

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

Tuesday, September 9, 2003

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

Mayor Thalhofer called the meeting to order at 7:01pm.

PRESENT: Mayor Thalhofer, Councilor Gorsek, Councilor Ripma, Councilor Thomas, Councilor Kyle, Councilor Daoust, Councilor Kight (7:45pm).

ABSENT: None.

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

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied we have no changes this evening.

2. CONSENT AGENDA:

2.1 Accept Minutes: August 19, 2003 Work Session.

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

3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

Larry McWilliams asked the Council if they would consider renaming CP Park.

Mayor Thalhofer stated if there is no objection I would like to refer this to the Parks Advisory Committee.

Mayor Thalhofer stated there was a Pinewood Derby on August 29th at Pioneer Courthouse Square in which area Mayors participated with local Cub Scouts. We didn't win any races, however we did win the Peoples Choice Award. We are very honored to have won this

award. The car was built by Tim Chastain with the help of his father Jon. Tim is a Cub Scout in Troop 174.

Tim Chastain stated I had a good time. I am really glad that we won the Peoples Choice Award. I am proud that I accomplished building this really good car.

4. PUBLIC HEARING / ORDINANCE (Introduced August 26, 2003): An Ordinance amending Chapter 3.08 of the Troutdale Municipal Code regarding Transient Lodging Taxes.

Mayor Thalhoffer read the ordinance title and opened the public hearing at 7:12pm.

Mayor Thalhoffer stated this ordinance would repeal the lodging tax that we imposed on any person that rents space at the RV park for more than 30 days.

Councilor Thomas stated I would like to propose a modification to the ordinance. Instead of repealing the tax altogether it would roll it back to 3.95% for any one who stays longer than 30 days.

Mayor Thalhoffer stated that would take a motion to amend, which should be done after we hear the public testimony.

Renee Burkhardt stated I have a home in the R.V. Park. In the dictionary a house is defined as a structure, a house of representatives, this is a house. There is a house for elephants at the zoo. There are birdhouses. The definition of a home is where you live, where you reside, where you have your meals and where you have all of your personal property. That is a home. Lodging is a lodge; I don't have a lodge. I don't live at the lodge at Mt. Hood. I don't live in a lodge; I live in a home. This is a lodging tax and it doesn't apply to me. If we are living in a lodge so is all the population that lives in apartments. This is discrimination. You get property tax from us, what more do you want. If you want to run everyone out of there you are going to have nothing but wasteland. I think we have the right to appeal, which would tie this up for years.

June Johnston stated I reside at the RV Park in space 199. I was under the opinion at the last meeting that this is going to be an up or down vote. How can you have an amendment to this now? Councilor Thomas said the last time we had this general meeting that we would not revisit this in the near future. Here he is, after our meeting Thursday night, revisiting it with a different kind of proposal. I don't understand how this can happen.

Steve Swank stated I reside at the RV Park. When I addressed the council at the last meeting my primary concern was for the disadvantaged folks that live at the park. The folks that are on fixed incomes, disability or social security in most cases are barely able to meet expenses. Sometimes it is a tradeoff as to whether they buy food or medicine. The park is a community within a community and we take care of ourselves. To introduce any percentage of tax at this time will at some point and time end up at the 6.59%. I would be opposed to any percentage of tax that would be proposed.

Vernon Baskirk stated I agree with Renee. I am living here because of my health. I have to live close to the VA Hospital to stay alive. If this tax goes through I can guarantee the word transient will become known to me because I will be living on the street. I paid my rent today and I bought enough fuel for my wife to get to work for another two weeks. I didn't even have enough money to pay my VA bill this month. I was lucky, I came home alive just to see how nice the United States is to us Veterans.

John Johnston stated I also live at the RV Park. I asked Councilor Thomas the other night when are our government officials going to understand "no". My medical insurance is going up the first of October. I can't go to social security and say I need more money to pay my medical insurance. I have to pay it. I just had a triple-bypass in June and I would be bankrupt without medical insurance. I don't have to pay the City of Troutdale a transient tax because I can go someplace else. I think there is a lot of people at the park that feel the same way. We feel the tax is unfair. I am opposed to this tax.

Fred Gaittens stated I am a little confused. Don't the owners of this RV Park pay a property tax? Do the people at the motels pay a lodging tax? Or is it just the people in the RV Park that are getting stuck with this transient lodging tax? Does the City of Gresham, Fairview and Wood Village have the same tax on RV Parks? Or is Troutdale the only one doing this?

Mayor Thalhofer stated you are asking us a lot of questions. This public hearing is for us to listen to your concerns and views on this issue not to answer questions.

Fred Gaittens stated so if there was a campsite in Troutdale and someone used that site instead of just paying the fee for the campsite they would get hit with a transient tax in addition. Or is this just targeted at the RV Park?

Mayor Thalhofer asked the city attorney to please explain this tax.

Marnie Allen, City Attorney stated the City of Troutdale, as with other cities in East Multnomah County as well as Multnomah County itself, impose what is called a transient lodging tax on the rent that is paid by people who stay anywhere in a structure that is designed and intended to be occupied for thirty days or less on a transient basis. Hotels, apartments, there is no distinction drawn between the type of use of property if it was designed and intended to be used temporarily as opposed to being a long-term residence then a transient lodging tax is imposed. There are other jurisdictions that impose a transient lodging tax on recreational vehicle parks because they are intended and designed, at least initially, to be used temporarily. For example they are not designed and intended the same way as a mobile home or manufactured home park is designed and planned. Because of the temporary nature that is typically associated with recreational vehicle parks, that tax is imposed on the rent that is paid for a space in a recreational vehicle park. What the council is considering tonight is whether or not the 6.95% that is imposed should be imposed and collected for people who rent a space in a recreational vehicle park for more than thirty days.

Rick Withrow stated I live at the RV Park. I am unclear tonight. Now we are trying to vote down the 6.95% tax and look at imposing a 3.95% tax on people that stay longer than thirty days. My understanding is that this tax is for people that come and stay briefly and then move on. I think that this ought to be voted down completely until you folks can get together and come up with a set rule. I am not on a fixed income but I still do not want to pay this tax and I don't have to. I like the Troutdale community but I don't like the way the council is treating people in that park. A lot of these people are on fixed incomes and they can't afford to pay the tax and I think you are trying to force them out. You are not being fair to them when you are not making the motels pay any transient fee at all because it would hurt their business. I disagree with that.

Abby Withrow stated you mentioned that you are imposing the tax on anyone in the RV Park. You also have mobile home parks/RV parks in the city. Are you going to start charging the RV people that are living in the mobile home parks the transient tax. They are considered the same thing as we are. You can't tax us and not tax the mobile home people or the RV people in the mobile home parks.

Mayor Thalhoffer closed the public hearing at 7:40pm.

MOTION: Councilor Ripma moved to adopt the ordinance that repeals the RV Park tax that was imposed as of August 1st. Seconded by Councilor Gorsek.

Councilor Ripma stated my mind has not been changed. I studied Councilor Thomas' alternate proposal and I think it is fair. I am not persuaded that we should impose this tax. I guess I was persuaded by the public testimony at the last meeting. While a lower tax is arguably fairer, it doesn't seem to be any more popular. I favor repealing the ordinance.

Councilor Gorsek stated I am sympathetic to the testimony that we have heard. I worry a lot about the people that are on fixed incomes that are living in mobile home parks as well. There are a lot of people that need tax relief. At this time it just seems like a place that we shouldn't go.

Councilor Kyle stated I would like to respond to some of the questions that were raised by the people testifying tonight. I have a daughter that lives in a mobile home park and she does pay a tax, which is based on the value of her home. In addition to the space rent she pays a tax on the value of her home. So they are not exempt from a tax. The hotels and motels do pay a transient lodging tax; they are not exempt. In many other areas RV parks also pay a transient tax.

Councilor Daoust stated what genuinely started out as an equity issue or a tax fairness issue turned into the city trying to impact those struggling to make ends meet. I am sympathetic to that. I think those that would move out of the RV Park if we did impose the tax would almost cancel the benefit that we were looking at gaining to pay for the city services. I am going to support the motion so that we don't implement the tax.

(Councilor Kight arrived at 7:45pm.)

Councilor Thomas stated I want to thank the residents of the RV Park for taking the time to meet with me the other night. One of the reasons I was looking at imposing the lower tax amount of 3.95% was because the City of Fairview imposes a long-term lodging tax. What I thought I had heard, but apparently didn't hear right, was that might be of some value. When you look at faces versus numbers there is a big change. With the potential things coming down the road, I would have to agree with the people living at the park.

Mayor Thalsofer stated I have never been in favor of this tax. I still think we have an animal that serves two different purposes down there and I think we need to get a grip on it. We have a mobile home park and we have an RV park all in the same park. We have some people that are there only temporarily as they travel around and we have people that live there permanently, which really constitutes a mobile home park in my opinion. I think trying to tax them all the same is not going to work. It was mentioned that there are some who can afford to pay the tax and some that can't. The ones who can afford to pay it are going to pay the same amount as the people who can't afford to pay it. It is not a progressive tax, which it should be or a property tax or even a personal property tax. Most mobile home owners in a mobile home park pay a personal property tax. The RV folks pay the transient lodging tax. Until we sort this out and figure out how we can be fair I don't think there is any point in discussing it. I am going to vote against the tax as I have before.

VOTE: Councilor Kight – Abstained; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Gorsek – Yes; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalsofer – Yes.

Motion carried – 6 Yeas, 0 Nays, 1 Abstained.

Mayor Thalsofer called for a 10-minute break at 7:48pm.

Mayor Thalsofer reconvened the meeting at 8:00pm.

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| <p>5. PUBLIC HEARING / ORDINANCES (Introduction): A public hearing to consider the following:</p> <ul style="list-style-type: none">5.1 An Ordinance naming a public street NW Graham Circle.5.2 An Ordinance naming a public street NW Rogers Circle. |
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Mayor Thalsofer read the ordinance titles and opened the public hearing at 8:01pm.

Jim Galloway, Public Works Director stated we have known for some time that we have some discrepancies between street names as we think we have named them and as they appear on our street maps and street signs but not necessarily as they are reflected on the official maps that Multnomah County has on record. We are working with the county to resolve most of those administratively but there are some that will require council action, as do these two

before you tonight. NW Graham Circle and NW Rogers Circle are city streets to the west of Sundial. Both of those were constructed fairly recently. At the time of construction we assigned them the appropriate street names that you see. We put them on the street maps and the street signs. We did all of the things we thought were necessary but unfortunately we didn't, either through the plat or through an ordinance like this, make a formal naming of the street so they would be properly picked up on the county records and county tax assessor information. The two ordinances before you tonight simply name Graham Circle and Rogers Circle. We have notified the police, fire and emergency services, AMR for ambulance services, the post office and those who have property that abut the two rights-of-way involved. No comments have been received from any of those folks.

Council had no questions.

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

No testimony received.

Mayor Thalhoffer closed the public hearing and stated there will be a second hearing at our September 23rd meeting.

<p>6. RESOLUTION: A Resolution approving the purchase and sale agreement of the Burlingame property.</p>

Mayor Thalhoffer read the resolution title.

Councilor Daoust stated I would like to declare a conflict of interest because I own property that abuts the Burlingame property that the city is considering purchasing.

Councilor Daoust excused himself from participating in the deliberations and final decision on this item.

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

Fred Gaitens stated I am all for the City of Troutdale buying this property and turning it into a park. I would propose that it be called McGinnis Park because it is on McGinnis Street, which will be punched through. This piece of property has been used for a number of years as a trail for people to walk through. I think it is a great idea to put a park there. If you look at the site plan for this development, there would be really small houses on those lots. Even though I don't want the Burlingame property developed, I do feel that a park in this location would be a great place for a park where my kids could go and play. I am all for this park.

Randy Dotson stated I live on McGinnis and I am all for you purchasing this property for a park. I have a son and this would be a close park for him and the other the kids in the neighborhood to play in. If you look at the grounds at Walt Morey Middle School, kids between the ages of 2 and 6 don't have a lot to do there. It would be nice to keep a little more greenery and park like settings and maybe a little less traffic.

Jessie Richardson stated I live across the street from Doug Daoust. I would like to see the City of Troutdale use that space for a park. With the new houses coming in children will be living there and small children need a place where they can play. That field has been used for some time as a pedestrian easement. I think the use of that space as a park will benefit all involved.

Jim Thompson stated I own the property at 2650 McGinnis, which is right next to where this property is going to be developed. I also support the park being built there. It would be a great easement for all the new houses in this development and also create a good public walkway to Albertsons. I am currently in a lawsuit with Mr. Burlingame over the issue of the fence line. He states that my fence is a number of feet over his property line.

Sandra Gaittens stated I live on McGinnis and I also support the greenspace or park. It is true that for the last ten years that we have lived there this has been a public easement. People have enjoyed that. This would be a good place for my granddaughter to play. With the number of houses proposed for this development, I think it would be a nice transition between our neighborhoods, which are much bigger lots compared to those in the new development.

Bruch Stannard stated I am a member on the City's Parks Advisory Committee. Tonight I am not speaking for the whole committee. My feeling is that this goes with our master plan. That general area was identified as a future park. We started to save that tree line all the way from Stark Street north. At one point we were a Tree City USA. If you put homes on those lots you would probably lose most of those trees. I think the greenspace and openspace would serve as a buffer and will add value to the remaining lots in that development. I am in favor of the park.

Ernie Houston stated I live on Hope Circle. I can't agree more with what has already been said. This is about livability. We don't have a lot of property left that we can do things with. We definitely don't have the amount of parks that we need in the city. This property was slated to be a park and for whatever reason it got overlooked. This is a perfect opportunity for the City of Troutdale to preserve this piece of property. This is your only shot. Once it is gone it is gone. I would support the purchase of this property and to preserve it as a natural area, park, and a buffer between the two developments. This will benefit not only us but also the people that move into the new development.

Mayor Thlahofer asked the City Attorney to outline the process for the council.

Marnie Allen, City Attorney stated the matter that is before you is a resolution seeking approval of the purchase and sale agreement for the Burlingame property. As you may recall, the city has been in negotiations and discussions with the Burlingames for some time. Most recently the Burlingames entered into an agreement with Palace Construction Corporation who agreed to buy all of the lots in the Burlingame subdivision. In the agreement between Palace Construction and the Burlingames, Palace Construction offered to buy the four lots that the city is interested in buying for \$63,000 per lot. In light of having a firm

commitment from the buyer, the Burlingames indicated they would be willing to sale the four lots the city is interested in to the city on exactly the same terms that Palace Construction agreed to buy those lots. Those terms include: The purchase price of \$252,000; the city would have to put down \$4,000 earnest money deposit that is non-refundable; the balance of the purchase price, \$248,000 must be paid upon closing. The transaction would close when two things occur. Those include closing the transaction or the conveyance from the Burlingames to Palace Construction and the initial phase of the infrastructure and when the city obtains preliminary title commitment and does its own inspections and is satisfied in terms of the title and condition of the property. Because this transaction is tied to closing the purchase of the lots by Palace Construction, there is an deadline upon which the transaction must close. That cut off date is March 1, 2004. If Palace Construction has not closed the transaction and the infrastructure hasn't been completed by March 1, 2004 the city can walk away from this transaction and receive its earnest money deposit back. The four lots that the city would be acquiring will have water, sewer and storm sewer connections for each lot. They will not have any sidewalks. That condition is dictated by the terms and conditions in the agreement between Palace Construction and the Burlingames and the agreement that the Burlingames have already entered into with the contractor to do the infrastructure. We have had discussions with the Burlingames about changing those conditions and they are not amenable to making any changes. The city has thirty days after the Burlingames provide a preliminary title report to satisfy itself with the condition of the property. The City may elect to have a survey, soil tests, level 1 environmental assessment or similar preliminary reports or analysis done. Any of those reports or analysis would be done at the City's expense. The Burlingames will not agree to pay for any of those tests or reports. The Burlingames have also indicated that the property is being sold "as is". They will provide a standard title policy but they will not provide an extended policy. What that means is for abutting property owners who may be encroaching on these four lots that the City is looking to purchase, we will not attain an insurance policy that says we own legal title to that property free and clear from those encroachments. As you heard from one gentleman that testified here tonight there is apparently some litigation ongoing right now between him and the Burlingames about where the boundary line is and who owns the right to the property along that boundary line. First American Title is the escrow agent that will oversee the closing under the terms of the Purchase and Sale Agreement. Escrow costs will be paid half by the Burlingames and half by the City. At closing, the property may be conveyed by a warranty deed but only if that deed provides an exception for existing encroachments. It will be more likely that it will have to be conveyed by bargain and sale deed. In terms of financing, the parks system development charges may be used to acquire this property for future development as a park. However, there is not enough Parks SDC funds currently available to pay the entire purchase price. The Finance Director has identified a couple of options for the Council to consider. Those options include either a line of credit from a bank or a interfund loan from the General Fund to the Parks Improvement Fund. We recommend the line of credit from a commercial bank. We would anticipate a 2-year line of credit from the bank.

Councilor Kight asked has this property been strictly used for agriculture in the past?

Jim Gallowy replied to my knowledge, yes.

Councilor Kight asked do you have any idea what it would cost for a soils test?

Galloway replied it would probably depend on what we are trying to determine. It is my understanding that the property has been used primarily for agricultural purposes so I am not sure that we would have a reason to do a soils test. If we had some concerns about the property perhaps the first step might be to do a phase 1 preliminary environmental site assessment. That is primarily a records background to see if there is or was anything there that we might be concerned about.

Councilor Kight asked what would a phase 1 environmental site assessment cost?

Galloway replied probably in the \$2,500 to \$5,000 range.

Councilor Kight asked would you recommend that we go with the ALTA policy in this case not only because of adjoining property owners encroaching but also if there are any utility easements going through those properties?

Marnie Allen replied yes. I think it would be a good idea to get an extended policy. I think the caveat however is, and this is my general understanding of an extended policy and that is what they will do is require a certified survey, they will do an on-site inspection and if there are fence lines within five feet of where the survey says their boundary line is they will craft an exception to the policy. So they will not ensure our title for existing encroachments, which means the city would then be left to try and resolve those matters with the property owners that are claiming an interest.

Councilor Kight stated some of the property owners may claim adverse possession if it has been ten years or longer and then we would end up in litigation. What would be your recommendation?

Marnie Allen replied there are a couple of options. If the council wants to proceed in acquiring the property knowing that this dispute about where the boundary line is exists and what exactly it is that we are acquiring, you could resolve that one of two ways. Either agree to do a boundary line adjustment, initiate that and change the boundary of property line after we buy it to match the fence line. Of course then the city is acquiring less property or maybe there is some question about the value of the property that we are acquiring. The second option would be to seek a release or quit claim or some other type of conveyance from the property owners that abut the property.

Councilor Kight asked could the Burlingames provide clear title if there is a property line dispute?

Marnie Allen replied the Burlingames are not required to provide that to Palace Construction and so they are not willing to assume that obligation in this transaction.

Councilor Gorsek asked I think Councilor Kight raises some really interesting and serious issues in terms of knowing what the soil is like. I would hate for us to purchase something

and then find out there is a problem with the soil. I am also disturbed that the Burlingames don't want to sale it in such a way that we would know exactly where the property lines are. You are saying that the ALTA policy wouldn't guarantee that anyways?

Marnie Allen replied that is my understanding.

Councilor Ripma asked Palace Construction was willing to purchase these lots under the same terms we are getting, is that correct?

Marnie Allen replied yes.

Councilor Ripma asked with the same understanding that there may be a dispute about the property line?

Marnie Allen replied yes.

Councilor Thomas asked in regards to the lawsuit, is there anyway for the city to build it into the agreement that it would be resolved before we take possession of the property?

Marnie Allen replied unfortunately I don't believe that there is. The Burlingames have been very clear and consistent that they will only sale these lots to the city on same terms as Palace Construction has agreed to buy them. We are already pushing up against their threshold in requiring us to sign this agreement, give them the deposit and go forward. The city can pursue that on our own but we wouldn't be able to, in my opinion, delay this transaction long enough to resolve it ahead of time.

Councilor Thomas asked the other concern I have is how are we going to ensure that we get the sidewalk along these lots.

Marnie Allen replied the city would be required to pay for and install the sidewalks along the frontage of the four lots the city is purchasing. The Burlingames have indicated that they will not agree to pay for having the sidewalks installed nor will they agree to, for example, only install one water, sewer and storm connection to all four lots in exchange for doing the sidewalks, so that would be the city's obligation.

Councilor Thomas stated what I don't want to have happen is we purchase these lots and a few years down the road we still don't have any sidewalks.

Erik Kvarsten, City Administrator stated I believe the estimated cost is around \$10,000 for the sidewalks along the frontage of these four lots as well as Tract A. The council could simply direct the public works department to complete that project.

Mayor Thalhoffer stated I am not concerned about anything.

Councilor Gorsek asked is there a liability to the city if we don't test the soils and later we find something?

Marnie Allen replied there is a liability to the city regardless of whether you test or don't test and if we own property that is contaminated. Obviously we would like to know that going in because we may not want to purchase the property if there is contamination.

Councilor Kyle asked can the Burlingames legally sale property that is in litigation?

Marnie Allen replied I think it would depend on the nature of that litigation. They can't make certain warranties about the title of the property that they are conveying to the city, which is why they are saying bargain and sale deed or that they are requiring the purchase "as is".

Councilor Thomas asked to establish the actual property lines, would the city have to pay for someone to survey the property?

Marnie Allen replied correct.

Councilor Thomas asked do we know what that would cost?

Marnie Allen replied approximately \$2,000.

Councilor Thomas asked can those costs be taken out of the SDC funds?

Marnie Allen replied yes. All soft costs associated with acquiring and developing the property into a park are eligible for parks system development charge expenditures.

Councilor Kight asked if we did a soils tests and we found something on the property that indicated contamination and we back out of the sale of the property, could the Burlingames turn around and sale the same piece of property to Palace Construction without having to clean up the site because it would then be public knowledge?

Marnie Allen replied I think it depends on who is aware of what that contamination is. Cleaning up property that is contaminated is typically within DEQ's jurisdiction and whether or not it would rise to a level that they would want to bring some cleanup enforcement action would be best left to them. The Burlingames or any property owner can sale contaminated property to a willing purchaser.

Councilor Kyle stated only as long as they disclose that they know it is contaminated property.

Marnie Allen replied correct.

Doug Daoust stated since there seems to be so many questions about contamination of the site I think I can shed some light for your information. I have watched the Burlingames farm that property for the last fifteen years. The location of the barrels and extra farm equipment that they had was actually located along Stark Street where Home Depot is now. They did have an extra storage area where they may have stored equipment, fence posts, and cedar

posts for farming where Home Depot is now. There was no storage in any other part of the field because he farmed the rest of the field even up to the tree line. You don't dump chemicals where you grow raspberries. In addition, those trees are about fifty years old and there is no dumping where trees exist. I can safely say based on my knowledge, I don't think you have to worry about a contaminated site.

MOTION: Councilor Ripma moved to adopt the resolution approving the purchase and sale agreement of the Burlingame property. Seconded by Councilor Kight.

Councilor Ripma stated I favor this use of our parks money to purchase this property. If we don't do it now, we are never going to get another chance. For the future, our citizens and their children and grandchildren, I just think we should add parkland as we have opportunities if we can afford it. We are not flush, but we can afford this and this is a perfect opportunity to use some of that money. That is what it is for and I am delighted to take advantage of this opportunity. I think it is a fair deal; it is not a gift. The Burlingames did not have to give us the right of first refusal. We are paying the same as the developer Palace Construction would have paid. That gives me a lot of comfort about some of the issues we have been discussing. If Palace Construction was willing to take the lots with the deed the way we are going to get it, they are in the business and they probably have a fair degree of confidence that the issue, if there is one about the lot line, would be resolved in some sensible way. On the soils test my feeling is if the rest of the council supports it I would be willing to support a soils test. This is a good deal for our citizens and some day it will look cheap. When you buy land it looks fairly expensive now but some day we will be thanked for doing it. I am very much in favor of purchasing this property.

Councilor Kight stated I appreciate the comments made by the folks that live adjacent to this area that we are looking to purchase. They made some excellent points. One is the history of this piece of property and its use as an easement or walkway for the neighbors. They like the buffer that it provides for their homes. As one of the gentlemen indicated it is also a livability issue. We have an opportunity to provide a greenspace or openspace and I think that is one of the reasons that people are attracted to Troutdale to begin with. It will be well used. We will develop it over a period of time. It may stay as is until we have resources to improve it.

Councilor Kyle stated my only concern is I think we should air on the side of caution and have a soils test. I was raised on a farm and I know that barrels are buried. It is my understanding that this land has been farmed for years. I will support the purchase with the remark that I would support a soil test.

Councilor Gorsek stated I think Councilor Kyle is right that we need to look at the soil to make sure. Nobody wants to pay more money but considering our liability and we have to worry about the liability for the citizens. Not so much that we will have to pay money but if there is a problem there we really wouldn't want to expose the people to any sort of environmental issues. In terms of the testimony it is all very compelling.

The concern I have is with the litigation. I am really concerned about going forward with purchasing a parcel when there are questions about property lines. I still think that the money would be better spent perhaps in a different facility at a different park. I do not support this resolution.

Councilor Thomas stated this has been a tough decision for me all along. What it really boils down to for me is the livability. My concern here is I really think we need to do the survey to establish the property lines. I have heard other council members tell people who have come before us that it was their responsibility to have the property surveyed before they bought it. I think as a responsible citizen that is something we should do. The other condition I think we should include, at least as a staff directive, is to make sure we get the sidewalks installed for those lots when we purchase it.

Mayor Thalhoffer stated I certainly support the purchase of this property. This openspace has had a trail used by the public for many years. There is a tree line that is very significant and they provide a wonderful buffer. I have always believed that we don't want to cram houses in every nook and cranny in this city. We want to have some open space. Quality of life is what we talk about all the time. There was a park planned for that area called Latourell Park, which did not become part of this application, I wished it had. So we are faced with this situation where if we want parkland we are going to have to buy it. I am really not concerned about the soil being contaminated, however, I am not opposed to having it tested. The survey is going to have to be done because there are some encroachments and we will have to deal with that but that is nothing that should stop this sale from taking place. We have parks system development charges coming online here. I did a little research and it would appear that we are going to have over \$1 million dollars in parks system development charges within a year from several different subdivisions that are online right now including, Burlingame East subdivision, Morgan Meadows Phase 1, and Edgefield Estates. We have raised the parks system development charges and we did it for a reason because we wanted to create more money to purchase open space and to help develop parks. This is a good use for that money. I fully support the purchase of this property.

VOTE: Councilor Kight – Yes; Councilor Kyle – Yes; Councilor Gorsek – No; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhoffer – Yes.

Motion carries 5 – 1 (Gorsek)

Council directed staff to proceed with the following: soil test; survey of the property; and to ensure that the installation of sidewalks on lots 1-4 and Tract A will take place within a reasonable timeframe.

7. COUNCIL CONCERNS AND INITIATIVES:

Councilor Kight stated I would like the Council to consider making an expenditure to have video cameras mounted in all of our police cars.

Councilor Gorsek stated I realize we don't have control over Reynolds School District but I did receive a call this week from one of our constituents who has had problems with the new redistricting. He found the Superintendent less than helpful and found the Board unwilling to take a stand of any kind. My concern is that perhaps the Superintendent would reconsider his views and look into these issues. I realize that with redistricting there are a lot of complaints, but in some of these cases flexibility would be in order.

Councilor Thomas stated I am concerned with the traffic control at the entrance of Troutdale Terrace apartments. I think we need to look into this and see what we can do to alleviate this situation.

8. ADJOURNMENT:

MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Kight. Motion passed unanimously.

Meeting adjourned at 9:13pm.

Paul Thalhofer, Mayor

Approved October 14, 2003

ATTEST:

Debbie Stickney, City Recorder