Bros.	12.10	1-32	12.10
8.	Bernard's Garage	448.83	7-	448.83
9.	Boise Cascade	281.22	1-23	264.00
			1-26	17.22
10.	Brayson, J.W., Builder	2,995.00	1-62	2,995.00
11.	Bruning	58.85	1-92	58.85
12.	CDI Chemical Distributors	88.50	1-36	88.50
13.	Cavin, Colleen	45.00	1-31	45.00
14.	Univ. of Nebraska Med. Center	125.00	1-62	125.00
15.	Childers Enterprises, Inc.	500.00	1-23	500.00
16.	City Council	200.00	1-10	200.00
17.	Clackamas County Review	12.00	1-23	12.00
18.	" " Sports Officials	217.00	1-36	217.00
19.	Clean One	44.47	1-62	44.47
20.	Columbia Equipment	88.45	7-	88.45
21.	Clackamas Communications, Inc.	343.20	1-62	343.20
22.	Clackamas Cty. Dept. Environmental Services	469.82	1-24	150.50
			1-36	61.60
			1-37	30.80
			1-52	226.92
22a.	Clackamas Cty. Recorder	20.50	1-92	20.50
23.	" " Service Dist. #1	38,270.25	1-32	96.00
			20-	38,174.25
24.	" " Printing	424.66	1-21	235.00
			1-31	189.66
25.	Clackamas Water District	30.00	1-32	30.00
26.	Dwyer Community Hospital	253.13	1-62	253.13
27.	EBE Encyclopaedia Britannica	56.39	1-34	56.39
28.	Enterprise Courier	241.80	1-21	241.80
29.	H.D. Fowler Co.	153.33	30-	153.33
30.	Fred Meyer	78.50	1-52	78.50
31.	Gale Research Company	77.55	1-34	77.55
32.	Glenn's Oak Grove Auto Parts	268.33	1-62	81.42
			7-	186.91
33.	Goodyear Truck Tire Centers	143.60	7-	143.60
34.	Graham's Book & Stationery	109.66	1-62	109.66
35.	Home Laundry	157.34	1-62	157.34
36.	Hyneman, RN, Glorianne C.	389.50	1-32	389.50
37.	Inn of the 7th Mountain	72.08	1-26	72.08
38.	Jess's Bear Frame & Axle	40.00	1-52	40.00
39.	Kaiser Health Appraisal Center	195.50	4-	65.17
			20-	65.16
			30-	65.17

Va (2)

CITY OF MILWAUKIE
BILLS PAYABLE APRIL 17, 1984

40.	Keller Supply Company	31.18	20-	31.18
41.	Kelly Services	502.40	1-35	502.40
42.	Langlitz Leathers	100.00	1-52	100.00
43.	Legislative Counsel Committee	125.00	1-52	125.00
44.	McFarlane Bark	119.00	1-36	73.00
			4-	15.34
			20-	15.33
			30-	15.33
45.	Main Street Cleaners	554.25	1-52	412.70
			1-61	4.25
			1-62	127.40
			1-63	9.90
46.	Masons Supply Company	77.34	20-	77.34
47.	Mastrantonio-Meuser, Lori	230.00	1-35	230.00
48.	Metro Ford Tractor, Inc.	390.26	4-	390.26
49.	Micro-Star Communications	14.40	1-31	14.40
50.	Mid Columbia Chapter of ICBO	5.00	1-93	5.00
51.	Milwaukie Automotive Service	2,643.00	3-	2,643.00
52.	Milwaukie Glass	212.00	1-62	212.00
53.	Milwaukie Lumber	172.30	1-36	35.10
			1-62	44.16
			4-	80.24
			20-	12.80
54.	Milwaukie Police Reserve	195.00	1-26	195.00
55.	National Public Works Week	5.00	1-91	5.00
56.	Northwest Natural Gas	678.42	1-34	366.36
			4-	7.41
			7-	145.62
			20-	7.41
			30-	151.62
57.	Northwest Pump & Equipment	90.89	4-	30.30
			20-	30.30
			30-	30.29
58.	Nudelmans	144.50	1-52	144.50
59.	1984 OLA Conference	267.00	1-34	267.00
60.	Olson Bros. Service, Inc.	33.00	7-	33.00
61.	Olson Dye Insurance	10.00	1-23	10.00
62.	Onchi Construction	2,696.00	1-32	46.00
			3-	2,650.00
63.	Oregon Assn. Court Administration	40.00	1-26	40.00
64.	Oregonian Publishing Co.	21.78	1-35	21.78
65.	Oregon State Board of Medical Examiners	75.00	1-62	75.00
66.	Oregon State Highway Division	92.37	4-	92.37
67.	P.E.R.S.	344.14	1-23	344.14

CITY OF MILWAUKIE
BILLS PAYABLE APRIL 17, 1984

V.
a (3)

68.	PGE	9,887.93	1-32	657.21
			1-34	354.38
			1-36	10.16
			1-37	498.27
			1-41	17.83
			1-53	243.62
			1-61	331.55
			4-	1,050.63
			7-	89.44
			20-	406.77
			30-	6,228.07
69.	Pacific Coast Industrial Laundry	239.25	1-34	18.00
			1-37	16.00
			1-51	4.00
			1-62	13.50
			4-	62.59
			20-	62.58
			30-	62.58
70.	Pacific Northwest Bell	2,963.25	1-21	145.64
			1-22	72.82
			1-23	218.46
			1-24	72.82
			1-26	72.82
			1-28	36.41
			1-31	36.41
			1-34	180.07
			1-35	72.82
			1-36	36.41
			1-37	245.91
			1-53	734.91
			1-61	69.97
			1-62	240.83
			1-91	72.82
			1-92	109.23
			1-93	36.41
			4-	261.29
			20-	136.60
			30-	110.60
71.	The Parts Store	42.03	7-	42.03
72.	Pittsburgh Testing Laboratory	3,070.80	30-	3,070.80
73.	Pace Auto Parts	28.64	1-52	28.64
74.	Petty Cash	276.20	1-10	10.91
			1-21	45.20
			1-23	18.40
			1-31	23.92
			1-32	48.19
			1-37	1.54

CHART OF ACCOUNTS
FUNDS & DEPARTMENTS

- 01 General Fund
 - 10 City Council
 - 21 City Administration
 - 22 City Attorney
 - 23 Finance
 - 24 Purchasing
 - 26 Court
 - 27 Cable Franchise
 - 28 Personnel
 - 31 Community Services Administration
 - 32 Milwaukie Center
 - 34 Library
 - 35 Planning
 - 36 Parks & Recreation
 - 37 City Hall
 - 41 General Government
 - 51 Police Administration
 - 52 Field Services
 - 53 Support Services
 - 61 Fire Administration
 - 62 Fire Suppression
 - 63 Fire Prevention
 - 91 Public Works Administration
 - 92 Public Works Engineering
 - 93 Public Work Building
- 03 Equipment Reserve Fund
- 04 State Tax Street Fund
- 05 Improvement Bond Sinking Fund
- 06 Street Improvement Fund
- 07 Equipment Repair Fund
- 09 Bike Path Fund
- 10 Fixed Asset Account Group
- 12 Federal Revenue Sharing Fund
- 13 Community Development Fund
- 20 Sewer Fund
- 30 Water Fund

V
a (5)

MEMORANDUM

V
B ①

TO: HUGH BROWN, CITY MANAGER
FROM: MARGARET POST, FINANCE DIRECTOR
DATE: APRIL 6, 1984
SUBJECT: AN ORDINANCE AMENDING ORDINANCE NO. 1278
RELATING TO SPECIAL ASSESSMENTS.

Margaret Post

Periodically this department is required to recompute and reapportion special assessments. The 1983 legislature enacted legislation to allow municipalities to recover the cost of reapportionment. Because the number of lots affected or the size of the area do not have a direct relationship to the time involved in the reapportionment, it is recommended that a minimum charge of \$25.00 be established plus \$25.00 for each additional hour required for the reapportionment.

The second change in Ordinance 1278 is to ensure that the method of assessment is already included in the ordinance. This is necessary not only at the time of initial assessment but later should a reapportionment occur.

If you have questions or additional information is required please advise me.

MAP/vk

V
B(2)

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING ORDINANCE NO. 1278 RELATING TO SPECIAL ASSESSMENTS.

WHEREAS, the city has received requests to reapportion amounts assessed to property when the property is subsequently partitioned or subdivided, and

WHEREAS, the reapportionment requires a significant amount of staff time and these costs are not reimbursed from the assessments, and

WHEREAS, the Council deems it appropriate to charge a fee for the reapportionment to the person or persons requesting the service,

NOW THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Section 10 of Ordinance No. 1278 is amended to read as follows:

Section 10. Assessment. The City Council shall consider the proposed apportionment method at a public hearing. The Council shall consider any objections and may adopt, correct, modify or revise the proposed apportionment and shall declare by ordinance the amount of assessment to be charged against each lot, according to the benefits accruing thereto from the improvement. The ordinance shall clearly state the formula used to spread the assessments.

Section 2. Ordinance No. 1278 is further amended by the addition of new Section 13 a. as follows:

Section 13 a. Reapportionment. When any lot subject to an outstanding assessment is partitioned or subdivided, and the city receives a request to reapportion the assessment, the Finance Department shall apportion the outstanding amount to the new lots according to the formula used in the original assessment. The Finance Director shall charge a fee for this service as established by resolution of the City Council.

IV
B (3)

ORDINANCE NO. _____

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Mayor

ATTEST:

Laurie Perkin, City Recorder

Approved as to form:

Greg Eades, City Attorney

V-B (4)

RESOLUTION NUMBER _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE AMENDING RESOLUTION NO. 7-1981 PROVIDING A FEE FOR REAPPORTIONMENT OF SPECIAL ASSESSMENTS.

WHEREAS, Ordinance No. 1278 authorizes the Council to establish a fee for reapportionment of special assessments when property is partitioned or subdivided, and

WHEREAS, the Council has determined that \$25 per hour is reasonable to reimburse the city for the cost of this service, therefore,

BE IT RESOLVED by the City Council of the City of Milwaukie that Resolution No. 7-1981 is amended by adding the following fee under the heading "Miscellaneous":

Reapportionment of assessments.....\$25 per hour, minimum charge of \$25.

Introduced and adopted by the City Council on _____.

Signed by the Mayor on _____.

ATTEST:

Laurie Perkin, Recorder

Approved as to form:

Greg Eades, City Attorney

MEMORANDUM

VI La ①
April 12, 1984

TO: CITY COUNCIL

FROM: GREG EADES, CITY ATTORNEY

SUBJECT: GO-KART RACES

I thought you'd like something more formal from me on this. On March 28, I prepared the following answers to questions Hugh asked about the event.

1. Can the city close off certain streets for the purpose of the described activity? The conservative answer is no. Streets, unlike other city-owned property, are held in trust for the benefit of the traveling public. The city can't close them or grant a private use unless the use is necessarily related to the primary purpose of streets of vehicular and pedestrian traffic. Cities often violate this rule by granting parade permits. The test should be whether the temporary use is of sufficient public interest to interfere with the primary use.
2. What is the city liability for property damage or injuries? Although the sponsors of this event would be held to a higher standard of care than any motorist using the streets, because the city licensed and supervised the potentially dangerous activity and has complete jurisdiction over the streets, we may have a share of the liability. If you want to go ahead with this, you should require individual waivers, a hold harmless arrangement and special insurance in favor of the city, at least to the statutory tort liability limits. It won't protect us completely, but it will help. I also suggest we discuss the proposal with our insurance carrier.
3. What are the problems with the noise ordinance and how can they be avoided? The noise ordinance is not a major obstacle. Section 7 exempts noise caused by "organized athletic events or other group activities" held in public places. The Police Chief is also authorized to grant temporary variances from the ordinance. Of course, we still may get complaints about noise, which we should be prepared to answer.

VI
a (2)

4. What is the proper procedure for reviewing the request? Ordinance No. 1360 provides that the City Manager is responsible for day-to-day traffic regulation, including "experimental regulations of a temporary nature." He could best review this request according to the criteria adopted for parade permits in Section 6 of Ordinance No. 1360. That permit may be granted when the proposed use is not unlawful and will not breach the peace, cause damage or "unreasonably" interfere with public use of streets or the peace and quiet of the inhabitants of the city."

These legal problems, together with the disruption of bus service, problems of crowd control and high risk of injury or damage makes the proposal unattractive. Unless you see a substantial benefit to the city, my advice is don't approve it. We can discuss this further at the meeting if you wish.

MEMORANDUM

~~VI~~
B ①

TO: HUGH BROWN, CITY MANAGER
FROM: MARGARET A. POST, FINANCE DIRECTOR
DATE: APRIL 12, 1984

Marg Post

SUBJECT: TRANSFER OF MILWAUKIE COURT CASES FROM CLACKAMAS COUNTY DISTRICT COURT TO MILWAUKIE MUNICIPAL COURT.

You requested this department to prepare a feasibility report on the transfer of Milwaukie court cases from Clackamas County District Court to Milwaukie Municipal Court. The primary issue is: which court best serves the public. More specifically, which court will insure prosecution of cases and insure that the defendants' rights are protected. Currently, the Clackamas County District Attorney's office cannot prosecute major traffic offenses (excluding DUI's) or misdemeanors due to staffing constraints. Even if the District Attorney's budget is increased in 1984-85 with additional Deputy District Attorneys, it is questionable if additional types of offenses could be added for prosecution. This is due to existing backlogs, increased felony activity and the complexity of cases requiring prosecution. It should be made very clear that the District Attorney's failure to prosecute certain types of activities, namely, major traffic offenses and misdemeanors is not due to non-interest or inefficiencies. The District Attorney's staffing does not allow prosecution of these types of cases. Felonies must take priority in order to best serve the public. Accordingly, the Municipal Court is the most viable option for providing this judicial function.

There are numerous indicators that in some Municipal Courts the defendants' constitutional rights may not be protected due to lack of understanding, judicial knowledge and court proceedings within the Municipal Court. There is no evidence to indicate that the Milwaukie Municipal Court is not more than adequately equipped to provide a high quality Municipal Court.

In essence the Milwaukie Municipal Court is capable of handling and prosecuting major traffic and misdemeanor cases currently being handled by the Clackamas County District Court.

This brings us to the second phase of transferring these cases back to the Municipal Court. This phase addresses the cost of returning major traffic and misdemeanors to our Municipal Court.

Determining the actual cost and revenues is an impossible task. The variables are extensive on both the expenditure and revenue side. For example, police manpower impacts both the expenditures and revenues. The number of cases actually prosecuted will also impact costs, and in some cases revenue. Further,

Hugh Brown

MEMORANDUM
HUGH BROWN
APRIL 12, 1984

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B(2)
Page 2

the number of trials, both by Judge or Jury have a direct impact on expenditures. As well as, the number of cases requiring indigent defense for defendants. Additionally, merely the type of offense will have an impact on the costs and revenues. In addition the actual administrative and/or clerical processing systems have a direct relationship to the net cost.

In 1980, Bureau of Governmental Research, immediately after legislation was passed which transferred County Courts to the state, gathered data on the expenditures and revenues in Municipal Courts. Even though the data is four years old it clearly substantiates the fact that Municipal Courts vary immensely in their cost, income ratio. For example in the City of Milwaukee classification (based on population) the expenditures as a percent of revenues statistics indicate a high of 87%, a low of 14% and an average of 42%. For all courts the high ran from 57% to 353%; the low from 3% to 29% and the average from 39% to 98%.

In order to estimate the expenditures and revenues and to delineate a method whereby the cost impact to the city would be zero or return dollars to the general fund; this department made a number of comparisons to other jurisdictions with similar case-loads, police manpower and one jurisdiction which will be bringing majors back in July, 1984. In all of these jurisdictions, except one, the costs were greater than revenues. The major factors relating to this were indigent defense, jury cost and prosecution costs and in some cases an inability to effectively collect outstanding accounts receivables.

We believe that we can minimize our costs and maximize our revenues by taking the following actions:

1. Return major traffic (excluding DUI's) violations effective January 1, 1985. Earliest date for conversion would be September 1, 1984. DUI's are not being considered for transfer at this time because the District Attorney is prosecuting these cases and the expenditures many times far outweigh the revenues. Since 1979 the Legislature has continuously strengthened the penalties for DUI's which has proven to be an incentive for persons charged with this offense to seek any and all remedies available. In addition the Legislature added a diversion program for first time offenders, which increases administrative processing costs dramatically. Further, the constitutionality question being posed currently makes these cases even more difficult to adjudicate.

MEMORANDUM
HUGH BROWN
APRIL 12, 1984

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Page 3

2. Review and revamp administrative/clerical procedures to handle increased caseloads and collect accounts receivables. Approximately 500 cases a year will be returned to our court. If internal procedures are not streamlined additional clerical staff will be required. In other similar jurisdictions clerical positions vary from 1 to 3 plus some volunteer assistance. Our goal is to maintain the 1.5 clerical employees or not exceed 2. The only rationale for additional clerical staff would be increased revenue.

Additional expenses which will have to be addressed are prosecution costs, indigent defense, possible jury and some office supplies. The prosecutor costs will vary depending on how the city handles prosecution, either in-house with possible assistance from a law student or a contract with an outside attorney. The first option would be less expensive. We may also have to consider the cost of the Municipal Court judge as he may be required for an additional 1/2 day per week.

The 1984-85 approved budget for Municipal Court is \$59,529. An additional \$3,000 is budgeted in the City Attorney's budget for prosecution. This does not include any of the costs for general administration which would be approximately \$9,379 or total expenditures of \$71,908. Revenues are budgeted at \$82,000. It is estimated that if the major traffics (excluding DUI's) and misdemeanors are brought back our costs would increase to a maximum of \$78,000 and our revenues would increase to approximately \$90,000. These numbers are not firm as they are highly dependent on the factors enumerated earlier in the report relating to costs and revenues.

We may as a side benefit see reduced costs for officers having to travel back and forth to the county court. This is questionable though because they would still be appearing on DUI cases and the nature of their jobs require contact with the county. It would be almost impossible to project a dollar value for this function.

If you have questions or additional information is required please advise me.

cc: Greg Eades, City Attorney
Gayle Easterday, Acting Police Chief
Judge Morgan

MAP/vk

MEMORANDUM
HUGH BROWN
APRIL 12, 1984

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Footnote: The following documents and materials were used in compilation of this report:

"State Court Administrator Statistics"
May - Nov. 1983.

"Transfer of Municipal Court Jurisdiction In Oregon"
Bureau of Governmental Research and Service

Interviews with: Milwaukie Police Dept. and its
statistical caseload data.
City Attorney
City Prosecutor
Municipal Court Judge
District Attorney's Office
Clackamas County Sheriff's Dept.
City of Gladstone
City of Lake Oswego
City of Oregon City
City of West Linn
City of Hillsboro

Files present in City Hall on data previously prepared on this subject.

MILWAUKIE
CITY COUNCIL MEETING
April 3, 1984
7 p.m.

VII
a ①

MILWAUKIE SENIOR CENTER

1453rd Meeting

At 6:40 prior to the regular Council meeting, the City Council interviewed Megan Walth for a position on the Civil Service Commission.

The one thousand four hundred and fifty third meeting of the Milwaukie City Council was held on April 3, 1984 with the following Councilors present:

Ron Kinsella, President	Don Graf
Mike Richmond	Roger Hall

Also present:

Hugh Brown, City Manager	Gayle Easterday, Acting Police Chief
Greg Eades, City Attorney	Dick Bailey, Fire Chief
Marge Post, Finance Director	Laurie Perkin, Secretary
Steve Hall, P.W. Director	

The meeting was called to order by Council President, Ron Kinsella who read a letter of resignation from Mayor Joy Burgess dated March 30, 1984. It was MOVED by Graf, SECONDED by Richmond, to accept the Mayor's resignation. MOTION CARRIED unanimously. Appointment of a new Mayor will be made at the next meeting, Kinsella said.

LEGISLATION

Kinsella said Council must act on a resolution calling for an election on the 1984-85 operating levy in order for it to be placed on the May 15 ballot. It was MOVED by Graf, SECONDED by Hall, to adopt Resolution 5-1984 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE CALLING AN ELECTION ON THE 1984-85 OPERATING TAX LEVY.) MOTION CARRIED unanimously.

It was MOVED by Graf, SECONDED by Hall, that the bills listed for payment April 3, 1984 be approved for payment. MOTION CARRIED unanimously.

OTHER BUSINESS

In response to request from Mayor Burgess, City Manager has conducted an investigation into the handling of radioactive materials by Precision Castparts. He reported that according to regulatory agencies, no significant health or safety hazard exists.

There was discussion on procedure to be used in awarding certificates of appreciation to Milwaukie businesses. City Manager suggested awarding one certificate a month but Council decided this would take too long. It was MOVED by Hall, SECONDED by Richmond, to divide the list by twelve and attempt to get through the list in one year and at the end of the year, award one certificate a month to a business which had made a significant contribution to the community. MOTION CARRIED unanimously.

John McIlmoil, Chairman of Festival Daze, addressed the Council regarding plans for this year's Festival Daze. The dates this year will be July 27, 28, and 29. There will be no Fireman's Muster this year, he said but there is a proposal for Go-Kart races to be held on Saturday the 28th, after the parade. He spoke of the route, number of people needed to police the races, etc. There was discussion concerning potential problems with traffic and crowd control, city's liability, etc. The City Attorney said the city has steered away from this type of hazardous activity in the past since there was the possibility of the city's involvement in a claim. The City Manager said staff would be looking into this further and would report to Council at the next meeting.

Kinsella said he would like to initiate town meetings in different areas of the city. Richmond said he did not think City Council meetings should be held at the Center. It was MOVED by Hall, SECONDED by Richmond, to discontinue the quarterly meetings at the Center. MOTION CARRIED unanimously. It was decided to look into having informal town meetings at different areas of the city. Richmond volunteered to work with staff on this.

Kinsella read a letter from Governor Atiyeh declaring April 8 through 18 as Building Safety Week.

It was MOVED by Graf, SECONDED by Hall, to appoint Megan Walth to the Civil Service Commission. MOTION CARRIED unanimously.

CONSENT AGENDA

Approval of minutes - March 20, 1984, Approval of liquor license - River Road House. It was MOVED by Hall, SECONDED by Graf, to approve consent agenda. MOTION CARRIED unanimously.

It was MOVED by Hall, SECONDED by Graf, that the meeting be adjourned. MOTION CARRIED unanimously. The meeting was adjourned at 8:00 p.m.

Ron Kinsella, President

Laurie Perkin, Secretary

STATEMENT OF VOTES CAST
3/28/84
16:06

CLACKAMAS COUNTY, OREGON
SPECIAL ELECTION
MARCH 27, 1984

ISSUE 110

JUANITA N. ORR, COUNTY CLERK

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY : *John F. Craffman, Deputy* * DATE OF ABSTRACT : *
* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

CITY OF MILWAUKIE
MEASURE 51
OPERATING LEVY

YES

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL		
001	145	054	191	055	49	071	87	076	35	078	142	079	42	099	221	123	55	124	76
126	71																		

VOTES CAST = 1,165

NO

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL		
001	225	054	263	055	77	071	138	076	65	078	263	079	58	099	170	123	36	124	97
126	113																		

VOTES CAST = 1,503

OVERVOTES

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL		
001	0	054	2	055	0	071	0	076	1	078	0	079	0	099	1	123	0	124	0
126	0																		

VOTES CAST = 4

UNDERVOTES

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL		
001	13	054	15	055	5	071	6	076	10	078	17	079	2	099	9	123	6	124	19
126	3																		

VOTES CAST = 105

TOTALVOTES

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL		
001	355	054	471	055	131	071	231	076	161	078	422	079	102	099	401	123	97	124	192
126	184																		

VOTES CAST = 2,777

VII
B

April 4, 1984

TO: MAYOR & CITY COUNCIL

FROM: BILL HUPP

SUBJECT: Convenience of cable customers, ie. paying bills

VIII
a.

6 APR 84 15:03

-MILWAUKIE

As most of you know, it was understood that the cable franchisee would provide a facility in the city's "downtown" for the convenience of their customers to pay their subscription bills. Also, it was hoped for, and intended the "public access studio" would also be located downtown. That was when they were attempting to locate in the vacant S.G. store which proved to be unpracticable due to the presence of micro-wave problems.

So, where are they located? way out in the boonies. A far cry from convenience of customers and citizens to NOT ONLY PAY THEIR MONTHLY BILLS, BUT ALSO WHERE THEY HAVE DECIDED TO LOCATE THEIR STUDIO AS WELL.

Because I felt strongly that convenience of cable customers paying their monthly bills was still a priority I contacted both Perry Pharmacy and Steve Hubbard with the suggestion Perry's be designated as a place to pay the bills. Both Perry's and Hubbard have indicated to me the details would be worked out between the parties and implement my suggestion to them as a customer convenience.

I felt the council should be informed of this arrangement, and agreement.

B.H.



Bill Hupp

MILWAUKIE
BUDGET COMMITTEE MEETING
April 2, 1984

~~VIII~~
B ①

COUNCIL CHAMBERS

8 p.m.

The Milwaukie Budget Committee held a meeting on April 2, 1984 with the following members present:

Council

Ron Kinsella, President
Mike Richmond
Don Graf
Roger Hall

Budget Committee members

Jim Backenstos, Chairman
Kathleen Hulme
Georgia Brakeman
Ken Upton
Joe Bernard(arrived 8:50)

Also present:

Hugh Brown, City Manager Dick Bailey, Fire Chief
Marge Post, Finance Director Gayle Easterday, Acting Police Chief
Greg Eades, City Attorney Laurie Perkin, Secretary
Steve Hall, P.W. Director

City Manager said he could not recommend any changes in the budget as it was submitted to the voters on March 27. Any changes would significantly impact programs and services he said, and he has received no such direction from the Council or the Budget Committee.

Jim Backenstos referred to recommendations for budget reductions prepared by Milwaukie Concerned Citizens Committee and asked City Manager to comment on them.

City Manager commented on the following recommendations:

- Eliminate current positions of City Attorney & Personnel Director.
- Eliminate proposed new positions of Police Officer, Asst. Bldg. Inspector and Asst. Planner
- Reduce number of Captains in Fire Dept. by three.
- Reduce salaries of City Manager, Dir. of Comm. Services, Police Chief, Fire Chief, and Public Wks. Director by 5%.

Also listed in the recommendations was estimated salary savings and amount available for street repair as well as recommendations for future savings in medical/dental costs.

City Manager said he did not agree with any of the recommendations, that the recommendations did not include any cost estimates for legal services, that the police officer position had already been cut, that the position of Asst. Building Inspector was only to be filled if revenues warranted it, that the position of Assistant Planner-Code Enforcement Officer was one which has had the strong support of Council and that the position of Personnel Director was a full time one, the duties of which could not be assumed by someone else. The Fire Dept. reorganization, he said, should be something to be decided upon by the staff.

Milwaukie Budget Committee Minutes
April 2, 1984

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As to the salary reductions for City Officials, these salaries have already been frozen for the current year and were increased only 1% the previous year, he said.

There was discussion concerning the margin of difference between union and management salaries, the cost of fringe benefits, the need for street repairs, the subsidizing of unincorporated areas through support of the sheriff's levy, contracting out services, and the return of major traffic offenses to Municipal Court.

It was MOVED by Hulme, SECONDED by Bernard, that the budget be reduced to arrive at a \$4.98 tax rate.

A recess was declared at 9:35.
The meeting reconvened at 9:45.

Kinsella suggested that the MOTION be amended by setting the tax rate at \$5.02.

There was further discussion on the budget reductions suggested by the Concerned Citizens Committee, amount of tax rate and the need for additional funds for street repair. Hulme WITHDREW her MOTION, It was MOVED by Graf, SECONDED by Upton, that \$50,000 be removed from some area of the budget and allocated to street repair. MOTION CARRIED unanimously.

The meeting was adjourned at 10:20 p.m.

Georgia Brakeman, Secretary

Laurie Perkin, Secretary