



CITY OF TROUTDALE

AGENDA
CITY COUNCIL MEETING - COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060

7:00 P.M. -- FEBRUARY 14, 1989

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept: Minutes of 1/10/89 Regular Mtg.
 - 2.2 Accept: Business License Report, Month of January
 - 2.3 Accept: Bills for month of January, 1989
 - 2.4 Ratify: Consensus of Council Executive Session 2/08/89
- (A) 3. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
- (A) 4. RESOLUTION: Approving Transfer and Consent to Change in Control of Cable Company; and Amendments to Cable Communications Service Franchise Agreement with Cablesystems Multnomah East
- (A) 5. APPEAL: By McDonald's Corporation of the Planning Commission Denial of a Major Variance from a limit on the height of a freeway sign [Case File #81-89-027 SV].
- (A) 6. RESOLUTION: Accepting a property transfer from Multnomah County for dedicated public right-of-way (Jackson Park Road) and accepting maintenance responsibility.
- (A) 7. RESOLUTION: Authorizing the Mayor to Enter into an Intergovernmental Agreement between the City of Fairview and the City of Troutdale for provision of Building, Plumbing, Electrical, Mechanical and associated services.
- (A) 8. RESOLUTION: Authorizing the Mayor to Enter into an Intergovernmental Agreement between the City of Wood Village and the City of Troutdale for provision of Building, Plumbing, Electrical, Mechanical and associated services.
- (I) 9. UPDATE: Downtown Enhancement LID 89-_____
- (A) 10. RESOLUTION: Declaring the City of Troutdale's intent to sell surplus property (Tax Lot 42, Section 25, T1N, R3E, W.M.), setting date and time of sale, and establishing conditions of sale.

- (A) 11. AUTHORIZE: Mayor to Enter "Basic Letter Agreement" -- Union Pacific Railroad Company #852-49 (Licensor) and City of Troutdale (Licensee).
- (A) 12. RESOLUTION: Authorizing the Transfer of Wastewater System Development Charge Pre-payments from One Property Owner to Another.
- (A) 13. DEPARTMENT REPORTS:
Public Safety
Finance
Community Services
City Attorney
Executive
- (A) 14. COUNCIL CONCERNS AND INITIATIVES
- (A) 15. ADJOURNMENT.



Sam K. Cox, Mayor

Dated: February 14, 1989

EX[7.19]
2/1/89 Wed 16:37:31
2/9/89 Thu 4:03:40

M I N U T E S
TROUTDALE CITY COUNCIL MEETING
COUNCIL CHAMBERS
104 SE KIBLING AVENUE
TROUTDALE, OR 97060

7:00 P.M. -- FEBRUARY 14, 1989

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

Mayor Cox called the meeting to order at 7:02 p.m.

Councilor Fowler was called on to lead the Pledge of Allegiance.

Valerie J. Raglione, City Recorder, called the roll.

PRESENT: Bui, Burgin, Fowler, Jacobs, Schmunk (8:12 P.M.)
Thalhofer, Cox

STAFF: Christian, Chief Collier, Gazewood, Raglione, Wilder,
City Attorney, Thomas, Hauer

PRESS: Webb Reubal, Oregonian
Robin Franzen, Gresham Outlook

GUESTS: Mark & Kim Jensen, Cable Regulatory Commission
Representative, Mr. Ron Sherwood, Mr. Tom Sponslor,
Julie Omlechuck, Steveolan

Agenda Update: Christian stated that there were 2 updates; Item 11
- "Basic Letter Agreement w/UPRC, and Item 12 -
Resolution authorizing transfer of wastewater SDC
pre-payments from one property owner to another.

ITEM #2 - CONSENT AGENDA:

MOTION: Bui moved to approve the consent agenda items. Burgin
seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Thalhofer -
Yea

ITEM #3 - PUBLIC COMMENT: None given.

ITEM #4 - RESOLUTION (TRANSFER & CONSENT TO CHANGE IN CONTROL OF
CABLE COMPANY; AND AMENDMENTS TO CABLE COMMUNICATIONS SERVICE
FRANCHISE AGREEMENT WITH CABLESYSTEMS MULTNOMAH EAST):

Christian introduced Mr. Ron Sherwood, representative from the

Cable Regulatory Commission.

Mr. Sherwood stated that if the resolution is passed, ownership of Rogers Cablesystems will be transferred to KBLCOM. No immediate name change will occur, although that is a possibility in the future. He stated that during negotiations questions were raised concerning Multnomah Cable Access. Provisions in the franchise agreement were made to fund Multnomah Cable Access through the remainder of the franchise (10 years), with the added provision for renewal when the franchise expires. Should the franchise be renegotiated or extended, all the provisions which allow for functioning of Cable Access would be extended and continue to be funded.

Thalhofer asked how rate increases are handled.

Mr. Sherwood stated that the Cable Regulatory Commission has no authority in rate setting. The rates are basically set by how much customers are willing to pay for service....if rates are raised too much, the customers start dropping the service.

Burgin stated that when Rogers Cable first came into Troutdale, an agreement was made, and adhered to, not to offer the Playboy Channel in the East Multnomah County area. He asked if KBLCOM has made any decisions regarding that type of programming.

Mr. Sherwood stated that the programming for the immediate future would remain the same, however, no commitment has been made for the long-term.

MOTION: Thalhofer moved to adopt the resolution. Bui seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Thalhofer - Yea

ITEM #5 - APPEAL (McDONALD'S CORPORATION MAJOR VARIANCE ON HEIGHT OF FREEWAY SIGN - CASE FILE #81-89-027):

Hauer gave background information on McDonald's Corp. request for a variance to allow for a 100 foot tall freeway sign. She stated that the Planning Commission considered the request on December 21, 1988, and determined that there was nothing unique or unusual, and no special circumstances, either pertaining to the site or the proposed use, that justified the granting of the variance. McDonald's appealed that decision on the grounds that their agreement not to block Burns Bros. sign is an "unusual circumstance".

Mr. Robert Sherwood, representative for McDonald's Corporation,

discussed the importance of signage (i.e., height, placement and visibility) and the impact it has on the success of the restaurant.

Mayor Cox asked if Council would like to take some time to look over the plans/maps on display.

Thalhofer asked if there would be a problem if McDonald's sign was the same height as Burns Bros. only set back 40' from proposed location.

Mr. Sherwood stated that that is a viable option.

Mayor Cox called for questions or concerns from opponents or proponents in the audience. None were given. The hearing was then closed at 8:03 p.m..

Mayor Cox called for comment from Council.

Thalhofer stated that when traveling other freeways, he has seen signs shared by several businesses, and asked if that could be an option for McDonald's.

Mr. Sherwood stated that those types of signs are generally positioned about one mile from each interchange in each direction. He stated that McDonalds has exercised that option whenever possible and will continue to do so because it has proven to be a good marketing source.

Fowler stated that the McDonald's logo/sign is easily recognized by everyone young and old.

MOTION: Thalhofer moved to modify the Planning Commission decision by allowing McDonald's sign to be as high as Burn's Bros. and set it 40' back. Then direct, if there is a push for it, a study to be made of the sign code to determine what changes may need to be made in regards to freeway signs.

Burgin asked if he understood the motion to allow McDonald's sign to reach the same height but not exceed the height of the Burn's Bros. set back approximately 40' and secondly to review the sign ordinance in regards to sign height along the freeway. (Thalhofer) Yes, unless there is a push to review the entire sign ordinance by some other group (P.C. or whatever). For now, however, speak directly to this request. grant the variance to the Sign Ordinance allowing McDonald's to establish a sign as high as 80' from ground level, or 60 feet from freeway level. Burgin seconded the motion.

Jennings clarified that this should be limited to just the question of limiting the height. This would be to simply request a variance to the ordinance and state what the variance would be. Mcdonald's be allowed to establish a sign as high as 80' from

ground level or 60' from freeway height. That his the extent of the variance.

Fowler discussed the restrictions of signs regarding how far the setback would be.

Jennings stated that this is a specific proposal and in this case, an agreement between McDonald's and Burns Bros is setting the 40' setback so as not to block the existing sign...that is an agreement outside of the need that the Council should be considering.

Schmunk disqualified herself from voting because she was not present for the discussion.

Bui called for the question.

MOTION: Burgin moved that City Council direct staff to write an amendment to the Sign Code which establishes a standardized freeway sign height at the level as has been established by the current height of the Burns Bros. sign and submit to Council for their consideration. Thalhofer seconded the motion.

YEAS: 5
NAYS: 0
(SCHMUNK) ABSTAINED: 1

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Abstained; Thalhofer - Yea

ITEM #6 - RESOLUTION (ACCEPTING PROPERTY TRANSFER FROM MULTNOMAH COUNTY FOR DEDICATED PUBLIC RIGHT-OF-WAY [JACKSON PARK ROAD] AND ACCEPTING MAINTENANCE RESPONSIBILITY):

Christian stated that the City's request to the County for transfer of property from County to City ownership (Jackson Park Road) was approved that the January 12, 1989 County Commission Hearing, but the City, as yet, has not received the title. She suggested that this item be tabled until such time as title is received.

ITEM #7 - RESOLUTION (AUTHORIZING MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAIRVIEW FOR PROVISION OF BUILDING, PLUMBING, ELECTRICAL, MECHANICAL AND ASSOCIATED SERVICES):

Mayor Cox read the resolution by title.

MOTION: Burgin moved to adopt the resolution as written. Bui seconded the motion.

YEAS: 6
NAYS: 0

ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

ITEM #8 - RESOLUTION (AUTHORIZING MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF WOOD VILLAGE FOR PROVISION OF BUILDING, PLUMBING, ELECTRICAL, MECHANICAL AND ASSOCIATED SERVICES):

Mayor Cox read the resolution by title.

MOTION: Burgin moved to adopt the resolution as written. Bui seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

ITEM #9 - UPDATE (CENTRAL BUSINESS DISTRICT L.I.D. 89-):

Wilder discussed the preliminary cost estimates for all of the various projects necessary to complete the improvements in the downtown core area. He stated that some of the costs detailed in the preliminary estimates have been expanded, and the engineering for 2nd, Dora, Harlow, and Kendall Streets has been completed. Portions of engineering for Columbia have also been completed. Some of the projects included in this L.I.D. are as follows:

- o 3rd Street Reconstruction = \$83,800.
- o 257th Avenue Construction = \$500,000.
New signalization 2 blks. Columbia River Highway = \$750,000.
- o Columbia River Highway Design = \$21,350.
- o Waterline Upgrade (Buxton) = \$24,500.
- o Buxton Road Phase I (Buxton-3rd St.) = \$85,751.
- o Columbia Waterline Upgrade = \$61,000.
- o Bridge Widening (Graham approach) = \$1.7 million (FY 1993)

Wilder stated that two of the major property owners in the Central Business District are Marino and Bennett, but property ownership research is continuing, due to discrepancies at the County Assessor's Office.

Jennings stated that Wilder asked him if the City wants to improve Columbia Highway, and if the State has a right-of-way down the

middle of the Columbia, and the State will benefit from the improvements, can the City assess a portion of the L.I.D. costs against the State? His initial answer is "I don't think so".

Schmunk asked Jennings by what means the City can assess the State?

Jennings stated by a "property right". He stated that property rights can be assessed. He stated that if the City were to assess the State by that means, that would leave the State open to assessment for all State rights-of-way, and that he would explore the matter further.

ITEM #10 - RESOLUTION (DECLARING CITY'S INTENT TO SELL SURPLUS PROPERTY (TAX LOT 42, SECTION 25, T1N, R3E, W.M.), SETTING DATE & TIME OF SALE, AND ESTABLISHING CONDITIONS OF SALE):

Mayor Cox read the resolution by title.

Fowler disqualified himself from discussion and voting due to a conflict of interest.

The subject property, as of January 9, 1989, has a range of market value from a low of \$175,000.00 to a high of \$205,000.00. A specific value of \$190,000. on today's real estate market was set by the appraisal done by Rolfe M. Rehse & Associates, January 9, 1989.

Several purchase options and various terms were discussed.

MOTION: Burgin moved to set the minimum purchase price at \$171,000.00; sale to be conducted by oral bid; date of sale to be set for, March 20, 1989, 2:00 p.m., Troutdale City Hall Council Chambers. A 10% deposit to be made at time of sale with the remainder remainder cash payment due within 60 days from date of sale. The motion was seconded by Bui.

YEAS: 5
NAYS: 0
(FOWLER) ABSTAINED: 1

Bui - Yea; Burgin - Yea; Fowler - Abstained; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

Discussion regarding road access and utility easements took place. Christian stated that Jennings would be responsible for providing the legal documents for the sale of this property. Jennings stated that the terms, or conditions of sale, will be included in the draft contract which will be included in the Council packet for their consideration at the March 7, 1989 regular City Council meeting.

ITEM #11 - AUTHORIZE MAYOR TO ENTER "BASIC LETTER AGREEMENT" WITH

UNION PACIFIC RAILROAD COMPANY #852-49 (LICENSOR) AND CITY OF TROUTDALE (LICENSEE):

Christian stated that this item is a renewal of an agreement for the waterline that's attached to the Union Pacific railroad overpass over I-80N.

MOTION: Bui moved to authorize the Mayor to enter into the agreement. Burgin seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

ITEM #12 - RESOLUTION (AUTHORIZING TRANSFER OF WASTEWATER SYSTEM DEVELOPMENT CHARGE PRE-PAYMENTS FROM ONE PROPERTY OWNER TO ANOTHER):

Mayor Cox read the ordinance by title.

Wilder stated that a request has been made by Ivan Handy to transfer two pre-paid SDC reserves from Tax Lot 3, Section 35 to Tax Lot 60, Section 25, thus connecting an existing dwelling at 1105 sw halsey Street to the city sewer system. Resolutions 495-R and 505-R set forth the process and procedures by which pre-paid wastewater system reserves can be combined into fully-paid SDC's and/or transferred to other parcels of property.

MOTION: Fowler moved to adopt the resolution allowing the transfer of reserves. Burgin seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

ITEM #13 - DEPARTMENT REPORTS:

Public Safety: Chief Collier stated that the re-structuring of the BOEC performance/enabling agreement is close to completion.

Finance: Gazewood stated that he had nothing to add to his report. No questions from Council.

Community Services: Wilder stated that he had nothing to add to his report. No questions from Council.

City Attorney: Jennings stated that he had nothing to add to his report. No questions from Council.

Executive: Christian stated that she had two additions to her report. A memo from Marilyn Holstrom, City of Fairview, Sheila Arthur, City of Wood Village, and Pam Christian to Senator Otto requesting legislation concerning the right for a City to initiate withdrawl from a rural fire protection district without going to the entire district for voter approval. However, a financial feasibility analysis must be submitted to both the Boundary Commission and Tax Supervising & Conservation to be evaluated as to whether it would be to the benefit to the City to provide that service. A levy request must also be submitted to the electors to request the additional monies to provide the service. She stated that Council's concurrence is needed for Troutdale's support of this legislation. Council concurred.

Christian stated that the other addition to her report is the need to establish March 7, 1989 as the date for the first Budget Hearing. This date is suggested in order to meet the publication deadline. If for some reason there is a conflict, the Budget Committee can be called to meet to reschedule the date. Council agreed on March 7, 1989 for the Budget Hearing.

ITEM #14 - COUNCIL CONCERNS AND INITIATIVES:

Mayor Cox called for comment from Council. None given.


ITEM #15 - ADJOURNMENT:

MOTION: Bui moved to adjourn the meeting. Schmunk seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0


Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

Meeting adjourned at 10:04 p.m.



Sam K. Cox, Mayor
Dated: March 2, 1989

ATTEST:



Christina Thomas
Deputy City Recorder

CT[5.23]