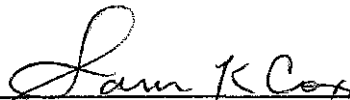


AGENDA  
TROUTDALE CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
TROUTDALE CITY HALL  
104 SE KIBLING AVENUE  
TROUTDALE, OR 97060

7:00 P.M. -- AUGUST 8, 1989

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept: Minutes of 7/11/89 - Regular Mtg.
  - 2.2 Accept: Business License Report - JULY, 1989
  - 2.3 Accept: Bills for month of JULY, 1989
- (A) 3. PUBLIC COMMENT:  
Please restrict comments to non-agenda items at this time.
- (A) 4. PUBLIC HEARING: East Troutdale Sanitary Sewer L.I.D. 90-001
  - 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: Authorizing Construction Bidding East Troutdale Sanitary Sewer LID 90-001
- (A) 6. AWARD BID: Marine Drive/Sundial Road Schedule B (Gravity Sewer)
- (A) 7. RESOLUTION: Accepting Easements Marine Drive/Sundial Road
- (A) 8. RESOLUTION: Accepting Easements for Sanitary Sewer purposes Dedicated by Port of Portland to City of Troutdale
- (A) 9. RESOLUTION: Authorizing Approval of Request for Boundary Change by Wood Village
- (A) 10. RESOLUTION: Re-establishment of Community Development Department
- (A) 11. ORDINANCE: Amending Troutdale Municipal Code Title 3, Chapter 04 (Ordinance 436-0; 450-0; 463-0; 473-0; 499-0) Relating to Fees and Charges FIRST READING

- (A) 12. ORDINANCE: Amending Ordinance 505-0 SDC Modification  
FIRST READING
- (A) 13. REPORT: MASTER DRAINAGE PLAN - DRAFT  
Motion to Authorize Community Services Department to  
Negotiate Engineering Contract for Mayor Signature
- (A) 14. CONSIDER: Appeal of Planning Commission Decision
- (A) 15. CONSIDER: Deeds, Covenants, Restrictions - Fence Concern  
Continues from 7/11/89 Meeting
- (A) 16. MOTION: Requesting Planning Commission Consideration of  
Comprehensive Plan Revisions
- (A) 17. CONSIDER: Request for Extension of Property Sale (T.L. 42)
- (A) 18. DEPARTMENT REPORTS:  
Public Safety  
Finance  
Community Services  
City Attorney  
Executive
- (A) 19. COUNCIL CONCERNS AND INITIATIVES
- (A) 20. ADJOURNMENT.



Sam K. Cox, Mayor

Dated: \_\_\_\_\_

LEGAL2[4]  
7/21/89 Fri 11:58:54

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

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7:00 PM --- AUGUST 8, 1989

ITEM 1 - PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE:

Mayor Cox called the meeting to order at 7:00 p.m. Mayor Cox called on Councilor Jacobs to lead the pledge of allegiance.

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

PRESENT: Bui, Burgin - Excused, Cox, Fowler, Jacobs, Schmunk, Thalhofer

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

PRESS: Dave Pinson - Gresham Outlook, Webb Ruebal - The Oregonian

GUESTS: Orvil & Lorayne Tetz, Mark McKinlay, Larry Nicholas, Kim Bennett-Jensen, James Iglehart, Helen Otto, Mike Alexander, Linda Schlechter, Dennis Robertson,

AGENDA UPDATE: Mayor Cox asked City Administrator, Christian, if there were any agenda updates. Christian stated there was none.

ITEM 2 - CONSENT AGENDA:

Mayor Cox read the Consent Agenda items.

MOTION: Councilor Bui moved to approve the Consent Agenda (Minutes of 7/11/89 Regular Mtg; 2.2 Business License Report for July, 1989; 2.3 Bills for month of July, 1989). Councilor Jacobs 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. None given.

ITEM 4 - PUBLIC HEARING (East Troutdale Sanitary Sewer L.I.D. 89-001):

Public Hearing Opened: 7:02 p.m.

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Declarations or Challenges: Councilor Fowler depending on size of project.

Summation by Staff: Wilder stated that this project was initiated at the request of the owners of Tad's Chicken 'n' Dumplins due to their sewage treatment and storage problems and the Department of Environmental Quality had requested they find an alternate means of service, and one of those options is to connect to the City's sewer system. The major option is the "step system". This system still utilizes holding tanks on the individual properties, but does not allow for construction or installation of drain fields. The overflow from the tanks is passed into the City system primarily through a pressure pipe. This system is good for areas with difficult topography. Staff's original estimate for this system was \$98,550.00, but the engineers estimate was \$38,000.00 higher.

A number of other options were reviewed by both the engineer and City staff. One option may be to oversize the bridge crossing and associated pressure line so that future access to the City's waste water collection and treatment system will be possible for all residents on the east side of the river. DEQ has expressed interest and support for this possibility. DEQ has not set a specific deadline for the completion of this project and seems willing to allow some delays in exchange for the broader level of service. The broader level of service may allow up to an additional 130 to 150 homes and/or commercial facilities to connect. Wilder stated that this option has not been fully researched, but the engineer has put together an estimate for this system

Wilder asked Council to consider continuing or tabling this public hearing so staff and the engineer can have more time to go over the overall financial impact and cost to benefit figures by providing for a more extended LID. The DEQ had been contacted for suggestions and possible resource for additional funds to help support the project.

Wilder stated that the proposed cost changes. The engineer stated that the project as presented at the last meeting, as described, would total \$119,000; the City estimated 40% less than that. The second option both sides of the river estimated lower, however, providing considerably less service and benefit to the area - \$108,700. Wilder stated that the full gravity system including pump station modifications and a much higher level of service was \$129,000. There hadn't been enough time to analyze the figures, check the parcel/unit costs would be.

Wilder introduced the engineers on the project. Dennis Robertson, Parametrix gave a brief overview of the project. Robertson spoke to the three options. (1) Original proposal: Step sewer line along Crown Point Hwy out to Tad's approach took into consideration the oversizing; (2) elimination of the gravity line to the Sandy River and BeaverCreek portion of the Historic Columbia River Hwy and continue the step sewer [force main] through that area. That would eliminate the deep gravity line and reduce the costs accordingly.

With this proposal, everything else would remain the same as the original proposal. (3) eliminate the new pump station entirely and extend gravity service from Historic Columbia River Hwy down the island to a point where it crossed BeaverCreek into the existing pump stations. Robertson stated that the 3rd option was the optimum.

Councilor Bui asked if that would take care of growth over the next 20 years. Robertson stated that this was designed as a permanent system and would accommodate ultimate growth based on the City's Comp Plan.

Councilor Thalsofer asked if the enlarged system was done and people didn't immediately hookup - would the burden of the LID fall upon those that did hookup and hit them harder than normally...

Wilder stated the option discussed went back to the prior meeting. That being, Does the City fund the oversize and establish a mechanism for latecomers agreements or does the entire group of people currently involved and directly benefit from the project and immediately available to them pay the full burden and then get their portion of the LID credited when additional connections are made? Wilder stated that there were several options and he didn't know the best method to use. Another option would be to create the district in the broadest perspective and come up with a mechanism where everyone would participate.

Councilor Thalsofer asked for clarification of the step sewer.

Mike Parker, Parametrix, explained that the difference between the step system versus gravity was instead of bringing the raw sewage directly out of the household and into the sewer system it is put into a common septic tank first. In the septic tank it acts as a primary clarifier. The floatable materials go to the top and the heavier materials sink to the bottom to form a sludge layer. In between the two layers is a relatively clear liquid. That is the liquid that is drawn off and pumped into the pressure line. By doing that no gross solids are handled and a more efficient pump system can be used [lower horsepower, etc] and eliminate the need for concern of [i.e., minimum velocities in the pipeline]. Since only liquid is pumped into the pipeline it puts a lower BOD load on the WWTP.

Parker stated that one drawback that used to occur with step systems is that since it does stay in the septic tank for an extended length of time, it turns septic and is essentially devoid of oxygen. The possibility of hydrogen sulfide [smell of rotten eggs, etc.] which when it meets with oxygen in the atmosphere it can also cause sulfuric acid to form and that can corrode concrete sewer lines. Parker stated that a method has been developed in which there are no moving parts it simply works by allowing the step effluent to drop a certain distance and take on oxygen - that eliminates the problem. The potential of odor and hydrogen sulfide is therefore eliminated. By the time it reaches the conventional gravity system it goes from an-aerobic [without air] to aerobic [with air].

Parker stated that the tanks are tested at the manufacturer and then again when they are installed. The infiltration and inflow has been reduced to basically zero.

Wilder stated that the step system also opens up DEQ funding possibility for alternative technology for treatment.

Councilor Bui asked if the applicant was aware of the kinds of changes that are being considered? Wilder stated yes. They were aware and had been working with the City and the engineer. They are also aware of the contact with DEQ for extensions. DEQ has not yet defined a specific date by which the connection needs to be made. DEQ would work with the City through the winter until next construction season to come up with something that would work.

Proponents: None

Opponents: None

Christian asked for public comment since there were citizens in the audience to state their feelings.

Helen Otto asked when the individual parcel costs would be figured?

Wilder stated that for the broader project wouldn't be available for a few months. The initial costs were provided in the prior meeting, as well as provided on the copy made available to her earlier. All affected property owners will be notified by letter when a decision on the scope of the project is made.

Councilor Thalsofer asked when the engineering work would be completed. Should it be set to a specific date or indefinitely?

DEQ had responded by phone but they would like to see something larger done than taking care of just the one restaurant.

Recommendation by Staff: Wilder stated that it wouldn't be ready to be built until next spring and his suggestion was to table it without a date being stated.

Council Questions or Comments: Nothing further.

Public Hearing Closed: 7:2352

ITEM 5. RESOLUTION: Authorizing Construction Bidding East Troutdale Sanitary Sewer LID 90-001

Mayor Cox read the resolution by title.

Wilder stated that the resolution also authorized construction and because of that it was staff recommendation that it also be tabled until another public hearing would be scheduled.

MOTION: Councilor Bui moved to table the resolution indefinitely, until there is another public hearing date and time set.

Councilor Schmunk seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM 6. AWARD BID: Marine Drive/Sundial Road Schedule B (Gravity Sewer)

Wilder stated that the bids were opened August 7th and therefore, the material wasn't included in the packet but was instead a handout. The handout gave the information relating to the engineer estimate as well as the bid amounts for Schedule A (Marine Drive) and Schedule B (Sundial Road).

Wilder stated that the qualifying bid received was from All-Terrain Contractors of Jacksonville, Oregon. The bid totaled \$189,978.55 which was nearly 19% less than the engineer's estimate of \$225,760. The Department estimate was for \$230,000.

Wilder stated that a second bid was received but disqualified due to the lateness. That bid was \$390,354.

Wilder stated that de-watering had been the biggest concern, due to the high water ground table in the area. The contractor assured that he could do it for that bid amount.

MOTION: Councilor Bui moved to authorize the Mayor to execute a contract and other associated documents with All Terrain Contractors in accordance with their submitted proposal in the amount of \$189,978.55. Councilor Thalhofer seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea  
(Side 2)

ITEM 7. RESOLUTION: Accepting Easements Marine Drive/Sundial Road

Mayor Cox read the resolution by title.

Wilder stated that items 7 and 8 were similar in that they were easements from the Port of Portland and Letourneau along Sundial Road for the construction of the sewer project that is just being awarded. The City will not award the project until there is property assurances. They didn't arrive but were expected to be during the week.

Wilder stated that before the documents were recorded, the City Attorney would be reviewing them. Wilder stated that #7 was for Marathon Letourneau.

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

YEAS; 5

NAYS: 0

ABSTAINED: 0

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

ITEM 8. RESOLUTION: Accepting Easements for Sanitary Sewer purposes  
Dedicated by Port of Portland to City of Troutdale

Mayor Cox read the resolution by title.

Wilder reiterated the information from item #7. Council action, by way of the resolution, accepts the easements and provides the necessary property assurances so that construction can be done and the facilities maintained within City controlled easements.

MOTION: Councilor Fowler moved to adopt the resolution changing Prot to Port in the title of the resolution. Councilor Bui seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM 9. RESOLUTION: Authorizing Approval of Request for Boundary  
Change by Wood Village

Christian stated that this was submitted as a request from Wood Village. The ball fields are included in the Wood Village City Park. They have built and maintained the park land and would like to have it in their City limits to enable them to set ordinances that regulate activity within the park.

By two jurisdictions agreeing to an exchange of property or to change boundaries by resolution it is under the expedited process of the Boundary Commission. In this fashion, it meets their requirements.

Councilor Schmunk asked if the property was part of the County Farm property? Christian stated that it originally had been but approximately three years ago was deeded to the City of Wood Village by Multnomah County at Wood Village's request.

Mayor Cox read the resolution by title.

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

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM 14. CONSIDER: Appeal of Planning Commission Decision

Christian stated that there is a set process in the Development Code which Council needed to follow. Whether to hold a review with submission of new evidence (de novo)?; Whether to restrict the review to a record of the Planning Commission proceedings?; What date to hold the hearing?



Councilor Schmunk stated that it was suggested to review after the September 26th Planning Commission meeting minutes were approved - is there a reason why the Planning Commission wouldn't approve of what they did?

Christian stated that to be fair in the choice of how to hear it. If it is decided to hear it according to the record, you would review the minutes and materials in the packet and to make sure that the minutes are correct - which is done when the minutes are adopted.

Councilor Bui stated that although the staff states that if it is decided to wait until the 26th of September it seems that the new evidence being talked about is basically that a Planning Commission member drove by his house and saw this and at the meeting convinced the other members of the Planning Commission to vote against his request. Councilor Bui stated that he didn't know if that was strong enough evidence. He would look to Council on that. He didn't know if that was reasonable to appeal.

Christian stated that the reasons are considered as criteria for accepting or rejecting variances or variance requests and based on the application if there is enough information.

Councilor Bui stated that he didn't feel there was enough evidence to proceed. If so, just base it on the merits of the Planning Commission and upon that either uphold or overturn the decision of the Planning Commission.

Councilor Schmunk agreed.

MOTION: Councilor Bui moved to consider the appeal, September 26th, based on the records of the Planning Commission. Councilor Schmunk seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM 15. CONSIDER: Deeds, Covenants, Restrictions - Fence Concern  
Continues from 7/11/89 Meeting

Christian stated that the Attorney Opinion was included in the packet. Christian stated that there was a conflict between the Development Code and the Attorney Opinion regarding the City responsibility in enforcing deeds, covenants and restrictions within subdivisions.

Christian stated that the Attorney Opinion is very clear that the City has no business enforcing those deeds, covenants and restrictions because the City is not the enforcing party as far as the actual subdivision formation. DCR's are generally enforced by homeowner associations. If there is not a homeowners association, the City is not a party to the agreement of purchase between the developer and the homeowner and therefore, the City has no interest

in enforcing any restrictions that may be put on.

Councilor Fowler stated that the last paragraph states it all. Yes, there is a "right answer". We do not revoke the fence permit. Therefore, the homeowner is not in violation of Municipal Code. We are not enforcing the deed restrictions, but the homeowners adjacent have an effective civil remedy.

Christian stated that the conflict was that at the time the subdivision was originally platted, the City put on the developer, as part of the development approval that there be some language that protects the natural state and vegetation - BeaverCreek Canyon.

She asked Sue Barker to address the Council on this issue. Barker showed slides illustrating various properties that have done something to the landscaping.

Barker stated that the point of the slides was that a lot of people are doing things to BeaverCreek for various reasons. One is to create a usable yard, preventing erosion. Retaining walls, pilings, etc to stabilize it due to the light, sandy soil.

City staff had previously required the developer, Ernie Platt that the deed restrictions be created for Lots 1-20 and they be restricted from altering the natural state of the Canyon. There was no definition of a natural state nor standards for fencing or controlling erosions, landscaping....the natural state is not defined. Uncontrollable growth -- blackberries. Whatever, we don't know what the intention was at that time.

Councilor Fowler asked if there was anything in the deed restrictions about fencing? Barker, no. It wasn't addressed. Councilor Fowler stated that the City would have no problem, there is no deed restriction on the fence. The City issued a permit. What else is there?

Councilor Bui asked if there was reason to believe that the City should develop a design guideline? Christian, No. The question is changing the natural terrain.

Christian stated that the City had been asked to mediate the issue between two neighboring homeowners.

Councilor Schmunk asked if formal Council action was required?

Christian stated that Mr. Alexander had come to Council for appeal of a staff decision to revoke the fence permit. One staff member issued the permit; another went out and revoked it. The Alexander's were told that the decision to revoke it could be appealed to Council. Council deferred at the last meeting and it is before you with the City Attorney opinion for a decision.

Council Fowler moved to go ahead and let them build the fence.

City Recorder stated that Councilor Fowler [July 11, 1989 meeting] had moved to revoke the permit to allow staff time to investigate it and bring it back to Council. The decision at that time was that if a new permit were to be issued, the fees would be waived.

Barker stated that the permit wasn't voided, although Council had made the motion to revoke the permit. Barker stated that she wasn't sure how to revoke it.

Councilor Thalsofer asked how about a motion to re-consider?

City Attorney asked if the vote was unanimous? City Recorder stated no. He then asked if it was voted to a sufficient degree? Yes. City Attorney stated then at that point it was revoked and would require re-consideration motion 'not to revoke it', or a motion to reinstate it.

MOTION: Councilor Bui moved to reinstate the Alexander's permit to build a fence. Councilor Thalsofer seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

Councilor Bui stated after looking at the photo's Council needs to have some kind of control by someone to make sure that things are going right. He didn't feel that the City wanted things to look like a wrecking yard with different people doing different things. He suggested that staff look into the matter to see if there was a way to not control, but set up parameters so that things look as though they belong.

Christian stated that Council would have that opportunity when they reviewed the Comp Plan and the Development Code.

Councilor Thalsofer stated that the legal opinion appeared to say that Council should stay completely out of these matters, and let people pursue their legal remedies.

City Attorney stated that this was dealing with something that was legislative versus judicial. That distinction was made here with a particular matter that is a judicial type of action versus a legislation type of action.

Christian stated that in otherwords, if an ordinance were adopted to protect BeaverCreek Canyon greenway ...that is a legislative matter. In terms of this issue, if that ordinance were in place, it would be a different type of discussion as to whether or not it was or wasn't protected.

Councilor Fowler stated that he would like like to see if the neighborhood could meet with staff to develop ideas as to what they would like to have in their backyard and provide the parameters.

Christian stated that staff had not, up to date, had any intention of drafting any type of ordinance to deal with this issue. The only issue staff would propose is to address greenway [or natural] areas and whether or not Council wanted to designate those as natural areas to be preserved and protected. If through the Parks policy, which is part of the policy setting process of the City, then criteria would have to be devised by which development is measured within a specific area to be preserved. It is Council direction for a reflection of community standards as to how much Council wants to see protected and preserved - and to look on the other side of the coin as to homeowners property rights.

Mayor Cox stated he felt it was the property owners rights to protect his land from slipping away and to do something about it. It was his land - they do have a responsibility to protect their own land.

Councilor Bui stated that he favored Councilor Fowler's thoughts on the neighborhood developing the criteria for protection of the property.

Councilor Schmunk stated that the Deed restrictions stated the authority to advise the owners of those specific lots along BeaverCreek that those neighbors are the ones that have the rights to uphold the Deed restrictions, not the City. It is probably only the twelve that are unhappy. The rest of the neighbors have to get together and she didn't feel it would be that easy.

Christian stated that the property owners would be re-issued the fence permit and advise neighboring property owners that if they have a problem, they should seek civil remedies.

ITEM 16. MOTION: Requesting Planning Commission Consideration of Comprehensive Plan Revisions

Christian stated that the document before them, a revised Comprehensive Plan was before Council. In the past, Council mentioned problems with wording; the approach to describing the City of Troutdale; what Council felt the City of Troutdale was, and is going to be; and, what the vision of the City should be. Christian stated that Leslie Hauer had written a good portion of the document and Christian had reviewed each section. Christian had included what she felt Troutdale was from the standpoint of what she heard Council state they felt their policies were and are.

Christian stated that Council needed to remand this, due to the revisions, to the Planning Commission.

MOTION: Councilor Fowler moved to send the document back to the Planning Commission for their review. Councilor Thalhofer seconded the motion.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer- Yea  
CITY COUNCIL MINUTES  
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Christian stated that Council review and formal discussions would be scheduled for the 26th of September. Having the document now would give plenty of time for Council to review it.

ITEM 17. CONSIDER: Request for Extension of Property Sale (T.L. 42)  
Side 3 (11:48)

Council had before them a request for an extension of time on the Option to Purchase property owned by the City of Troutdale a/k/a Tax Lot 42, Section 25, T1N, R3E, W.M., City of Troutdale, Multnomah County, State of Oregon.

Councilor Fowler stated that he had a conflict of interest, however, he would like to take part in the discussion.

Mayor Cox asked if anyone else had declarations to make. There were none.

James Iglehart, Member of Management Team of Columbia Crossing, Troutdale, Oregon presented information and materials to support the option and access upon the property. He provided graphics and pointed out Phase I and Phase II which approximate a total of 137,000 sq. ft. He stated that Phase I would contain approximately 60,000 sq. ft. Subsequent buildings are dependent upon the tenants. The proposed landscaping [indicated in green]; open access area was proposed parking activity as proposed Phases develop individually.

Mr. Iglehart stated that the development was more than a multi-million dollar shopping center; more than thousands of dollars in revenue to the City; more than the estimated [conservatively] 200 jobs it would provide; more than anchor tenants [American Tourister, Leggs, Hanes, Bali] all of whom the lease negotiations have been either completed or the internal documents approved. An opportunity for both the developer and the City to work together in tandem - to make a statement. He stated that the team and financing was in place. S.D. Deacon had been selected as the contractor [Scott Aldredge was in the audience]. The architect and engineering teams were in place. The expected date of opening was May, 1990 with a goal to begin grading on August 10, 1989.

Mr. Iglehart stated that three things needed to happen. (1) access to the property to immediately begin grading to prepare for paving [goal to be on or about mid-November]; (2) extension on option itself financing - the permanent and take out financing to be locked in during the course of the construction period in case the interest rate begins to fluctuate; (3) access to the property so the construction team can begin grading.

Mr. Iglehart stated that on May 2, 1989 a letter stating a concern for liability was written by the Mayor. He stated that in order to eliminate the liability concern the City would be indemnified, or name the City as an additional insured to reduce any potential liability and/or risk to the City at large. Mr. Iglehart stated that

it had already been prepared and the general contractor S.D. Deacon in letter form had agreed to name the City as an additional insured on their policy. The sub-contractor would also name the City to make sure of the protection as well.

Mr. Iglehart stated that the worst case scenario was that if they failed (1) the City would be protected; (2) the site would be graded and could be sold to someone else. If the development succeeded they would feel more confident in making the May, 1990 opening and their commitments to the tenants.

Councilor Bui asked how long it would be that the City would be before they got the money for the property that they were asking for the extension on?

Mr. Iglehart stated he had asked for 45 days. The primary lender had stated that they felt confident that the transaction could be completed by that time. He asked that Council keep in mind that the permanent financing [take-out], as well as the construction financing was combined.

Discussion regarding when the 45 day extension time would run out. If going from July 19th, it would be approximately September 1st. Mr. Iglehart asked that the 45 day extension begin from today's date - August 8, 1989. That would be roughly October 1, 1989.

Councilor Thalhoffer asked about the gap of time between July 19 and now. The City Attorney stated that it would need to be made a continuous option from the 19th of July to now and then include the 45 days from then.

Christian stated that there was a need to establish the continuance of the option from July 18th up to an including whatever date Council desired to set.

Mayor Cox stated that he would prefer October 1st. Councilor Thalhoffer asked Mr. Iglehart how that sounded? Mr. Iglehart stated that was fine.

MOTION: Council Thalhoffer moved to reaffirm the contract to give until October 1, 1989 and to raise the interest rate from 10% to 12% for the term of the extension [7/19/89 to 10/1/89]. Councilor Bui seconded the motion.

Councilor Bui re-stated that the City was not a bank. This was property of the citizens of Troutdale. He would like to see a success with the Columbia Crossing Development. He wanted to see something done with the property for the citizens.

Councilor Thalhoffer stated that the project was the largest in Troutdale. There had been many delays and they have always come back to make it work. It would be a great boon to the City. There had been disagreements in the past but seem to be going well now. Pettiness shouldn't stand in the way. It

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was a lot of money that they were trying to get together. He felt that nitpicking wasn't in the interest of the citizens. They stated their financing was in place, they would pay it in 45 days. If they aren't ready October 1st, he would be concerned about it. For now, he would like to speak in favor of the motion he made and give them the opportunity to get the financing in place.

Councilor Fowler stated that as long as he could remember, the property hadn't brought in a dime. It is off property roles so not a dime in taxes either. It hadn't produced anything. This was for \$3.5 million to be added to the tax base, as well as 200 jobs - to quibble over 60 days or 45 days. Do we want it or not? This was as close as it had gotten.

Mayor Cox didn't feel it was quibbling, just a form to go through. There was a motion and a second...

Councilor Bui called for the question.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

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

Christian asked about giving permission for work to begin - only grading.

Councilor Schmunk stated that it needed to be specified.

MOTION: Councilor Thalhofer moved that Columbia Crossing be allowed to grade on the property grade only with the condition that all necessary permit processes are completed before hand. Councilor Bui seconded the motion.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

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

MOTION: Councilor Thalhofer moved to require the indemnification of the City, that the contractor name the City as additional insured, and that any subcontractor name the City as an additional insured. Councilor Bui seconded the motion.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

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

Mayor Cox wished them the greatest success.

Mayor Cox called for a 5 minutes break.  
Mayor Cox reconvened the meeting at 8:40 p.m.

ITEM 10. RESOLUTION: Re-establishment of Community Development  
CITY COUNCIL MINUTES

Department

Christian stated that Council had the materials in the packets. She requested that this item be tabled until the August 22, 1989, Council meeting. She stated that she would like to have the job descriptions and descriptions of organizations available at the same time this is considered.

MOTION: Councilor Schmunk moved to table this item until the August 22, 1989 regular Council meeting. Councilor Thalhofer seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM 11. ORDINANCE: Amending Troutdale Municipal Code Title 3, Chapter 04 (Ordinance 436-0; 450-0; 463-0; 473-0; 499-0) Relating to Fees and Charges FIRST READING

Christian stated that due to the codification, all ordinances get sent to a firm doing that service. A year ago, the City Attorney had suggestion that fees and charges that may change on a yearly basis shouldn't be included in that processing. It is costly and there may be additions or a different charge throughout the year and it makes it difficult to enforce the fees and charges ordinance itself. The suggestion was to change the code to assert the Council authority to charge fees and charges for specific services within the guidelines of the state statutes [which basically state that there won't be any more charged for fees and charges than it costs for the services]. Attorney fees can be charged on a case by case; engineering services can legitimately be charged back to the project.

Christian stated that the ordinance before Council was to assert Council authority to establish fees and charges within the City. This item is first reading only. It will be before Council at the August 22, regular meeting. The existing charges would remain in place until there has been a second reading. At that meeting, staff proposals for adjustments in fees and charges would be adopted by Resolution after the ordinance is passed. This would also allow a yearly review of the charges without going through changes in the Code every year.

Mayor Cox read the ordinance by title.

MOTION: Councilor Bui moved to hear this item for second reading at the August 22, 1989 regular Council meeting. Councilor Thalhofer seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM 12. ORDINANCE: Amending Ordinance 505-0 SDC Modification FIRST READING

Wilder stated that approximately one year ago the SDC ordinance had  
CITY COUNCIL MINUTES  
AUGUST 8, 1989



gone through a total re-write due to a number of inequities when dealing with large commercial developments. A section of that allowed the City to consider flexibility for unknown SDC's. However, it wasn't included that a section dealing with penalties, processes and procedures should, after the two year testing period for an evaluation before charges are made -- failure to pay, failure to provide remedies and defaults. This new section deals with three parts dealing with those failures to pay dealing with SDC's.

Wilder stated that this was commensurate with what was already on the books in dealing of default and foreclosures. A minor change on subsection C of section 10, pg. 9 reads "such charges shall be recorded in the Multnomah County Assessor's ... office by the City Recorder"; it should read "such charges shall be recorded in the Multnomah County Assessor's and/or Recorder's office by the City Recorder".

Wilder stated he would answer any questions Council had.

Mayor Cox read the ordinance by title.

Wilder stated that the Declaring an Emergency portion should be stricken.

MOTION: Councilor Schmunk moved to hear this item for second reading at the August 22, 1989, regular Council meeting, with the noted changes. Councilor Fowler seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

Mayor Cox recessed the Council meeting to convene the Contract Review Board.

ITEM 13. REPORT: MASTER DRAINAGE PLAN - DRAFT

Motion to Authorize Community Services Department to Negotiate Engineering Contract for Mayor Signature

Wilder stated that during the budget process and in meetings subsequent to that, Troutdale's need for a drainage master plan had been discussed. An interim drainage guideline was done by David J. Newton and Associates. Wilder asked that Council review items in paragraph 3 of the August 8, memorandum dealing with the reasons staff would like to negotiate with David J. Newton Associates. He stated that the reason wasn't so much as a sole source supplier of engineering expertise but for their prior involvement with the drainage action plan, prior involvement with Sandy Drainage District, and prior involvement with the Port of Portland -- all of which deals with drainage issues that the master plan addresses.

Wilder stated that staff felt there would be substantial savings in entering into direct negotiations with David J. Newton and Associates rather than to seek requests for proposals, evaluating them, and

Councilor Schmunk asked if this was common for us to do this?

Wilder stated that it had been done, it wasn't common. But the engineer was absolutely familiar due to day to day working with other jurisdictions, as well as the City. Wilder felt it was expedient and appropriate in this case.

Christian stated that state statute allows to go out of the normal bid process - as a Contract Review Board. That was why this was called.

Wilder stated that negotiations would take place with the proposed consulting engineer and then presented to the Mayor for contract execution or, if wished be presented back to Council.

Councilor Fowler asked if other agencies were involved, were they also participating financially?

Wilder stated that Sandy Drainage District = \$6,800; Port of Portland - same level as participated in Drainage Action Plan; Multnomah County - Facilities Maintenance understands that they may be actively involved and are prepared one way or another to participate. Wilder stated that staff was asking that the Mayor not be authorized to execute a contract greater than that level which is budgeted combined with other jurisdictional participation. If the County didn't participate and the money necessary for the study, the City would only be contractually obligated for that amount either through the budget or through the other jurisdictions participation and no more.

Councilor Schmunk stated that the Port has readily stated they would participate, the County hasn't stated their position right away.

Wilder stated that the Port's money combined with the Sandy Drainage District's and the City would be close to \$50,000 leaving approximately \$5,000. When the County's participation is calculated based on their area of run-off [County Farm property] contribution, the other participants would be credited accordingly percentage wise. The City's participation would be less than \$30,000 and we budgeted accordingly.

Councilor Fowler stated he had a problem with anything this large not going out for bids.

Wilder stated that the state law does not allow bidding for professional consultant purposes. For construction it is different. For selection of consulting services you are actually prohibited in some cases of outright bidding and can't isolate price as a single contributing factor for selecting a consultant.

Wilder stated that he was convinced that the amount of advertising, staff time involve, proposal preparation, review process... would be considerably more expensive than negotiating a contract directly.

Councilor Fowler asked if in the Request for Proposals wasn't done at the last study of how to sell Troutdale? Selected out of a series of them by their gift of gab?

Wilder wasn't involved in that process, he didn't know.

Christian stated yes. But they weren't selected by a money factor.

Wilder stated to keep in mind that when the Drainage Action Plan was done, we also reviewed were a number of consultants during that process through which this one was selected.

MOTION: Councilor Thalsofer moved to authorize selection of David J. Newton Associates for the engineering of this project and authorize the Mayor to execute a negotiated contract in compliance with the proposed scope of services, attached to the memorandum. Councilor Bui seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

Mayor Cox reconvened the Council meeting.

MOTION: Councilor Thalsofer moved authorize the Mayor to enter into any associated inter-governmental agreements for the sharing of the costs and expenses related to the drainage master plan project.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Jacobs - yea; Schmunk - Yea; Thalsofer - Yea

Councilor Schmunk asked where or when it is known to convene as a Contract Review Board.

Christian stated that under state statute there are two options. (1) the State acts as a contract review board; (2) pass an ordinance establishing the governing body as the contract review board. You can then set up your own bid requirements as long as they don't conflict with state statutes.

#### ITEM 18. DEPARTMENT REPORTS:

Public Safety - Chief Collier was out of town. Councilor Bui felt an excellent job was being done by this department. He felt that there was a positive pulse in the community.

Finance - Gazewood had nothing to all and there were no questions

Community Services - Wilder had nothing to add.

City Attorney - Nothing to add.

Executive - Christian added that the marketing strategy was for review before the next Council meeting. John Hall will be at the

August 22, 1989 meeting for discussion.

ITEM 19. COUNCIL CONCERNS AND INITIATIVES

Councilor Bui - Discussed some of the options the County has been discussing for Edgefield Manor around the other acreage besides the acreage listing for sale. The rest of the acreage is being considered for a trade with a building owner downtown. The County has had problems with jail beds as well as the current juvenile hall [184 near 68th]. The options heard were: 1) add on to the current jail in Troutdale to move the DA out of the Courthouse and put him into the building they are negotiating for downtown in order to build more courtrooms; 2) if they don't build a new jail in Troutdale -- add on to the Inverness jail but to use the Troutdale jail as a new juvenile hall. He felt as a Council the jail issue would consistently come up.

Councilor Bui stated regarding the traffic situation at the Jazz Festival, he didn't feel it was a problem. It was very organized and went well.

Councilor Bui added that the Fire Task Force was meeting on August 14, 1989 in the evening to determine 1) what to do about the new legislation passed which would allow any of the three cities individually or wholly to disembark with Fire District #10 if so desired. It was passed and carried by Senator Otto from East Multnomah County; 2) to determine whether or not to continue with the Fire Task Force.

Councilor Thalhofer - Nothing.  
Councilor Jacobs - Nothing.

Councilor Fowler asked about that jail addition. He stated that the building inspectors had found that there was an overcrowding to the occupancy - he wanted to know if the occupancy was in line with what it should be now?

Christian stated that the City had been meeting with the County regarding those issues that need to be brought up to code so that they can occupy it. There have been personnel changes and that meant they needed to review all the information of what had been happening to be brought up to date.

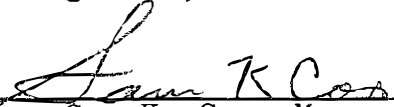
Councilor Schmunk - East Multnomah County Transportation was going to be looking at reconnaissance and maybe dollars also. She would keep Council informed. She commented on the Troutdale Grade School project and how nice it will be that it will be done before school starts.

ITEM 20. ADJOURNMENT.

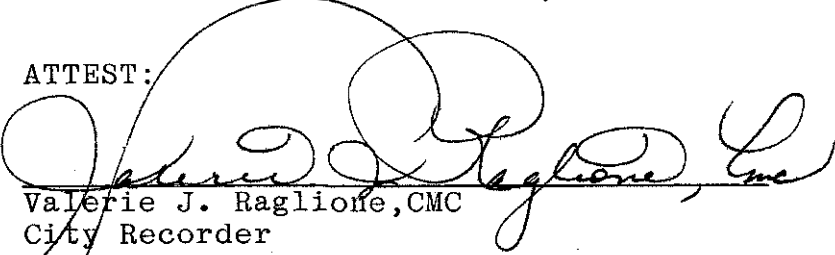
MOTION: Councilor Bui moved for adjournment at 9:08 p.m. Councilor  
Fowler seconded the motion. YEAS: 5  
NAYS: 0  
ABSTAINED: 0

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

The regular meeting of the Troutdale City Council adjourned at 9:08 p.m. on August 8, 1989.

  
\_\_\_\_\_  
Sam K. Cox, Mayor  
Dated: 8/23/89

ATTEST:

  
\_\_\_\_\_  
Valerie J. Raglione, CMC  
City Recorder

CC5[4]