

CITY OF TROUTDALE

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

7:00 P.M. -- JULY 11, 1989

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept: Minutes of 6/13/89 - Regular Mtg.
 - 2.2 Accept: Business License Report - June, 1989
 - 2.3 Accept: Bills for month of JUNE, 1989
- (A) 3. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
- (A) 4. PUBLIC HEARING: Marine Drive/Sundial Road Gravity Sewer Extension - L.I.D. No. 89-002
 - o Public Hearing Opened
 - o Declarations or Challenges
 - o Summation by Staff
 - o Public Testimony: Proponents, Opponents
 - o Recommendation by Staff
 - o Council Questions or Comments
 - o Public Hearing Closed
- (A) 5. RESOLUTION: Accepting Community Services Department Final Report for Marine Drive/Sundial Road & Authorizing Construction Bidding
- (A) 6. PUBLIC HEARING: North Graham Road Water/Sewer/Road Extension -
TABLED 5/89-RECONSIDER
 - o Public Hearing Opened
 - o Declarations or Challenges
 - o Summation by Staff
 - o Public Testimony: Proponents, Opponents
 - o Recommendation by Staff
 - o Council Questions or Comments
 - o Public Hearing Closed
- (A) 7. RESOLUTION: Accepting Community Services Department Preliminary Report & Authorizing Acquisition of Engineering Services for East Troutdale Sanitary Sewer Pressure Main & Set Date for Public Hearing
- (A) 8. BID AWARD: Grade School Access L.I.D. No. 89-003

(A) 9. DEPARTMENT REPORTS:
Public Safety
Finance
Community Services
City Attorney
Executive

(A) 10. COUNCIL CONCERNS AND INITIATIVES

(A) 11. ADJOURNMENT.

Sam K. Cox, Mayor

Dated: July 7, 1989

LEGAL1[41]

7/5/89 Wed 9:37:36

MINUTES
REGULAR CITY COUNCIL MEETING
TROUTDALE CITY HALL
COUNCIL CHAMBERS
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 P.M. -- JULY 11, 1989

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

Mayor Cox called the 1989 Regular City Council meeting to order at 7:00 p.m. Mayor Cox called on Councilor Thalhofer to lead the pledge of allegiance.

Mayor Cox called on City Recorder, Valerie Raglione, to call the roll.

PRESENT: Bui, Burgin (7:03), Cox, Fowler, Jacobs, Schmunk, Thalhofer

STAFF: Pam Christian, Chief Collier, Bob Gazewood, Valerie Raglione, Greg Wilder, City Attorney, Jim Jennings

PRESS:

GUESTS: Mike Wolfe, Gibbs & Olson; Mike Alexander; Angel Esteve; Steven Burgin, Larry Nicholas

Mayor Cox asked the City Administrator, Christian, if there were any agenda updates. Christian stated that Mr. Alexander was present to inform Council of a neighborhood concern.

ITEM 2. CONSENT AGENDA:

Mayor Cox read the Consent Agenda items.

MOTION: Councilor Bui moved to approve the Consent Agenda (Minutes of 6/13/89 Regular Mtg; 2.2 Business License Report for June, 1989; 2.3 Bills for month of June, 1989). Councilor Schmunk seconded the motion.
YEAS: 5
NAYS: 0
ABSTAINED: 0

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

ITEM 3. PUBLIC COMMENT

Mayor Cox called for public comment on non agenda items.

Mike Alexander, 2424 SE Beaver Creek Lane read Mrs. Alexander's written testimony (available at City Recorder's office) and presented photographs of the area. The Alexanders were appealing the decision

to revoke a fence permit issued to the Anderson's and restricting them from performing improvements on the back section of their property.

Mr. and Mrs. Glen A. Mack, 2430 SE Beaver Creek Lane, had a written letter available for their testimony which stated their objection to the Alexander property being fenced.

A Declaration of Conditions and Restrictions (DCR's) pertaining to Corbeth Subdivision were attached to staff comments regarding inspections that had been made.

Jennings stated that the DCR's in fact had given the City the authority to make the decision. Covenants on subdivisions weren't normal to the City making the decision.

Christian stated that the Code didn't address any method of direction for staff to pursue. Staff had brought this to Council for their deliberation and direction desired for staff to take. The two options were 1) preserve the greenway; 2) determine a compromise or continue with the fence permit as already issued.

Jennings stated that there was an implicit 3rd option which was not to make any decision. There is no criteria on the books for who makes the decision. The City wasn't a party to the agreement in the first place. That is done by the developer when platting subdivisions.

Concerns stated were 1) erosion control if the "natural vegetation" was disturbed; 2) the location of the "top of the slope" for this lot; 3) the fence permit had already been issued and paid for.

After further discussion, Christian asked if, due to the short notice and lack of complete information regarding this item, Council would prefer to hold the item over while staff researched the matter and could prepare a package of information for the next meeting.

MOTION: Councilor Fowler moved to revoke the permit until August 8, 1989, to allow staff time to investigate and bring information back to Council. Councilor Bui seconded the motion.

Depending on the decision at that time, if a new permit were to be issued, the fees would be waived.

YEAS: 5
NAYS: 1
ABSTAINED: 0

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

ITEM 4. PUBLIC HEARING:

Public Hearing Opened at 7:30 p.m.

CITY COUNCIL MINUTES

JULY 11, 1989

Declarations or Challenges - None.

Summation by Staff: Wilder stated that the City had had a public hearing on the total Marine Drive/Sundial Road Utility Extension project on 5/23/89. To provide a thorough review of the gravity sanitary sewer portion of the L.I.D., Council continued the public hearing, for the gravity sewer portion to this meeting.

Wilder stated that there were two components 1 Water/2 pump stations 89-002-A (Schedule A); gravity sewer portion to be numbered 89-002-B (Schedule B); the report contained in the packet provides additional detail on the gravity sewer portion, as well as associated methods of assessment.

Councilor Bui asked if the City would bancroft also or if the costs would be in the Sewer Improvement Funds already budgeted? Wilder stated that System Development Charges moneys would be where the money came from for the \$40,512 amount if Council decided to share the costs on a "benefit portion".

Christian stated that in her opinion, in keeping with the comments in the past in "open for business" the \$40,512 figure could be to the City. This was a Council policy decision, however.

Councilor Fowler stated that he saw no reason for the City to share in the costs.

Wilder stated that there are normally three types of assessments 1) aerial; 2) lineal foot; 3) zone and termini.

Public Testimony:

Proponents John Spencer, owner of 25 acres north of the tracks on Marine Drive, expressed support of the L.I.D.

Sebastian Degans, Senior Planning - Port of Portland - 35 acres affected and expressed support of the L.I.D.

Jennings asked Degans if the creation of the L.I.D. would affect any statewide goals (i.e., Goal 5 resources)?

Degans stated that he wasn't aware of any.

Opponents - Mac MacElroy, Plant Engineer - Reynolds Metals Corporation spoke stating that they weren't formally remonstrating, however, due to the short notice for a company the size of Reynolds and the cost of this project - they would like to request more time and notice on these matters. It is a large amount of money and takes time to consider these types of concerns in larger organizations.

Councilor Thalsofer asked approximately how much time Reynolds felt would be enough notification? MacElroy stated three months from the date of notice for \$.5 million dollar investment.

Christian stated that Reynolds knew the same week the City received Mr. Spencer's request.

Councilor Fowler clarified that by City Ordinance, as well as State Law, the proper notification to all property owners was made.

Recommendation by Staff - Wilder stated that the question of spreading the assessment could be researched and presented to Council for consideration and deliberation at a later date.

Council Questions or Comments -
Public Hearing Closed at 8:10 p.m.

ITEM 5. RESOLUTION: Adopting the Final Community Services Department Report and Creating a Local Improvement District to be Known as the Marine Drive/Sundial Road Water and Non-Gravity Sewer System(s) - LID No. 89-002-B (767-R)

Mayor Cox read the resolution by title.

MOTION: Councilor Fowler moved to adopt the resolution, amending the title to read LID No. 89-002 "B". Councilor Thalhofer seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM 6. PUBLIC HEARING -- North Graham Road Water/Sewer/Road Extension - Tabled for Reconsideration 5/89

This item had been tabled for further action at the May 23 Council meeting. Wilder stated that the City was in receipt of a letter from Mr. Fletcher requesting withdrawal of the local improvement district. A letter was included in Council materials.

Due to the request being withdrawn, it was staff recommendation that all further activity on the project be abandoned until re-initiated by the appropriate benefiting property owners.

Councilor Burgin asked how much money/time had been spent on the Fletcher request. Wilder stated approximately \$300-\$500.

MOTION: Councilor Fowler moved to comply with the request to withdraw and abandon the project. Councilor Burgin seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM 7. RESOLUTION: Accepting Community Services Department Preliminary Report and Authorizing Acquisition of Engineering Services for East Troutdale Sanitary Sewer Pressure Main and Set Date for Public Hearing (768-R)

Mayor Cox read the resolution by title.

Wilder stated that engineering services for this project would be approximately \$9,500. He was asking council to authorize staff to negotiate an engineering contract for approval and execution.

Wilder stated that the Department of Environmental Quality has directed Tad's Chicken & Dumplings (Tax Lots 10 and 14) to find alternate wastewater disposal sources. A permanent sewer connection to the City's system is the most appropriate and cost effective over the long term. Other benefiting property owners would include the City of Troutdale (Tax Lot 190) and Glenn Otto's property (Tax Lots 51 and 152).

Wilder stated that there is \$9,000 budgeted in the Facilities Maintenance budget for the City's participation because it is in the Community Park.

Councilor Schmunk asked if the owner of Tax Lot 152 is in favor of this L.I.D.

Christian stated that Glenn Otto is very much in favor of having the service, but is concerned with how the assessments will be levied. She stated that when the City makes a firm proposal, he will voice his comments when it comes time for the assessments.

Councilor Fowler asked if the owner(s) of Tax Lots 157 and 159 should be included in this L.I.D.

Christian stated that they could be served by the Columbia system.

Councilor Fowler asked who owned Tax Lot 5.

Wilder stated that Tax Lots 5 and 13 belonged to a Mr. Griffin, and that he is not under an order from DEQ to connect. DEQ has inspected his property and has given it a "clean bill of health". Mr. Griffin does, however, have a potential benefit from this L.I.D. and would fall into the "late-comer agreement" category if he later decided to connect.

Wilder stated that staff is requesting Council's authorization to negotiate with a company called Parametrix, an engineering company that specializes in this type of system, instead of soliciting engineering proposals. He stated that the total cost of this project will very likely be constructed much less than the estimated cost.

Councilor Schmunk asked if the "late-comer agreement" option was a common practice.

Wilder stated that late-comer agreements are not uncommon but difficult to administer and manage because it depends on what happens to the property for years to come. Wilder stated that there are a few success stories with latecomers agreements.

Christian stated that the City has had experience with this type.

Councilor Bui asked if there would be a problem with the Columbia River Gorge Commission. Wilder stated that he didn't anticipate one. They had been approached. The state won't have a problem issuing us permits for the City installing this within the right-of-way. Tad's is in a pre-existing and approved use under an order from DEQ to make a conversion. Wilder stated that he couldn't imagine that there would be a problem.

Christian stated that there was no construction that would change the appearance of the facility for the Gorge Commission to be concerned with.

Wilder stated that there may be a possibility of over-sizing the force main for future use of everyone else on the East side at a later time. Engineering would need to be bought to make those types of judgments.

Councilor Fowler stated that his question would be the same as on the last issue is how much City money do we put up for various developers? Are we going to do this for every developer in the City?

Wilder stated that in this particular case we aren't doing it at all. There is a City park that has a definite proportion share of contribution and that is what the City's involvement is in this project, and no more.

Councilor Fowler asked if the \$9,000 engineering is what part of that involvement?

Wilder stated that it ends up getting spread out among all the participants including the City.

Councilor Fowler asked if it doesn't go over, then what would happen?

Wilder stated that it then becomes a City cost and that is one of the risks of an LID.

Councilor Fowler asked if the City was also going on and turning around and connect it to the Jackson Park main? Wilder, yes. Councilor Fowler said sewer and water? Wilder stated sewer only, there is water part way and water into the City Park. Councilor Fowler asked about Tax Lot 159? Wilder stated if they chose to connect to the pressure system they would have to pay a proportionate cost of that.

Councilor Fowler asked if it had to be pressure system, the terrain is too low at Jackson Park. Wilder stated that it was awfully low and either way if it became a gravity system the pump on the other side of BeaverCreek Bridge would have to pump it to a very high elevation to get it back down and you would still have to pump it up. It becomes a question of whether you pump into a pressure main or an accessible gravity line. Wilder stated that he had to admit that not

having the expertise to answer some of the questions, and won't be able to until the engineer (specialist) designs the project...who may be able to find a much cheaper way to do it that Wilder had demonstrated. Wilder stated that it was sort of a pre-designed investment.

Mayor Cox read the resolution by title.

MOTION: Councilor Thalhoffer moved for adoption of the resolution as written. Councilor Burgin seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Wilder stated for the public record that the date for the public hearing would be set for August 8, 1989, regular Council meeting. He would have more information and details of the costs at that time.

Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Ye; Thalhoffer - Yea

Councilor Fowler had a comment. He stated that he wanted to see Judy [owner of Tad's] get the situation going but Bennett also has 11 acres adjacent here and is obviously thinking of the planning necessary to provide sewerage to that piece of property (T.L. 26).

Wilder stated that T.L. 26 could certainly be served if the sewer line is put in deep enough. He didn't know what the intended elevations would be but, in fact on T.L. 26 when the engineer is hired he will look back as far as he economically can. In which case, if it is serviceable it becomes a subject to the possibility of being considered a part of this LID as well.

Councilor Fowler asked about the possibility of catching the pump station right there where the bridge crosses into the gravel pit...that would be the more logical one.

ITEM 8. BID AWARD: Grade School Access L.I.D. No. 89-003

Wilder stated that the consulting engineer, Mike Wolf, Gibbs & Olson, was present. The project is a Community Development Block Grant. The City's portion is being funded through the local improvement district with the School participating. The City's estimate in the LID was \$160,000 + contingencies. The engineer's estimate was \$186,987. The bids were very good on this project with a high of \$214,059 to a low of \$176,188.90. The mid one was within \$1,000 of the engineer's estimate and the low was 5% below the estimate.

The apparent low bidder has been checked out and appears to be qualified to do the project. He has done other CDBG and knows of the additional paperwork that gets involved with these projects. It is staff recommendation to award the contract to Dirt & Aggregate Interchange of Troutdale for \$176,188.90 and authorize the mayor to execute contract documents accordingly.

The engineer was available for questions.

MOTION: Councilor Burgin moved to authorize the mayor to accept the bid. Councilor Bui seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM 9. DEPARTMENT REPORTS

Public Safety: Councilor Bui thought the department was doing an excellent job. Chief Collier had no other comments or concerns.

Finance: Gazewood had nothing further to add. No questions.

Community Services: Wilder had nothing to add. The building starts ended at 64 over the 40 estimated which was a nice plus. There had been a Technical Advisory meeting for the I-84/Hwy 26 Mt. Hood Parkway. There were discussions that took place in the meeting that would be passed to the CAC. Wilder expected that the project would be moving ahead at a much faster pace in the next few weeks.

Bui asked if there was any idea of the multi-complex starting? Wilder hadn't seen anything further.

City Attorney: Jennings had nothing to report. There were no questions.

Executive: Christian mentioned the July 14th Grand Opening invitations that all Council members should have received.

ITEM 10. COUNCIL CONCERNS AND INITIATIVES

Bui - Nothing to report

Thalhofer - Nothing

Jacobs - Nothing

Cox - Introduced Angel Esteve, an exchange student from Spain that is staying with Councilor Burgin. Councilor Burgin's son, Stephen were in the audience.

Burgin - Asked about the median strip on 257th?

Cox stated that Larry Nicholas was in the audience and maybe he could respond. It had been noted that the weeding had only gone half way.

Larry Nicholas stated that he couldn't respond. Christian stated that the people doing the weeding had gotten into poison oak. Nicholas stated that the problem would be solved.

Fowler - Nothing

CITY COUNCIL MINUTES

JULY 11, 1989

Schmunk - Nothing

Mayor Cox announced the Picnic and Parade times and invited everyone to attend. He stated that Mayor McRoberts would be in attendance with members from Gresham and would be in a Tug-Of-War contest with Mayor Cox and Troutdale.

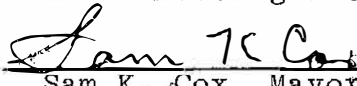
ITEM 11. ADJOURNMENT

MOTION: Councilor Bui moved to adjourn the July 11, 1989 Council meeting. Councilor Jacobs seconded the motion.

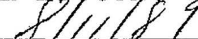
YEAS: 6
NAYS: 0
ABSTAINED: 0

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

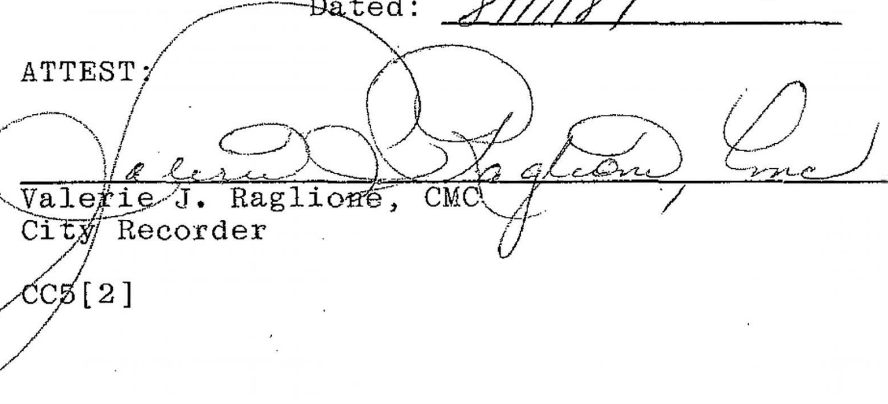
The July 11, 1989 Council meeting was adjourned at 8:45 p.m.



Sam K. Cox, Mayor

Dated: 

ATTEST:


Valerie J. Raglione, CMC
City Recorder

CC5[2]