

# CITY OF TROUTDALE

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

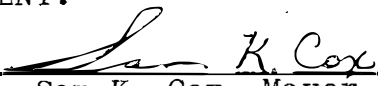
7:00 P.M. -- MAY 23, 1989

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept: Minutes of 5/9/89 - Regular Mtg.
- (A) 3. PUBLIC COMMENT:
  - Please restrict comments to non-agenda items at this time.
- (A) 4. PUBLIC HEARING: Marine Drive/Sundial Road Water & Sewer Extension LID 89-002 Project
  - Public Hearing Opened
  - Declarations or Challenges
  - Summation by Staff
  - Public Testimony: Proponents, Opponents
  - Recommendation by Staff
  - Council Questions or Comments
  - Public Hearing Closed
- (A) 5. RESOLUTION: Adopting the Final Community Services Department Report Marine Drive/Sundial Road Water & Sewer Extension LID 89-002 Project
- (A) 6. ORDINANCE: West Columbia Sewer Extension 79-1 Assessment Adjustment
- (A) 7. PUBLIC HEARING: Grade School Access Improvement Program Sidewalk and Road Improvements LID 89-003 Project
  - Public Hearing Opened
  - Declarations or Challenges
  - Summation by Staff
  - Public Testimony: Proponents, Opponents
  - Recommendation by Staff
  - Council Questions or Comments
  - Public Hearing Closed
- (A) 8. RESOLUTION: Adopting the Final Community Services Department Report Grade School Access Improvement Program Sidewalk and Road Improvements LID 89-003 Project
- (A) 9. ORDINANCE: Providing for Extraterritorial Extension of

Water and Sewer Service

First Reading

- (A) 10. RESOLUTION: Signalization of Intersection at 257th-I-84 and Historic Columbia River Scenic Highway
- (A) 11. RESOLUTION: Accepting Well 7 Pump House (Sandee Palisades)
- (A) 12. RESOLUTION: Supporting American Heritage Trust Act As Presented to Congress - H.R. 876 and S. 370
- (A) 13. RESOLUTION: Accepting Frontage Road Pump Station Project and Authorizing Release of Retainage
- (A) 14. COUNCIL CONCERNS AND INITIATIVES
- (A) 15. ADJOURNMENT.

  
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Sam K. Cox, Mayor

Dated: May 16, 1989

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

7:00 P.M. -- MAY 23, 1989

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

Mayor Cox called the May 23, 1989 Regular City Council meeting to order. Mayor Cox called on Councilor Fowler to lead the pledge of allegiance.

City Recorder, Valerie Raglione, called the roll.

PRESENT: Sam K. Cox, Gene Bui, Harry Fowler, Sharlyn Jacobs, Paul Thalhofer (7:50 p.m.)

ABSENT: Ron Burgin (Excused), Marge Schmunk (Excused)

PRESS: None present.

GUESTS: Dan TenEyke, Randy Reese, John Spencer, Judy Jones, Kim Bennett-Jensen, Sebastian Degans, David Newton

Agenda Update: Pam Christian, City Administrator added items #14 - Surplus Property Sale Tax Lot 42; #15 - Wood Village R.F.P. - Police Services; #16 - Tad's Chicken n' Dumplings L.I.D. Request

ITEM 2. CONSENT AGENDA:

MOTION: Councilor Bui moved to approve the consent agenda as written (2.1 Accept: Minutes of 5/9/89 - Regular Mtg.) Councilor Jacobs seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

ITEM 3. PUBLIC COMMENT:

Mayor Cox called for any comments from the audience not listed on the agenda. There were none.

ITEM 4. PUBLIC HEARING: Marine Drive/Sundial Road Water & Sewer Extension LID 89-002 Project

Public Hearing Opened - Mayor Cox opened the public hearing.

Declarations or Challenges - There were none.

Summation by Staff - Wilder stated that the Community Services Department report was provided to Council for their review at

the previous meeting. Council accepted the preliminary report. The estimated cost of the total project is \$750,000 which includes the construction of water line and sewer facilities, sewer pumping facilities to service recently annexed area along Marine Drive and Sundial Road.

Exhibit B reduced the scope to \$487,787 as opposed to the original \$750,000 proposed. Staff requests that the gravity sewer line portion be tabled for thirty (30) days for consideration.

Public Testimony:

Proponents - The consulting engineer was in the audience for questions. The Railroad had called and stated that they did not intend to remonstrate against the project.

PGE wants to share the water trench with the City. A negotiated sharing cost will need to be worked up for that cost.

John Spencer, 12245 NE Whitaker, Portland, OR 97230. Landowner of 25 acres and closing on an additional 25 acres across the street later in the week. He has 22-23% of the cost of the facility + the costs of his own pump station (\$200,000 + or - for him). He is a proponent of the project. In constructing a facility on the northern portion of the property the utilities are a necessary for his operation. They had originally asked the City, when purchasing the property, if they could be involved in an L.I.D. It is mandatory for development of his property. \$2.5 million is what he has invested on one portion of the property. He stated that it was anticipated that another \$4-\$5 million would be spent.

A sub-station would need to be put in by PGE and negotiations with staff on the trench would reduce his costs -- there is a benefit with the amount of electricity that will be used.

Sebastian Degans, 700 NE Multnomah, Portland 97208. He stated that the Port of Portland was a proponent of the project and a tentative planned approval had been received for a subdivision of the property (24 acre parcel). The pump station and water service would provide some of the services to the site allowing marketing of the properties for industrial development. The Port has reviewed preliminary information and is satisfied with the L.I.D.

Randy Reese, 1005 SE 23rd, Troutdale. He is a citizen and professionally affiliated with the facility to be built on John Spencer's property. He was speaking as a citizen and wanted to encourage the approval of the L.I.D. At a recent Kiwanis meeting he had heard that Troutdale was really expanding and growing rather than hearing 'why do you want to live out there where the wind is?' He felt it was essential to develop and grow. He didn't want a message sent that Troutdale wasn't interested in

development. He wanted to stay in Troutdale and see it prosper.

Opponents - Dan TenEyke, 49495 SE Marmot Rd., Sandy 97055 - Engineering Manager Troutdale Reynolds Plant read from a written statement (on file with 5/23/89 packet/City Recorder). Mr. TenEyke read the letter from the Plant Manager. Reynolds wished to have any decisions on the project postponed; May 4th notice \$423,165 cost to Reynolds; felt that the notice wasn't applicable to the proposed project; weren't in a position to assess the project with the inadequate and incomplete notice; take a position at this time or loose the right to voice any reservations; must remonstrate against the approval of the L.I.D. Strongly objected to the inadequacy of the procedures taken by the City to inform affected property owners about the nature and extent of the improvements; the rapid pace that the City has moved to institute L.I.D.'s.

Recommendation by Staff - Wilder stated that staff was asking that the project be separated into two schedules. Water together with sewer pump stations on one schedule. 1) items can be constructed regardless of the groundwater conditions; 2) necessity for the water system to be completed before sanitary sewer to allow dry wells points to de-water the trenches to build the sanitary sewer; 3) the engineering efforts are finding that not all property owners will be equally benefited by the sewer, however, would be by the water and pump stations. For gravity sewer line itself, there is a decreasing benefit as you get away from the line, calculations need to be done to determine the benefit in a decreasing value to put together a preliminary assessment role for that.

Council Questions or Comments - Councilor Fowler asked if the property affected on Reynolds is the area from Airport Road to the end of the line? Was there was a portion that would not be built? The northern portion across the railroad tracks?

Wilder stated that it was 58% and the ordinance requires 67% of remonstrations to stop the project. Wilder stated that it would all be built if the tabled public hearing created a successful second schedule to the L.I.D.

Councilor Fowler asked about the pumping station? Wilder responded and indicated the locations on the map.

Councilor Bui asked what TenEyke felt Reynolds had not been involved in? He stated that Reynolds didn't know what the assessment was. They didn't know what the total impact of the project would be.

Wilder stated that Reynolds knew what the total impact was of the \$750,000 project. The ordinance allows Council to review public testimony and make changes in the Report at Council discretion. Wilder stated that had been done for the water and wastewater pumps. Reynolds would be \$283,697 if elected to table

the sewer portion to further discuss with Reynolds and other affected property owners.

Councilor Fowler asked if there would be anything done different in the sewer line by eliminating Reynolds or would the same sewer line be built? Wilder stated no, in fact it would still be built in the same timeframe. The waterline has to be built first in order to de-water the sewer line trenches. It gives Reynolds (and anyone else wanting to do so) an additional month to do so.

Councilor Fowler asked if the sewer would be built this year? Wilder stated yes, as late in the construction season as possible to get the costs as low as possible based on the groundwater conditions.

Councilor Fowler didn't feel there was a choice. If it wasn't done, everything else in the area can't move.

Mayor Cox stated that the sewer issue could wait another month. Wilder stated that there would be a second public hearing which would be in a month. That allows ample time to do construction advertising, contractor selection. It wouldn't create any problems and doesn't add anything to the cost and it fits the schedule.

Christian stated it was recommended that the LID be formed for the water lines pursuant to the resolution in the packet; an additional six weeks (July 11, 1989) to hold a hearing on the sewer portion of the LID. Christian commented on the notice for the LID. Approximately 18 months ago when the City annexed the portion, the first request was turned down due to comment made by Reynolds Metals. At that time, a compromise was reached on this new property -- it was made very clear how the City felt about the property, the entire system (both water and sewer) have been designed to serve the property at a future date. The property is in our urban growth boundary. There has certainly been notice that the property was due to be served upon request...as long ago as 18 months. There was ample opportunity for comment from Reynolds. The City has prided themselves in the past three years to be ready, willing and able to deal with any development that came in. Get it to Council quickly, address it from a technical standpoint for services that are needed to serve the property. Mr. Spencer was in late March/April. The quickest way to respond to his request for service was a Council initiated LID. It is a much more rapid process and petitions from all the affected property owners aren't required. Mr. Spencer's property is closed and it is a done deal. Council started the process in a timely fashion to respond to his needs. It is fast, however, Reynolds has had as much notice as the City had.

Councilor Bui asked if any of the executives from Reynolds met with staff? Christian stated that the Mayor, Greg Wilder, Christian had met with the Plant Manager and Mr. TenEyke on

Friday morning past. Councilor Bui asked what the outcome of the meeting was? Christian stated that it was about what had been heard at the present meeting.

Wilder stated that he had met with Mac MacElroy and then with MacElroy and Mr. Jones prior to that meeting. The public notice was greater than that required by State Statute and by City Ordinance both the Virginia facility and the local facility had been notified, as well as posting the required notices. Christian stated that notifying the registered property owners is the requirement and that would be in Virginia.

Public Hearing Closed

ITEM 5. RESOLUTION: Adopting the Final Community Services Department Report Marine Drive/Sundial Road Water & Sewer Extension LID 89-002 Project (750-R)

Mayor Cox read the resolution by title.

MOTION: Councilor Fowler moved to adopt the resolution amending the title from sewer extension to read non gravity sewer systems and the balance of the resolution, as written. Councilor Bui seconded the motion.

YEAS: 3  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - Yea

MOTION: Councilor Fowler moved to call for hearing date on July 11, 1989 for the Sewer Extension. Bui seconded the motion.

YEAS: 3  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - Yea

ITEM 6. ORDINANCE: West Columbia Sewer Extension 79-1 Assessment Adjustment (524-0)

Christian stated that this item was carried forward at the request of the Council regarding an appeal heard at the May 9 meeting. This ordinance was in response to direction from Council and re-spreads the assessments in that particular 1979 LID.

Christian stated that the non-remonstration agreement was only for Council review and not for action. If the ordinance is passed, the affected individual would be requested to sign the agreement as well as a representative from the City.

Mayor Cox read the Ordinance by title. He called for questions or comments from Council. There were none.

MOTION: Councilor Bui moved to pass the ordinance as written. Councilor Fowler seconded the motion.

YEAS: 3

NAYS: 0  
ABSTAINED 0

Bui - Yea; Fowler - Yea; Jacobs - Yea

Councilor Bui commented on the legality of the manner in which the original LID was done, it wasn't done with the best intent. He understood that efforts had been made to appeal this issue in the proper

ITEM 7. PUBLIC HEARING: Grade School Access Improvement Program Sidewalk and Road Improvements LID 89-003 Project

Mayor Cox closed the Council meeting and opened the public hearing.

Public Hearing Opened:

Declarations or Challenges: Mayor Cox called for declarations or challenges. There were none.

Summation by Staff: Wilder stated that monies contributed by CDBG, the City and Reynolds School District. The estimated total to construct this project will be \$208,000.00. Streets and sidewalks will be constructed around the grade school. The City's contribution to the project will be \$44,776.00; Reynolds School District will contribute \$86,324.00; CDBG's contribution will be \$131,100.00.

Public Testimony (Proponents, Opponents): Mayor Cox called for public testimony, proponents or opponents. There were none.

Recommendation by Staff: Staff recommends approval.

Council Questions or Comments: Mayor Cox called for questions or comments from Council. None were given.

Public Hearing Closed: Mayor Cox closed the public hearing and reopened the Council meeting.

ITEM 8. RESOLUTION: Adopting the Final Community Services Department Report Grade School Access Improvement Program Sidewalk and Road Improvements LID 89-003 Project (751-R)

Mayor Cox read the resolution by title.

MOTION: Councilor Bui moved to adopt the resolution as written.  
Councilor Jacobs seconded the motion.  
YEAS: 3  
NAYS: 0  
ABSTAINED: 0

Bui - Ye; Fowler - Yea; Jacobs - Yea

ITEM 9. ORDINANCE: Providing for Extra-territorial Extension of Water and Sewer Service (525-0) First Reading

Mayor Cox read the ordinance by title.



Christian stated that since the City received two requests from property owners outside both the City limits and the urban growth boundary, City staff has reviewed existing resolutions and ordinances regarding this matter and found conflicts in them with current State statute. This ordinance will set forth the process and procedure for extra-territorial service and will either amend or delete those ordinances in conflict with State statute, and will also take into consideration pending legislation dealing with allowing the extension of services to "non-contiguous" annexations.

Mayor Cox called for comment or questions from Council.

MOTION: Councilor Fowler moved to pass the ordinance as written.  
Councilor Bui seconded the motion. YEAS: 3  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - Yea

ITEM 10. RESOLUTION: Signalization of Intersection at 257th Drive and Historic Columbia River Scenic Highway (752-R)

Mayor Cox read the resolution by title.

Christian stated that after numerous citizen complaints, the City has been corresponding with the State Highway Division to try to work out a solution to the problem regarding the absence of signage or indication to south bound vehicles that a left turn is permitted with a green light and northbound lanes are signaled to stop during the green light period for southbound lanes. The last response received from the Highway Division states that they will be reviewing the situation and that the City would be notified of the results when the review is completed.

MOTION: Councilor Fowler moved to adopt the resolution as written.  
Councilor Bui seconded the motion. YEAS: 3  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - Yea

ITEM 11. RESOLUTION: Accepting Well 7 Pump House (Sandee Palisades) (753-R)

Mayor Cox read the resolution by title.

Christian stated that Council action needed at this time is to accept the construction so that City can release retainage to the contractor.

Mayor Cox called for questions or comment from Council. There was none.

MOTION: Councilor Bui moved to adopt the resolution as written.  
Councilor Fowler seconded the motion. YEAS: 3  
NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - Yea

ITEM 12. RESOLUTION: Supporting American Heritage Trust Act As Presented to Congress - H.R. 876 and S. 370 (754-R)

Mayor Cox read the resolution by title.

Christian stated that this resolution is simply expressing the City's support for the two bills which will allow a long-term funding source for the LWCF grant program.

Mayor Cox called for comment or questions from Council.

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

YEAS: 3

NAYS: 0

(Thalhofer) ABSTAINED: 1

Bui - Yea; Fowler - Yea; Jacobs - Yea; Thalhofer - Abstained (Arrived late for discussion)

ITEM 13. RESOLUTION: Accepting Frontage Road Pump Station Project and Authorizing Release of Retainage (755-R)

Mayor Cox read the resolution by title.

Wilder gave background information on this item. He stated that the pump station is complete and operating and pumping at a greater capacity than originally estimated. The project was completed under budget by \$5,534.00. He stated that it is staff's recommendation to Council that the release of the final payment and retainage to the contractor.

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

YEAS: 4

NAYS: 0

ABSTAINED: 0

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

ITEM 14. SURPLUS PROPERTY SALE: TAX LOT 42, SECTION 25

Christian read a letter from Jim Jennings regarding Mr. Bennett's request for a 60-day extension of time to complete financing. Jennings stated in the letter that since Mr. Bennett is in breach of the terms and conditions of the sale originally imposed by Council, and that the City has several alternatives available: 1) to void sale to Bennett and find a new buyer through the bid process; 2) re-affirm the contract with Bennett with whatever changes might be appropriate including, but not limited to, interest accruing on the balance due (\$154,000.00) for 60 days; or 3) grant an extension of time to Bennett without any changes in the contract.

Mayor Cox called for questions or comments from Council.

Councilor Bui stated that he would like to re-affirm the contract with Bennett adding a 10% penalty fee on the balance of the contract for 60 days.

Councilor Thalsofer asked if the 10% fee is appropriate.

Gazewood stated that the current interest rate is 9.35% so the suggested 10% rate would be appropriate.

MOTION: Councilor Bui moved to grant the extension contingent upon a 10 % interest rate fee for the sixty days and that nothing further be done on the property until the sale is consummated. Councilor Thalsofer seconded the motion.

YEAS: 4  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - Yea; Thalsofer - Yea

Councilor Fowler stated, for the record, that he has an interest in this project.

ITEM 15. WOOD VILLAGE R.F.P. - POLICE SERVICES

MOTION: Councilor Bui moved to submit the Request for Proposal for Police Services to the City of Wood Village as presented. Councilor Jacobs seconded the motion.

YEAS: 4  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - Yea; Thalsofer - Yea

ITEM 16. REQUEST FROM TAD'S -- L.I.D.

Wilder stated that a request from Tad's restaurant has been received asking the City to investigate the possibility of forming a local improvement district to address DEQ's concern regarding the waste water disposal problem at the restaurant. If an L.I.D. is formed, it could provide pressure main service only for a few other property owners on the east side of the river and could also serve the City's Community Park needs. The majority of costs for such a project would be the restaurant's responsibility. The other two homes possibly contributing to the system would probably proportionately assessed based on a comparison of their discharge to that of Tad's. The City's involvement would be close to the end of the project, and would be in line to those amounts currently budgeted to provide waste water disposal at the City Park. Staff recommends that Council authorize, by motion, the Department of Community Services to prepare the necessary report. The report could not be completed until some time in July due to the analysis and research needed.

MOTION: Councilor Thalsofer moved to authorize the Community Services Director to prepare the preliminary report for Council review. Councilor Bui seconded the motion.

YEAS: 4  
NAYS: 0

ABSTAINED: 0

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

(Judy Jones - Tad's owner was present)

ITEM 17. COUNCIL CONCERNS AND INITIATIVES

MOTION: Councilor Jacobs moved to hear the zone change denied by the Planning Commission, although out of sequence. Councilor Thalhofer seconded the motion.

YEAS: 3

NAYS: 1

ABSTAINED: 0

Bui - Yea; Fowler - Nay; Jacobs - Yea; Thalhofer - Yea

ITEM 18. ADJOURNMENT.

MOTION: Councilor Bui moved to adjourn. Councilor Jacobs seconded the motion.

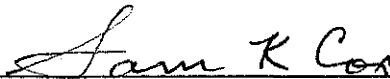
YEAS: 4

NAYS: 0

ABSTAINED: 0

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

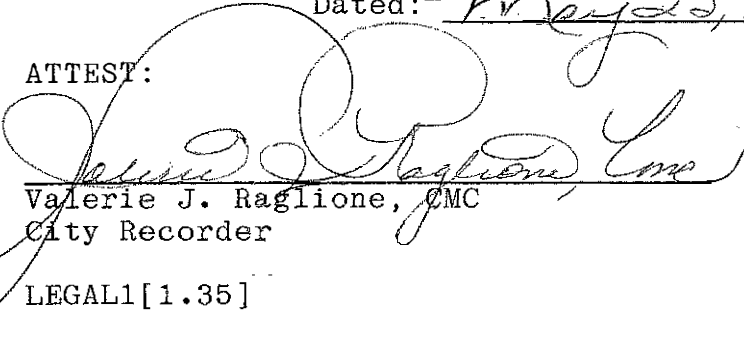
The regular meeting of the City Council was adjourned at 8:36 p.m.



Sam K. Cox, Mayor

Dated: May 23, 1989

ATTEST:

  
Valerie J. Raglione, CMC  
City Recorder

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