

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale City Hall – Council Chambers**  
**104 SE Kibling Avenue**  
**Troutdale, OR 97060-2099**

**Tuesday, March 8, 2005**

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**

Mayor Thalhofer called the meeting to order at 7:00pm.

**PRESENT:** Mayor Thalhofer, Councilor Gorsek, Councilor Thomas, Councilor Canfield  
Councilor Kyle, Councilor Daoust, and Councilor Ripma (by phone).

**ABSENT:** None.

**STAFF:** John Anderson, City Administrator; Jim Galloway, Public Works Director; Rich  
Faith, Community Development Director; Marnie Allen, City Attorney; Debbie  
Stickney, City Recorder.

**GUESTS:** See Attached.

Mayor Thalhofer asked are there any agenda updates this evening?

John Anderson replied we have no updates.

**2. CONSENT AGENDA**

- 2.1 MINUTES:** January 18, 2005 Work Session and February 8, 2005 Regular Meeting.
- 2.2 RESOLUTION:** A Resolution establishing the responsibilities and authority of the Chief of Police for the City of Troutdale, Oregon.

Mayor Thalhofer read the consent agenda.

**MOTION:** Councilor Daoust moved to adopt the consent agenda. Seconded by Councilor Thomas. Motion passed unanimously.

**3. PUBLIC COMMENT**

Mayor Thalhofer asked is there anyone here that would like to speak to us on a non-agenda item?

None.

**4. REQUEST: A request from Open Door Baptist Church for water service.**

Dorothy Cofield, Attorney representing Open Door Baptist Church stated the church is asking to hook-up to the City's water system for the limited purpose of a fire sprinkler system. The reason they are making this request is they recently received approval from Multnomah County for a conversion of an existing gymnasium to add school classrooms to the church on the second story. Under the International Business Code if you add a second story and convert it to classrooms you have to have a fire sprinkler system. There are two ways that the church could handle this. They could install on-site tanks; we have received a letter from their engineer that explains the problems with on-site tanks, which I will review later. The other solution is to use the city water only in the limited event that there was ever a fire, that is the only time that the city water would be used. The staff report talks about a couple of city ordinances that say that you can't extend water outside the city limits and says that the church has been told before to get a UGB amendment. I want to explain to you why that would never be successful under state law. The church land is zoned Exclusive Farm Use (EFU). It is Class 2, which is high value farm land and in state law when you try and do a UGB amendment you have to meet the priority system. The first land that comes in is the Urban Reserve, the second is Exception Land and third is lower quality farm land and the last is high value farm land, which is what the church has. The City has exception land west of Troutdale Road, which would be brought in first and it has some other land on the east side of the City. Metro had a process where an individual land owner could petition Metro for an UGB amendment or get what is called a locational amendment for schools. That has been repealed and now there is only a legislative process every five years at Metro and the next one is in 2007. In 2002 Metro did what is called an alternative study to show which lands in the Metro region should be brought in and the church was not on that list. The piece of property that was on the list for the City of Troutdale was not brought in. I have talked to Metro just recently and I have provided you with a copy of an email (copy included in the packet) of a conversation with a Metro planner who said they have not developed a list yet for 2007 but it would be highly unlikely that the Church property would be proposed to be brought into the City because the City has other exception land that has to be used first under the priority system and because it is high value farm land. The Church is in a catch twenty-two situation here where it can't annex in and it can't get a UGB amendment but it needs limited city service for fire protection only, so that is why we are here with this request. The engineer's letter lists reasons why the on-site storage tanks really aren't the way to handle the fire sprinkler system. First you would have above ground tanks that would be unsightly and they look industrial and would be near the city limits. Secondly, when you hook up to city water there is better pressure and you are going to have longer duration to fight fires and it is a more reliable supply. The on-site tanks are only required, under the IBC, to last a minimum duration meaning that they might not be as effective in putting out a fire. The on-site above ground tanks would have to be put on a generator and if that failed you wouldn't have any way to get the water to the sprinkler system when it was needed. Finally, the City's system ends at Strebin Road and by putting on this private line you are actually going to need less flushing of the City's water systems according to our engineer. There are definite benefits to the City; you are going to fight a fire better, there is flushing of your system, it is not going to be used for drinking water and it is not going to be used on a daily basis, it is only going to be used if there is ever a fire. You have a couple of city ordinances, and Jim Galloway has included language from the one that says you can't extend city services outside of the city limits but you also have another provision 12.03.020a which says that the city can operate a water system outside of the city limits when consistent with city policy and state law. State

law that governs the extension of water and sewer outside of the UGB is Goal 11, which is included in my material to you. Goal 11 says that you can't extend water outside the UGB if you are going to use that extension to increase density that you couldn't have otherwise. The church doesn't have residential use but it could have the same use, the classrooms, with or without the city water by having its own on-site water tanks. Second of all LCDC is now seeing that not allowing sewer extensions outside the UGB and water extensions might not be such a good idea. They recently amended Goal 11 and they now allow sewer extensions outside the UGB if a person is within 300' of city sewer line. So they are recognizing that if property abuts the city limits or the UGB, it really doesn't make sense to say you can't extend when from an engineering point of view it makes really good sense. They didn't change that rule for water extensions because they didn't have such strict rules for water extensions. But I think it tells the city that it might be time to make a policy change regarding saying that there will never be any extensions outside of the city. The church, if you agree to this hook-up request for the sprinklers, will pay for all of the costs. All it will take is putting a "T" on the present water main and then putting a private pipe that will connect to the new classrooms. The church will take care of all maintenance and pay all hook-up fees, so it won't be any more work for the city.

Councilor Daoust asked are you familiar with part of the reason last time the church didn't pursue trying to go for an UGB extension was also the payment of system development charges (SDC's) associated with hooking up to the city, is that still an issue with the church?

Dorothy Cofield replied actually I did talk to Metro and members of the church to find out what happened with the 1997 application. Metro said that the City of Troutdale didn't support the amendment. The church was told that it would be extremely expensive to get the UGB amendment, not in terms of SDC's but legal fees and planning fees to take it through the entire process. There are interest groups that don't like prime farm land to be brought into the UGB and even if it had been approved they might have appealed it, so I think it is more the administrative cost of taking it through the process.

Councilor Gorsek asked in terms of the current water supply, is that from a well?

Dorothy Cofield replied yes. The church just put in a new septic system for \$110,000. So they are pretty well set now with all of their own septic and water.

Councilor Gorsek asked and the well doesn't have the capacity to do what you're requesting?

Dorothy Cofield replied the way you could do it would be with these above ground storage tanks.

Councilor Gorsek asked is that the only way?

Dorothy Cofield replied yes.

Councilor Ripma stated you are not here asking for us to support a UGB amendment. We have suggested that you seek one before; are you requesting some sort of support for a UGB amendment at this time?

Dorothy Cofield replied no. We were just trying to rebut the idea that was in the staff report that the church shouldn't come to the city for this request that they should just do a UGB amendment. The reality is they won't get a UGB amendment approved and certainly not without a lot of support from the city. That is pretty much how these UGB amendments work in terms of lobbying Metro and trying to show that the city needs this property to be brought in. The church is happy where they are, they have just put in a new septic system. They are not asking to be brought in.

Councilor Ripma stated we have actually suggested that you request a UGB amendment and go through the process and then come into the city. From my personal recollection and from reviewing the staff report, that is the approach that we prefer you would take and become a city resident and then your client would be able to be connected with no problem. I am not understanding, you are not asking for that again and we are kind of, the staff anyway, is suggesting that that option is still open. Why aren't you seeking a UGB amendment and asking us at this time for our support, I think you would probably get it.

Dorothy Cofield replied the point I'm trying to make is back in 1997 Metro had a law that allowed an individual to propose what was called an locational UGB amendment if you were a school or that type of facility and they did allow small amounts of land. That Metro law has been repealed and no longer exists. Now the church would be faced with having to have Metro study it for the 2007 expansion, they would have to wait until 2007, and if your land is high value farm land you are not considered until the city has used up all of its exception land. So that means that the church would have to try to get it rezoned to exception land first before it could ever be considered for the UGB amendment. So I guess what I am telling the Council and what I've told my client is it could be at least five to seven years before the church could make it through this process. In my conversation with the Metro planner today he said it is highly unlikely that Metro would approve this property being brought in because it is high value farm land, so it isn't going to happen.

Councilor Ripma stated well I talked to Metro last week and it sounded like it was very possible it would just take a while. Be that as it may, we just had a minor change in the UGB boundary very near the church property, the Asakawa property. That was EFU land that came in; it was called a minor amendment and it didn't require legislative action, are you aware of that procedure? It was less than a mile from your site.

Dorothy Cofield replied no. I would question that it was EFU, are you sure it wasn't exception land because a lot of that land right around there was originally zoned to be brought in.

Councilor Ripma replied no. It was outside the UGB and they made an adjustment in the UGB to bring it in. It was right along Sweetbriar Road very close to your property. I just wondered if you were aware of that.

Dorothy Cofield replied there are two kinds of land outside the UGB, some is called exception land and it is rural residential and it can be brought in to the UGB ahead of the high value farm land. The other kind of land, which is high value farm land, can't be brought in until all of

that exception land has been used. I would guess that this piece of property that was outside of the UGB that was brought in under the minor amendment was actually exception land.

Councilor Ripma stated no, it was EFU. Have you explored the possibility of bringing it in without having it rezoned first through a minor amendment process?

Dorothy Cofield replied I explored it today with metro and they said it was highly unlikely, they didn't have plans to bring this property in and they didn't include it in their study in 2002 and they haven't decided which properties will be included for 2007 but they routinely don't include land that is high value farm land.

Councilor Ripma asked you mentioned that Metro's list did not include this property in the last go around. Had you made application and was there any reason to expect that it was considered by Metro to be brought in during the 2002 process?

Dorothy Cofield replied individual property owners can contact Metro and ask them to consider studying their land for inclusion, but what Metro does is they have a big regional map and it chooses land based on the fact that it is exception land, that it is flat and where it is located. So even if you go to Metro and ask them to study your land, if it is high value farm land they are probably not going to.

Councilor Ripma asked had you gone, was there any reason to expect Metro to include it in the last list? Had you made any application?

Dorothy Cofield replied I don't believe that the church made any application because at that point they had installed a \$105,000 septic system and they were no longer interested in doing a UGB.

Councilor Ripma stated so the fact that it didn't make it in was due to no application having been made.

Dorothy Cofield stated what I am trying to tell you is that Metro doesn't wait for property owners to come and ask them to study their land. They have an entire long-range planning department that decides which land is going to be put into the study. Not to say that you couldn't bring something to their attention, but I don't think it would have made a difference with this piece of property based on my conversation with Metro today.

Councilor Ripma asked what is the cost of the on-site system that you would be forced to install compared to the cost of the SDC's and the city system?

Dorothy Cofield replied our engineer has said it would be about \$40,000 for the on-site system and then there would be maintenance costs to keep the tanks in service.

Councilor Ripma asked do you have any idea of the cost to your client for hooking up to the City's service?

Dorothy Cofield stated no, the staff report said that it is an unknown. It doesn't have what the fees would be for the city hook-up but the church would be willing to pay them.

Councilor Ripma asked and would they be willing to pay them even if the cost for the hook-up and all of charges exceeded the costs of the on-site system? Would you still prefer to go with the city?

Dorothy Cofield replied I will have to defer to my client.

Mel Tittle, Pastor for Open Door Baptist Church stated we wouldn't like it. At this point I don't know; I am not qualified to say. We want to do what is right and what is best for the church. We have looked into coming into the city, we've contacted land use experts and they advised us that we were not going to get in. For a church to fork out \$10,000 to \$20,000 in fees which we were told we would pay just to be told that the odds are you won't get in, we don't have that kind of money. We want to be in Troutdale. Jim Kight has been a friend of ours for years. Here we are now trying to build some school rooms and we are willing to pay the money. The County previously required us to have a fire hydrant, so we did that at our expense and now they are coming back and saying that we have to have a sprinkler system in so we say alright it is going to cost us money but we have to do it and we want to meet code, but they tell us we can't hook up to the fire hydrant out here. I don't understand why we can't hook up to the fire system that we are already hooked up to for fire and emergencies. I don't get it. So if we can't get service from Troutdale then we have to put in this water reservoir system. I don't know what it is going to cost to hook up to Troutdale. We want to do what is right and what is best and it doesn't make sense to me to install these ugly things that the engineer says are not going to be efficient when we have the City of Troutdale right here with water that we are already hooked up to for the fire hydrant. I don't know the answer to what it will cost to hook up to Troutdale, but if it is a better system and Troutdale approves it and it ends up costing us more money to do it but all of my advisors say that it is safer and the way to go and the church says yes fork out the dollars, then that is what we will do.

Councilor Ripma stated if I am understanding, just for clarification, the church has never applied for a UGB amendment.

Mel Tittle replied no, we have always been advised by the professionals that we don't have a chance to get in and you are going to pay a lot of money for them to say no.

Councilor Ripma stated I understand that if Troutdale were supportive of it, it would go through. I spoke to Metro last week and they are certainly knowledgeable. I think that is what we have asked for all along.

Councilor Thomas asked is there a reason why the water storage system has to be above ground?

Dorothy Cofield replied I can't really answer that question. I know that the engineer said that it would be above ground.

Councilor Thomas asked what kind of timeframes are you looking at here?

Dorothy Cofield replied the church received approval from Multnomah County for this conversion and the approval is typically good for two years.

Jim Galloway, Public Works Director stated I have provided in my staff report some background, at least as I could readily pull it together from information in our files, regarding the efforts that the church has made over the years to obtain water, sewer or both services from the city. Our response as staff has been to explain that under the current Municipal Code we don't feel that we have the authority to grant extra-territorial extension of service, either water or sewer, so our response has been in the negative. Certainly if there is a desire to make a policy change on the part of the Council and you were to change that particular policy, we would implement it as you direct. One of our concerns would be whether or not you would be establishing a precedent that might be to the detriment of the city when other elements currently outside of the city limits might desire to have service as well without annexing to the city and how you would deal with those if you establish a precedent to the contrary in this particular case.

Councilor Daoust stated one of the pros stated in the staff report for granting the church's request is that it may result in possible revenue to the City in required fees and charges. What would those fees and charges be?

Jim Galloway replied I did not research this in great detail. I am not aware of a situation where the only service a water customer is receiving from us is the fire sprinkler system. In a more traditional situation there would be two fees or charges that we would be receiving. One would be a system development charge based on the meter size and the second would be a monthly user fee based on the water usage. In this particular situation, I don't know what the frequency is for flushing of the system, but it appears that there would be some water usage but I don't know what that quantity is. Our rates are about \$1,150 per hydraulic equivalent for system development charges and \$2.15 per 1,000 gallons of water used.

Councilor Daoust asked are there any other fees or charges that the church would have to pay other than SDC's?

Jim Galloway replied the SDC's and the monthly usage charge, if there is usage, are the only payments to the City. We would also expect them to pay all of the costs of the connection and any construction involved to connect to our line and provide the water to the sprinkler system.

Councilor Daoust stated as I understand it this would all be a private water line. In other words the city is not extending anything.

Jim Galloway replied I think we are extending service which we don't currently provide outside the city limits.

Councilor Daoust stated if we are extending service but there is no meter and there is no water usage, what is the service?

Jim Galloway replied I think we are providing water that is capable of providing the service to the fire sprinkler system.

Councilor Daoust stated but we have already approved the fire hydrant for use in fires, so what is the difference?

Jim Galloway replied we had quite a discussion about this at the time that the recommendation was made to allow the hydrant to go in. There were discussions between staff and the representatives from the church that made the request that we were doing so rather reluctantly and would not want this to be used as a precedent for future service. I think the difference is we felt that the hydrant, whether it be on the south side of Strebin, which puts it outside of the city limits or on the north side of the Strebin, which would put it inside the city limits could equally be used to fight a fire on the north side of the street or on the south side. We felt that allowing that hydrant to go in was providing service to the city and its residents and the service that it was providing to the church was a byproduct of that. I think in this particular request the service would be only to the church.

Councilor Daoust asked if there is no meter put in how would we know how much water they used?

Jim Galloway stated I think we would want to meter it, I just don't know the size of the meter.

Councilor Gorsek asked there is a fire hydrant and it is in the city?

Jim Galloway replied the hydrant that Councilor Daoust is referring to is not located within the city limits, it is located on the south side of Strebin.

Councilor Gorsek asked where the hydrant is located is essentially where the building is?

Jim Galloway replied it is adjacent to that property.

Councilor Gorsek asked how many requests do we receive to bring services outside of the city?

Jim Galloway replied it is a small number. Other than the Open Door Baptist Church I think there have been only two or three others.

Councilor Gorsek asked were they as close to the city boundary as the church?

Jim Galloway replied yes, I think they were properties that abutted the city boundary.

Councilor Gorsek stated it is really amazing that there is this issue when they are just across the street. How hard would it be for them to hook up to our system?

Jim Galloway it is not a major effort.



Councilor Gorsek asked I know that you feel that a hydrant is one thing and the sprinkler system is another, on the other hand this is a facility that reaches out to people across Troutdale. As far as the city goes, they would pay the cost so it wouldn't be something that would disrupt our service, would it?

Jim Galloway no I wouldn't see a disruption in our service.

Councilor Ripma asked roughly if a new church applicant or some other entity wanted to hook up to the city's water system what would be the SDC's that they would pay?

Jim Galloway replied our SDC's for water are based on hydraulic equivalent and the rate per hydraulic equivalent is about \$1,150. That would take care of a small 3/4" meter, which is typical in a single-family home. I don't know what the water demands would be in the scenario that you mentioned, obviously it would be larger than a 3/4" meter. So a rough estimate would be \$2,000. I think that is a little different question than this scenario because as I understand it they are not asking for service for domestic water use, so I would assume that would be a smaller size line than would be needed if it was going to be fire service plus domestic use.

Councilor Ripma asked our ordinance prohibiting this would need to be changed or amended, correct?

Marnie Allen, City Attorney stated I do believe that you would need to amend the ordinance that says that public works services shall not be extended. Public works services isn't defined, it has always been interpreted to mean water and sewer. If water service is going to be extended you would need to amend that code or at a minimum adopt a definition of public works services. If some of you feel like this is a fire service or this is some how different than extending water service you should clarify that in a definition in the ordinance.

Councilor Ripma stated I am still undecided as to what to do here but the fact that it is just across the road or is right along the pipe is not the issue in my mind. It is the fact that when you are in the city, all of the citizens of Troutdale have contributed to the infrastructure necessary to bring the water to the service spot. They paid for it through all of the service fees and taxes and here we have a case where they are outside of the city and have not made those contributions. They are going to use very little if any water so they won't be paying for the upkeep of the system the way a normal household or business would. It is not just a minor thing because it is next to the city limits, the issue is are the citizens of Troutdale subsidizing this.

Councilor Thomas asked Dorothy Cofield mentioned that putting the system in would save us some flushing, could you respond to that?

Jim Galloway replied the only way that I would see that occurring is if there is going to be some demand on the system, in other words there is some water that is going to be used. This is primarily a sprinkler system and you don't typically set off the sprinklers, so I am assuming that there is some mechanism they have to flush their lines that would help flush the main line. I don't see that as a particularly big benefit for the city.

Councilor Thomas asked we don't have a minimum fee that we charge, we only collect based on usage correct?

Jim Galloway replied we do not have a minimum meter charge or base charge that some jurisdictions do. For consumption we charge for gallons used only. We do have a small additional fee that is applied having to do with fire assembly systems; I would have to do some research to give you a better answer on that. But to answer your question, do we have a base rate, no we do not.

Councilor Canfield stated it is in your staff report that if we grant this we may be setting a precedent to extend services to others without requiring them to annex into the city. Can you give me some specifics on how that would establish a precedent?

Jim Galloway replied my concern is if there are other properties currently outside the city limits who may want water and/or sewer services and for whom we see an economic benefit to have them annex into the city, if they were able to come and say all we want from the city is water or all we want is sewer and you allowed it here and now you should do it for us. I am not saying that absolutely ties your hands but I just thought it was something that you might want to consider in your decision to grant or not to grant this request.

Councilor Canfield stated all we are talking about is extending the service for fire sprinklers, not full service so how would that set any possible precedent, can you give me an example of this happening in other jurisdictions?

Jim Galloway replied no I cannot. It sounds like you are making a very strong distinction between water only for fire service and water for normal domestic consumption. I am not sure that other folks who might want water service from the city would make that same distinction that you are making.

Councilor Daoust stated so as I understand it there would be no cost to the city and there would be no maintenance costs to the city. I don't know that we have clarified that the church is ready and willing to maintain that line but I assume since it is a private line that they will be responsible for maintaining it. So there would be no cost to the city, is that a correct assumption?

Jim Galloway replied yes, I think that is a correct assumption. That is certainly the way that we would treat any other development and so far I haven't heard a request from the applicant or any indication from the Council that we would treat this differently. To say that there will be absolutely no costs to the city is perhaps a little more definitive than I would like to be at this point. There may be some requirements for water testing, but generally speaking your statement is correct.

Councilor Thomas asked there seemed to be a fair amount of discussion about UGB and exception lands, are you familiar with those?

Jim Galloway replied Rich Faith could better answer those questions.

Councilor Thomas asked would you feel more comfortable offering this type of service if we were to pursue a UGB amendment to bring them into the City? I understand that the benefit of being in the city is that you get those urban services that go with that. It doesn't sound like the City has tried to help them at all in the past in becoming part of the City of Troutdale.

Jim Galloway stated I don't know that we have been asked to assist them in their efforts in the past but I don't also know of anything we did to hinder their efforts to get a boundary change or UGB amendment and annex into the city. As far as comfort level goes, certainly with the language that we have in the code today, I would be more comfortable if either they were to have the boundary change and annex into the city, but if that is not the direction that we go I certainly would feel more comfortable if the language in the code were changed so that it was clear as to who we were to authorize service to and who we wouldn't.

Councilor Thomas asked if they were to become part of the city and they were offered city services do they have to give up their existing facilities like their sewer system?

Jim Galloway replied we have not, to my knowledge, required anyone who is annexed into the city to automatically connect to the city water or sewer. We do have in the code that if the sewer is available within a thousand feet they should connect to city sewer. We have not tried to make that retroactive to anyone and basically double charge someone who just spent a lot of money on a septic system by requiring them to abandon that and connect to the city's system.

Councilor Thomas asked Rich Faith, do we have any exception lands around Troutdale?

Rich Faith replied I have never looked at a county zoning map to see what the properties are zoned outside of our UGB or city limits.

Councilor Thomas asked the Asakawa property that was just annexed, was that exception land?

Rich Faith replied the 2 ½ acres of the Asakawa property was a portion of an 11 acre piece, part of which was already inside the UGB. The Asakawas went through a minor boundary change to bring the balance of that piece of property into the UGB. It is my recollection that the portion that was outside of the UGB was zoned EFU, but it was part of a larger piece of property that was already in the UGB.

Mayor Thalhoffer asked is there anyone here that would like to speak to us?

No testimony received.

Mayor Thalhoffer closed the public hearing at 8:08pm.

**MOTION: Councilor Gorsek moved that we extend the fire service to this piece of property and change the Code and make it specifically for a fire related issue so that it is not a general water/sewer thing.**

**Marnie Allen asked do you want to set any limits on the volume of water that can be provided? Is there some guidance on how you want to limit the extension or maybe you don't as long as it is fire sprinklers only.**

**Councilor Gorsek stated that is what I was thinking, as long as it is fire sprinklers.**

**Councilor Daoust Seconded the Motion.**

**Councilor Kyle asked do we need to add that this is with the understanding that the church is paying for all costs.**

**Marnie Allen replied it wouldn't hurt to add that to the motion, but we wouldn't need to put that in the ordinance.**

**MOTION WITHDRAWN: Councilor Gorsek withdrew his motion.**

**MOTION: Councilor Gorsek moved to extend service to this piece of land for the fire hydrant that is already there and also for the fire sprinkler system and that we would need to amend the Municipal Code Section 12.01.110 to allow for this and specify that we would want the church to pay for all costs.**

**Councilor Daoust asked as I understood it we would have to initiate an amendment to the Code first and then after that is done and approved then we would approve the church connecting.**

**Motion was not seconded.**

**Mayor Thalhoffer asked Marnie Allen to draft a motion.**

John Anderson stated you could think about whether or not you are trying to make the window for possible uses outside of the city limits as narrow as possible. For example, maybe you could make it for non-profits only. We have 750 acres in the Alcoa property which had sought and received specific exemption from annexation laws, so we have experienced services outside of the city limits and we have experienced equity issues particularly when it is a large industry, employer and a lot of traffic. There may be some other ways you can further define this. It is further complicated by, I believe and this may be premature, the Port of Portland seeking some tweaks to the land use laws right now so that they may have a different playing field if they do annex to the city. You really don't know what the new circumstances might be.

Mayor Thalhoffer stated it has been made narrow by the specific exception for fire service sprinkler system.

John Anderson stated fire service is very valuable to larger industries that have to have sprinkler systems. You can see right here looking at what Mr. Galloway estimated for the SDC's compared to building the tanks there is a significant savings. If it was a large industry

that was going into the industrial park area, previously part of the Alcoa property that is not in the city limits but could possibly come into play.

Mayor Thalhoffer stated the Alcoa property has talked to the city about annexing to the city. The Port of Portland has made that request to the city and it is my understanding that they are proceeding with that. Mr. Faith could you speak to that.

Rich Faith stated we need to be very clear, they have not submitted an application. They have, in informal meetings with us, indicated their intent to apply for annexation of a portion of the Alcoa property to facilitate an industrial park development. To the best of my knowledge they are proceeding on that but we are a long way off from a formal application or anything that can be considered concrete evidence that they will be annexing to the city.

Councilor Gorsek asked perhaps we could add a clause for schools and non-profits, because it is an issue of public safety where we are not trying to subsidize businesses but we are worried about specific populations.

Councilor Daoust stated I would agree. It is my intent to keep this window as narrow as possible.

Councilor Thomas asked would it be possible to state that it is for this particular piece of property only?

Marnie Allen replied, I would need to give some more thought to that and research it because an argument could be made that we are being arbitrary in singling out just one piece of property especially property affiliated with a church. There could be some risks for the city if you were to make it that narrow.

**MOTION: Councilor Gorsek moved to direct staff to draft an ordinance amending Section 12.01.110 of the Troutdale Municipal Code to allow the provision of city water service for the limited purpose of providing water for fire hydrant and sprinkler systems to schools and 501(c)(3) non-profit corporations with the understanding that any entity that receives water for fire service shall pay all costs and fees associated with said service. Seconded by Councilor Daoust.**

**Councilor Gorsek stated this is an interesting problem. We have a situation where we have many people in this position today, but especially churches where there is not a lot of extra revenue. If you have been told time and time again by experts in the field that there is just no way you are going to get in, I can understand why they haven't gone forward with trying to get a UGB amendment. On the other hand I think we should consider assisting them in that. It seems very foolish to me to not allow them to come in when they are right across the street. I would encourage the church and the city to work on bringing them into the city eventually, even if that has to wait until 2007. These laws are really frustrating to people so if we have a chance to kind of clean things up a little bit and make them more sensible I think that we should really try to do this especially because the County is requiring this. The fire hydrant is right**

there and it is a public safety issue and we are very narrowly interpreting this and I don't think we will have the problem with setting precedent. The other thing to point out is that this is really an important issue in terms of allowing them to function normally. As you can see there are a lot of Troutdale residents, I assume you are Troutdale residents, here who are supported by this church, so I think it is in our best interest to support them any way that we can. Councilor Ripma is right when he says that they are not contributing to the system but this is a real small amount of water use so it is not like they will be using water like everyone else. On the other hand I also understand what Councilor Ripma is saying that they are not contributing for the infrastructure like everyone else that develops, but on the other hand it appears that they have not been able to do that and wanted to annex. I think we should do what we can to try and clean some of this up and then work to annex them into the city where they belong.

Councilor Daoust stated I strongly support this and I hope that the rest of the Council does also. We are not really setting a precedent here. We have narrowed the window so much that there probably will not be another case like this. To address Councilor Ripma's comment that the rest of Troutdale citizens are subsidizing this, I really don't see that either because there is no cost and there is no maintenance cost. There is nothing to subsidize, so I discount that argument also. The benefit that I do see is to our fire fighters that would be responding to a fire in this building and I see a good running, long lasting, sprinkler system as best for our fire fighters. I think there are numerous reasons why I think the Council should approve this motion.

Councilor Ripma stated you do realize Councilor Daoust that they are permitted to put in a sprinkler system and have a fully functional sprinkler system under the permit that they received from the County. It is just a question of whether they hook up to the City services. If it had to do with the safety of the students there would be no question here but they have a way to comply just as they did when they came to us some years back with an emergency request for the sewer system and they eventually put in their own system. There is a way for them to comply. If it was otherwise I don't think any of us would be questioning it. Fire safety isn't the issue. I understand your point about subsidy. Each time an entity hooks up to the system the system has to be sized slightly larger to accommodate that additional customer, even if they only use it once in a while. If more and more entities hooked up and we had to have sufficient reserves to supply sprinkler systems just outside the city limits all over the place, it is a cost, its not much once it is all in place and the pipe is just right across the road, sure it looks like it is free but it isn't. The thing that has bothered me is that they have never applied to attempt to join the city. They have said tonight that they can't or that they would be denied. That is the opposite of what I have understood and this isn't just from a talk last week, but from a long investigation into this they are fully eligible to join and I fully support them annexing and always have and I would again. In the end I think I will support this motion, but I endorse Councilor Gorsek's comment that if they would like to join the City I have always supported them doing that and I think we could help them out. I think if they made an effort I think they would be able to come in and then they could have water service for all purposes later.

Councilor Thomas stated I really think as a city, since this church has a desire to become part of this city that maybe we should try and help them out with whatever it takes to get through the UGB process. I believe that the city stepping in to say that there is a unified desire to pursue that would be much better for the church, or any property trying to come in, than it would be just to have them on a stand-alone basis.

Mayor Thalhofer stated I have some history of the Open Door Baptist Church trying to go through the bureaucratic red tape to accomplish a locational UGB boundary change and the city tried to help them as much as we could. They just got involved in a virtual bureaucratic quagmire and they finally dropped it because it just became too time consuming and expensive and the end was not really in sight. I really feel sorry for the Open Door Baptist Church in their attempt to do the right thing. They tried and they just finally threw up their hands and I don't blame them. I am going to support this motion. I think it is the right thing to do and I going to encourage the City of Troutdale to work with the church to come into the UGB in the 2007 process. I think we ought to do an outreach program to find out how many people are eligible and how many people want to be included in any expansion of the UGB, knowing that there are certain guidelines and criteria for inclusion. I would urge the church to bring this back to us in time for us to perhaps include you in that expansion in the year 2007.

Councilor Canfield stated I am going to vote in favor of this. One of the reasons that persuaded me to do so is the engineering report that mentioned that the above ground tanks would give minutes of coverage instead of hours of service if they hook up to the city. The main issue that we were talking about is should we require them to jump through all of the hoops to get into the UGB in order for us to supply them service for this fire sprinkler system. I think that is unreasonable for the city to ask them to do that. This is also for a system that we hope will never ever be used. If something like that ever did happen we are going to be glad that we did allow the church to connect to our service for their fire sprinkler system.

Councilor Kyle stated I am in favor of this motion. One of my main reasons was I did read the engineering report and I do feel that the sprinkler system hooked into the city's water will be a more reliable and more effective sprinkler system.

Councilor Ripma stated I want to clarify that the ordinance and the motion is to support educational facilities and 501(c)3 organizations in fire sprinkler systems, I just thought it was important to make the comment that this isn't intended as a subsidy for the church.

**VOTE: Councilor Daoust – Yes; Councilor Gorsek – Yes; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes.**

**Motion Passed Unanimously.**

Marnie Allen asked would you like me to include findings in the ordinance so that the ordinance could be adopted at one meeting with an immediate effective date, or do you want

to go through the regular ordinance adoption process where we have two public hearings and a thirty day effective date.

Council agreed to have staff prepare the ordinance so that it could be adopted at one meeting with an immediate effective date.

#### **5. STAFF COMMUNICATIONS**

None.

#### **6. COUNCIL COMMUNICATIONS**

Councilor Canfield thanked the people from the church for coming to the meeting to show their support; we appreciate it.

Councilor Kyle stated in our packet we had a couple of resignations from the CAC; Jodi Coulton and Ron Woodin. Ron Woodin has been very active in Troutdale and is going to be missed. We appreciate our Troutdale volunteers

#### **7. ADJOURNMENT:**

**MOTION: Councilor Thomas moved to adjourn. Seconded by Councilor Gorsek. Motion passed unanimously.**

Meeting adjourned at 8:36pm.

**Paul Thalhofer, Mayor**

**Approved April 12, 2005**

**ATTEST:**

**Debbie Stickney, City Recorder**