



CITY OF TROUTDALE

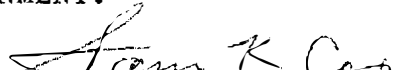
AGENDA
TROUTDALE CITY COUNCIL MEETING
COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 PM --- NOVEMBER 14, 1989

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept: Minutes of 10/28/89
 - 2.2 Accept: Business License Report Month of OCTOBER
 - 2.3 Accept: Bills for month of OCTOBER, 1989
- (A) 3. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
- (A) 4. CONSIDER APPEAL: Planning Commission Decision Denying a Zone Change on TL 24, Sec. 35, T1N, R3E, Case File #81-90-020; Establish a hearing date and determine if the review will be considered "on the record" or de novo.
Call for Declarations or Challenges
- (A) 5. APPROVAL: Liquor License Renewals -- Burns Brothers Truck Stop; Tad's Chicken & Dumplings Inc.; Troutdale Thriftway; Troutdale General Store; Plaid Pantry; King Lam's; Brass Rail; Texaco Food Mart
Call for Declarations or Challenges
- (A) 6. ORDINANCE: Amending Troutdale Development Ordinance 491-0 Section 5.911 Projections Into Required Yards and Declaring an Emergency
Call for Declarations or Challenges
- (A) 7. ORDINANCE: Spreading Preliminary Assessment Role - Grade School Access LID 89-003
Call for Declarations or Challenges
- (A) 8. ORDINANCE: Spreading Preliminary Assessment Role - Harlow Water LID - 89-001
Call for Declarations or Challenges
- (A) 9. RESOLUTION: Supporting Extra-Territorial Water Service to the Open Door Baptist Church
Call for Declarations or Challenges
- (A) 10. RESOLUTION: Public Easement Dedication: North Harlow Water/Sewer/Storm and Columbia Crossing Utility Easement

Call for Declarations or Challenges

- (A) 11. RESOLUTION: Proclaiming December 10-16, 1989 as Drinking and Drugged Driving Awareness Week.
Call for Declarations or Challenges
- (A) 12. MOTION: Authorizing Public Works Director to Prepare Report for Sandee Palisades IV L.I.D.
Call for Declarations or Challenges
- (A) 13. RESOLUTION: Adopting Revised Bail Schedule for Troutdale Municipal Court
Call for Declarations or Challenges
- (A) 14. DEPARTMENT REPORTS:
Public Safety
Finance
Community Development
Public Works
City Attorney
Executive
- (A) 15. COUNCIL CONCERNS AND INITIATIVES
- (A) 16. ADJOURNMENT.



Sam K. Cox, Mayor

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

7:00 P.M. --- NOVEMBER 14, 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 Burgin to lead the Pledge of Allegiance.

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

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

STAFF: Christian, Jennings, Raglione, Chief Collier, Gazewood, Wilder, Barker

PRESS: Gresham Outlook

GUESTS: Marilyn Mendolovich, Richard Mendolovich, Dean & Bonnie Samp, Susan McAdams, Kathy Delaney, Ronald Wells, Phil Pizio, Frances Pizio, Maynard Link, Stan Simud, Dan Strockham, Walt Postlewait, Carol Chace

AGENDA UPDATE: Mayor Cox asked City Administrator, Christian, if there were any agenda updates. Christian stated that the only additional items are the proposal for contracting of building inspections and agenda items 7 and 8 are going to be held over until the next meeting because all of the final billings regarding assessments have not yet been received.

ITEM #2 - CONSENT AGENDA: Mayor Cox read the consent agenda items.

MOTION: Councilor Bui moved to approve Item 2.1 (minutes of 10/24/89), 2.2 (business license report for month of October, 1989), and 2.3 (Bills for month of October, 1989). Councilor Schmunk seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #3 - PUBLIC COMMENT:

Mayor Cox called for public comment on non-agenda items. There was none.

ITEM #4 - CONSIDER APPEAL: Planning Commission decision denying a Zone Change on TL 24, Section 35, T1N, R3E, Case File #81-90-020; Establish a hearing date and determine if the review will be considered "on the record" or de novo. CALL FOR DECLARATIONS OR CHALLENGES:

Mayor Cox called on City Attorney, Jim Jennings to address this item. Jennings stated that Cook Development Corp. applied for a Plan amendment from LDR (low-density residential) to HDR (high-density residential) and a zone change from R-7 (single-family residential) to A-2 (high-density residential).

The Planning Commission held a public hearing on both the Plan amendment and the zone change requests. The Planning Commission denied approval of the zone change and adopted the findings of fact: [Since the Plan amendment had not been recommended for approval, the zone change would not be consistent with the Comprehensive Plan.]

Cook Development Corp. requested a de novo review of the Planning Commission's denial of the zone change. Because the zone change application was filed in conjunction with a Plan amendment application, and considered jointly before the Planning Commission, the applicant requested the zone change appeal be considered with the Plan amendment on November 28, 1989.

Jennings stated that Council must determine the scope of the review and establish a hearing date. Jennings stated that the provisions of the Comprehensive Plan require that Council review any action on a request for a Plan amendment under the Type 4 procedure must be de novo. Council hears new evidence, new testimony and will review the record in evidence that was submitted at the prior hearing. The hearing has been scheduled for the November 28th Council meeting.

Jennings stated that the sole question before Council is when Council will hear the appeal on the zone change. It was Jennings opinion that the two be heard together. The questions is will the Council hear the zone change on the 28th of November and the second question is will the Council hear the zone change de novo, on of the record or some combination of the two. It was Jennings opinion since the Council was reviewing the Plan amendment de novo and, the same issues are involved in the Plan amendment application and in the zone change application it would be a difficult procedure, if not impossible, to separate the two and have two different types of hearings. (De novo on the Plan amendment and review on the record only on the zone change.) It was Jennings opinion to have a de novo review on the 28th of both the Plan amendment and the zone change.

DE NOVO definition: a hearing by the Council as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

Mayor Cox asked if the November 28th meeting schedule was heavy? Christian stated that this item, if heard then, would be a full evening's work.

Councilor Schmunk requested that the City Attorney be in attendance.

MOTION: Councilor Fowler moved that both the zone change and the Plan amendment be heard on November 28, 1989 and that the reviews be de novo. Councilor Burgin seconded the motion.

Councilor Burgin asked that the procedure be outlined for that meeting.

Jennings asked that Council refer to the Development Code currently in place, it describes a Type 4 procedure. That is a legislative action taken by City Council. It will be a full hearing. At the hearing the issues will be whether or not the applicants request meets a variety of criteria on each case. [i.e., A, B, C - The applicant puts on evidence, in the form of written evidence - an application which has already been submitted and is part of the record - and testimony to show that criteria A, B, and C are satisfied. Opponents then have an opportunity to put on the same sort of evidence [i.e., written evidence, testimony and any other relevant evidence.] Council then decides is there appropriate evidence to make a finding(s) that the criteria (A, B, and C) have been satisfied. If there is appropriate evidence, then depending on whether or not the zone change or Plan amendment you may make a finding that the Plan should be amended and/or the zone should be changed.

Jennings stated that in this case, the zone change and the Plan amendment are tied together. If Council does not find that the Plan should be amended, then logically you can't have a zone change. The zone change is dependent on the Plan amendment.

Jennings stated that the process is straight forward but, of course, there are the usual questions that must be decided early [i.e., conflict of interest, ex parte contact]. We will review that at the meeting.

Councilor Burgin stated that evidence and testimony will then be heard from the applicant and the opponents. The decision made should be based on the evidence and testimony that will be heard that evening?

Jennings stated yes. He stated that at the 28th meeting, Council must report any contacts there have been [ex parte] or declare any conflicts of interest. Any time Council is faced with a land use decision, keep a notebook of any contacts you might have. It can nearly guarantee invalidation of the decision by the LUBA.

Councilor Fowler asked that the packet information be made available as early as possible. Christian stated that once Council decided to hear the appeal and how they wished it be heard, the information was already available under the new land use laws of twenty days prior to

the hearing.

Councilor Thalsofer asked what information was 'the record'?

Jennings stated that in the prior hearing the record would consist of testimony by way of tape [available], written documents in the form of letters, possibly a map or two, minutes of the meeting, as well as written documents submitted.

Councilor Thalsofer asked if the minutes would be available? Christian stated that minutes were part of the record and would be included in the packet material(s). The minutes weren't verbatim, however, there were 57 pages of minutes.

Jennings suggested that Council review the minutes and if there was an unclear matter, then listen to the tape for the appropriate testimony. He stated that wouldn't be inappropriate for completing the review.

Jennings stated that as a matter of fundamental fairness and opponent information should be submitted as soon as possible.

Christian stated that packets would most likely go out on Tuesday, November 21st to allow enough time to review the material.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM 5. APPROVAL - LIQUOR LICENSE RENEWALS

City Recorder, Raglione, stated that there were two listed on the agenda that had not been received for review. They were King Lam's and the Texaco Food Mart.

Christian stated that Chief Collier could address any concerns regarding complaints on the businesses listed. She stated that OLCC notifies the City if there are complaints or violations. The City hadn't received any.

Chief Collier had no problems or concerns to discuss.

MOTION: Councilor Bui moved conditional approval of the liquor licenses submitted (Burns Brothers Truck Stop; Tad's Chicken & Dumplings Inc.; Troutdale Thriftway; Troutdale General Store; Plaid Pantry; Brass Rail) minus the two not yet received: King Lam's and Texaco Food Mart. Councilor Thalsofer seconded the motion.

Councilor Burgin stated that he wouldn't approve of liquor licenses for those that don't take the initiative to get their application in. He would rather see them dropped from approval until they got their paperwork in and completed in time for review by Council.

Councilor Bui stated that the motion was not to include the two, if Councilor Burgin wished Councilor Bui to remove the word 'conditional' he would. Councilor Burgin stated had no objections then.

Mayor Cox stated that on November 28th there could be a hearing on the other two, if the paperwork was submitted for review in time.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM 6: ORDINANCE Amending Troutdale Development Ordinance 491-0
Section 5.911 Projections Into Required Yards and Declaring
an Emergency (531-0)

Mayor Cox read the ordinance by title.

Barker reviewed the omission in the ordinance which deleted language to allow stairs to project beyond a 5' projection line into a required front yard necessary for exiting and entering into a building.

Barker stated that this did not address the issue of a deck into the front yard but would allow two stairs to project into the front yard. In order to correct the omission, the Planning Commission recommended Council approval and adoption of an ordinance amending language in that section.

Barker stated that most houses, because of a 25' rear yard; a 20' front yard in a size of a house, cannot comply with all those requirements if a typical split entry house on some of the lots.

Planning Commission held a public hearing and wrote specific language that stairs have to be those stairs as defined in the building code necessary for exiting and entering a building.

MOTION: Councilor Thalhofer moved to adopt the ordinance. Councilor
Fowler seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #7 AND ITEM #8 WERE POSTPONED UNTIL A LATER DATE. MATERIALS NOT READY

ITEM #9 RESOLUTION: Supporting Extra-Territorial Water Service to
the Open Door Baptist Church (784-R)

Mayor Cox read the resolution by title. He called for declarations or challenges.

Councilor Bui stated that he had been contacted initially and invited Mr. Hanson to see that the agreement came to Council for consideration.

Wilder reviewed ORS changes and processes to allow extra-territorial service of water. He stated that recently the City had changed the ordinance to bring it into compliance. The resolution, as well as the ordinance, requires that all costs be borne by the requesting party for applications to boundary review commission and other legal matters that may result.

Wilder stated that the Boundary Commission handles this type of matter on an expedited process but, do require a resolution from Council, should Council desire. Adequate water service was available at the location and would not negatively affect the balance of the system.

Councilor Schmunk asked what happened if it did negatively affect the system? Wilder stated that Council had the right to say no. Wilder stated that fire flow and hydrants were already out there and on the system.

Christian stated that was a condition at the time of the agreement when City acquired easements and reservoir site. At one time the reservoir site was on the Open Door Baptist Church property. The City agreed that at the time easements were dedicated to the City and the City acquired the property, that City would provide fire service. At that time, City wasn't under Boundary Commission's rules, allowed to provide service since they were outside of the urban growth boundary. City went to the Commission to get approval of that site for a reservoir, even though there was no service involved then.

Mayor Cox asked what would happen if there was additional building on the site? Wilder stated that the same process would be followed as anyone else building in Troutdale. If the resolution was approved, they would pay water SDC's commensurate with their level of use. If there was expansion, the level of payment would also increase to account for expansion.

Wilder stated that if the concern was an expansion creating a problem of water supply, it would be insignificant when compared to fire flow requirements. It is a 2 mg tank.

Councilor Burgin asked about the wording in the second Whereas clause which stated 'and fire protection'. He asked that it clarify more specifically the water protection. Wilder stated that the wording would be changed to reference only the water.

MOTION: Councilor Thalsofer moved to adopt the resolution amending the wording in the second whereas clause. Councilor Schmunk seconded the motion. YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #10. RESOLUTION: Dedicating City Property for Utility Easement
Purposes and Accepting said Properties as Utility
Easements -North Harlow Waterline Extension(785-R)

Wilder gave graphic illustration as to the property involved. He stated that the easement descriptions were completed by the Kent Cox & Associates. The North Harlow waterline extension project had recently been completed. North Harlow street was vacated and the utilities are located on City property outside the easement/right-of-way blanket.

Wilder stated that the City's water and sewer lines should be contained within appropriate easements if they aren't in established rights-of-way. He stated that the resolution would transfer both from and to the City properties for an easement(s) containing water, sewer, storm and other underground public facilities.

Councilor Fowler stated that there was a continuing easement through Columbia Crossing property to Hwy. 30 which ties the easements all together right? Wilder, yes.

Mayor Cox read the resolution by title. He called for declarations or challenges.

MOTION: Councilor Bui moved for adoption of the resolution as written. Councilor Schmunk seconded the motion. YEAS: 6

NAYS: 0

ABSTAINED: 0

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

Wilder stated that there was a second item [Provisional Dedication Agreement] which the attorney had drafted. This had been discussed at the previous meeting regarding the best method of handling the situation.

Councilor Schmunk asked where this was on the agenda? It was included only as an easement/agreement. Wilder stated that this was a provisional dedication agreement, the easements won't be established until the facility is constructed [discussed at previous Council meeting]. That is at the request of the developer. Due to that request, the easement is before Council.

Wilder stated that staff was asking for a motion authorizing the Mayor to execute the agreement. After the facility is construction a resolution with easements will be before Council for action.

Councilor Fowler stated that he had a conflict of interest due to his involvement with Columbia Crossing. He was curious as to why this was

put together on the 14th and asked if Columbia Crossing had seen it?

Wilder stated it was received Thursday, he had been out ill and received it the morning of the 14th. He discussed it with the attorney and this was the best timing.

Christian stated that this was a decision for the City to make in regards to 'is this the City Council choice'? This is an issue asking the Council if the City Attorney and staff is authorized to present this provisional dedication agreement to Columbia Crossing? If there are changes, it will be before Council again.

Councilor Burgin stated that Council will have to agree to the proposal that is made to Columbia Crossing without Columbia Crossing helping Council decide what the proposal to them would be.

Jennings stated that this is simply authorizing staff to present this proposal to Columbia Crossing, any counter proposals would be before Council at a later meeting.

Mayor Cox asked if it would be in the form of a resolution. Jennings stated that it would be approved by resolution and the agreement would be separate.

MOTION: Councilor Thalsofer moved that the provisional dedication agreement be approved. Councilor Bui seconded the motion.

Councilor Schmunk stated that she would like more time to look at it. She got it for review at the beginning of the meeting. Her personal reasons were that it was a little hasty and she wanted more time to review. She wasn't sure that this was the kind of direction she wanted to give staff.

Councilor Thalsofer stated that this had been discussed previously. He thought there was a pretty good understanding of what the contents would be. Even though the notice is short, in view of previous discussions and staff has reviewed it, he felt there was nothing amiss in the agreement. If the Bennett's felt there were changes to be made, it would be before Council again. On that basis he was prepared to stay with his original motion.

Councilor Burgin agreed with Councilor Thalsofer. He felt it was a matter of expedience and that Council was cooperating with something that was out of the ordinary in order to speed up the process. If that isn't desired, he had no problem with waiting until the first meeting in December, however, he hated to stall.

Councilor Fowler asked if there was another meeting in November? He wasn't at the previous meeting and didn't know what was discussed.

Councilor Burgin stated that the agenda had been set for the November 28th meeting. City Recorder, Raglione, stated that the minutes of the previous meeting were in the Council packets.

Mayor Cox called for the vote.

Christian stated that this item was on page 7 of the previous meeting minutes.

YEAS: 4

NAYS: 1

ABSTAINED: 1

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

ITEM #11. RESOLUTION: Proclaiming December 10-16, 1989 as Drinking and Drugged Driving Awareness Week. (786-R)

Mayor Cox read the resolution by title. He called for declarations or challenges. There were none.

Mayor Cox stated that this was brought about by Multnomah County DUII Community Program Advisory Board.

Christian stated this was in preparation of the holiday season, one of the highest drinking/driving seasons of the year and the campaign was being kicked off on the Awareness Week.

MOTION: Councilor Bui moved for adoption of the resolution changing the typo in the third Whereas paragraph to read 'driving' rather than drinking. Councilor Schmunk seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #12. MOTION: Authorizing Public Works Director to Prepare Report for Sandee Palisades IV L.I.D.

Wilder stated that he had previously handed out a request from the sole property owner of Sandee Palisades IV. Wilder spoke with the City Attorney regarding an expedited process whereby you could cut through the length of time, administrative costs, when there is an LID request from one benefiting property owner, or a group in total agreement. The response was yes.

Wilder stated that rather than requesting a report, instead prepare a very tight, firm agreement with the property owner. From that point he would be before Council one more time and then not until the project was completed. He could be finished in May rather than June or July required to go through the two month LID process.

Specified in the agreement were methods of bond payment; who selects the engineer, the contractor, the inspectors. Everything normally done through an LID process except done through an agreement format.

Councilor Schmunk and Councilor Fowler thought that it sounded much more simple this way.

MOTION: Councilor Fowler moved to approve the shortest route possible. Councilor Bui seconded the motion.

DISCUSSION:

Councilor Burgin asked Gazewood what the financial impact of the LID would be on the City's overall engagements? Gazewood stated that he didn't know what the costs of the projects would be. It would go through the Bancroft Bonding procedure and subject to whatever related bond costs there would be for that as well as the assessment process of collecting the moons. In terms of impact, he couldn't say.

Councilor Burgin was philosophically uncomfortable with the idea of supplying public faith and credit for a single benefiting developer. That hasn't been the practice every. Wilder stated that in essence that is done with every LID. Councilor Burgin stated yes, with multi-benefiting property owners usually. In the past developer(s) have put up their own money on the basis of their own worthiness to put in whatever public improvements are necessary and dedicate it.

Wilder stated that this method has been used in the State of Oregon before, in Gresham.

Councilor Fowler stated that security was the property itself. Wilder stated that the agreement would require that as each parcel of property was sold, the full amount of indebtedness would be used to retire the bonds. If the property didn't sell in a manner commensurate with the bond retirement schedule, the developer would have to put the extra money up front to ensure the bond debt obligations were met.

Councilor Burgin was concerned with becoming the financial agency for every potential residential developer. He stated that he wasn't questioning whether or not it had been done with this method in Oregon prior to this.

Councilor Thalsofer asked how this measured with other LID's for the City? Wilder stated this would be a first for the City for this type of LID. He stated that it was a question of whether the Council wanted to allow developers to use this vehicle as a pro-development aspect of the community or go out and find his own financing. Costs won't be much different doing it our way or his way.

Councilor Fowler asked if he could form an LID anyway? Jennings: sure he could. Councilor Fowler stated that this would then only expedite it.

Christian stated that he could file a petition but, Council didn't have to approve it.

Jennings stated that there have been other occasions where a single property asked to form an LID and it benefited other pieces of property, it is no different in that all the City is doing is short-circuiting the process since there are no other benefiting

properties. There is no need to go through a petition to Council - you then instruct the Public Works Director to prepare engineering reports, they go before Council - if there is no remonstrations, then an LID is formed. That part of the process is being circumvented.

Christian asked if with the petition the Council doesn't have to receive and approve it? Jennings stated that Council was under no obligation to approve an LID.

Councilor Thalhoffer asked if the City had ever failed to approve an LID that was presented to Council? Wilder stated there was a withdrawal from a requesting participant. Christian stated that some had died due to remonstrations but not due to Council.

Councilor Burgin stated that the LIDs had been along the lines of economic development, industrial areas or revitalization but, all related to economic development which had been a Council goal. They also required a lot of staff time. It has never been policy to approve an LID just for the benefit of one property owner for a residential development. Councilor Burgin stated that this was a philosophic question.

Councilor Burgin stated that at this point in time the question was whether or not Council wanted to approve a special process.

Jennings stated that by implication this motion would be to approve the LID subject to what engineering costs are. It won't be before Council again. This motion is whether or not you want to approve an LID.

Councilor Thalhoffer stated that the City had housing goals, Sandee Palisades has been approved and needs to be completed. He stated that there is a desire to see it developed. He understood Councilor Burgin's concerns.

Councilor Burgin stated that he felt it would occur for every development from this point on. He stated that regarding the housing goal, the City had already more than met the single family low density housing goal. This wouldn't further the balance that we are trying to achieve at all.

Wilder stated that it depended on the individual developer. Some developers like to control their money and would rather trade the City 1.5 - 2 point(s) of Bancroft bonding in exchange for the 1-2 point(s) they would save in construction costs.

Councilor Thalhoffer stated that it doesn't further the balance but it furthers the idea of completing Sandee Palisades.

Wilder asked Barker if on existing subdivision lots were we almost built out? Barker stated that there are approximately 60 lots left for single-family low density with a total of 128 vacant lots remaining in the City.

Robert Johnson, Laura Court, Troutdale - asked if this would eliminate the citizens involvement if the LID was authorized? If there are future LID's that are going in, this would eliminate having the rebuttal.

Wilder stated that the rebuttal only comes from remonstrating affected property owners.

Christian stated that citizens really have no input into the formation of LID's unless they are an affected property owner.

Johnson said then nobody is being affected except the guy adjacent.

Councilor Burgin stated that it has always been the Mayor's policy to allow public comment on matters before the Council.

Mayor Cox stated that in the case of an LID they would have no financial bearing on the situation.

Christian stated on that on any future LID's that would be formed, in a normal LID process there is a public hearing process at which time opposition and support testimony is taken. Generally, those people opposing or supporting have been affected property owners. It has never excluded anyone who was not directly affected. Any future LID formation, under normal process [City initiated or property owners by petition] would still be under a public hearing requirement. This particular process does not have a public hearing requirement after this evening. She stated that Mr. Johnson was partially correct in that under this expedited procedure Council isn't bound to any more public hearings on this particular LID. She asked if that clarified the process.

Councilor Bui stated that any comments from the public at this meeting would be heard.

Jennings stated that this process would only take place when there are no affected property owners. State law wouldn't allow the expedited process and absent any public hearings if there was a single other affected property owner.

Councilor Burgin stated that he didn't feel there was adequate opportunity to comment to property owners in the area.

Jennings stated that would be saying that people moving in after all development had taken place should have another right to have a hearing in regard to development. He stated that was an unfair burden on the developer.

Mayor Cox stated that the Planning Commission had already approved the IV phases in Sandee Palisades.

The developer makes the bond payments whether or not lots are sold, at the time the first bond payment is due.

Jennings stated that an example was had there been an agreement in the Sunridge development the streets would be paved, electrical lighting in, et cetera and the City would have foreclosed on salable lots.

Councilor Burgin stated that yes, the streets would be in but the citizens would be obligated to pay off the bonds.

Jennings stated that there would also be a contract on which they could sue which is not available in Sunridge, in fact something that could even be enforced under the law.

Councilor Schmunk called for the question.

YEAS: 5

NAYS: 1

ABSTAINED: 0

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

ITEM #13. RESOLUTION: Adopting Revised Bail Schedule for Troutdale Municipal Court (787-R)

Mayor Cox read the resolution by title. He called for declarations or challenges. There were none.

Jennings stated that the purpose of the request was the addition of a number of assessment added to traffic tickets. A standard assessment to BPST had been in place for a number of year \$7.00/\$20; another assessment has been added. That assessment on top of the current assessment made the old bail schedule too low. In some instances when the two assessments were added, they were greater than the bail. People could pay the old bail and the City would have to make up the difference in order to pay the assessments. There is an urgency in that the new assessment took place July 1, 1989.

Christian stated that moneys were remitted to the County on a quarterly basis - the assessments on the tickets whether or not the assessment were received.

Councilor Bui stated that while attending a session on Municipal Courts at the recent League of Oregon Cities Conference, a concern discussed was an automatic assessment of \$10. for an infraction; \$25 for a misdemeanor; \$35 for a felony to be in place July, 1991. Councilor Bui stated that there was considerable anxiety by the people attending. The State court system was complaining that Municipal Courts are closing down and dropping state offenses and handling only local infractions. That loads the State court system up. They don't have the money to handle all the people. The assessments allows more money into the system and take financial pressure off of them.

Jennings stated that the City currently doesn't make an assessment for its own court costs. State law allow it to do so. He stated that

it makes sense to consider an assessment of \$1.00 per citation. The costs are prohibitive to run a court system. While they aren't intended to be money makers, they shouldn't be a substantial drain on the court system. A lot is done to keep police officers here and testifying here in these courts. It would be a shame to shut down the system and have them go somewhere else to testify.

Mayor Cox asked if this was a state law? Christian stated yes, legislature. Mayor Cox wanted the public to be aware that it was, not just the City of Troutdale.

Jennings stated on a \$20 fine; there is currently a BPST assessment of \$7.00 and a new assessment of \$6.00 - no more than half can go to the County jail system; a portion can be retained by the City for administrative charges; a portion goes to drug rehabilitation.

Mayor Cox wanted the public to be aware of how many things are done that we are mandated to do. He discussed the merits of attached a short note stating what the amounts were allocated to.

Councilor Bui asked if the bail schedule was bringing itself up so that some day we might have a state wide conforming jail schedule?

Jennings stated that the bail schedules are very close in the municipalities he is aware of.

MOTION: Councilor Bui moved to approve the resolution as written.
Councilor Schmunk seconded the motion. YEAS: 6
NAYS: 0
ABSTAINED: 0

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

ITEM 14. DEPARTMENT REPORTS:

Public Safety: Chief Collier had nothing to add to his report. There were no questions.

Finance: Bob Gazewood had nothing to add. There were no questions

Community Development: Sue Barker had nothing to add. There were no questions.

Public Works: Greg Wilder had nothing to add. Councilor Schmunk asked about the on going investigation of laptop computers. Christian stated that they were for the Police Department not Greg's department.

Councilor Bui commented about the condition of the fence at Edgefield Manor. The fence was deteriorating and the Manor was nearing auction. He asked that Wayne George be contacted about the condition. Christian stated that a compliance letter would be sent.

City Attorney: Nothing to report.

Executive: Christian stated that the Assessment Center was completed for the position of Community Development Director on November 4th. She asked that Walt Postlewait and Sharlyn Jacobs comment since they were assessors. Christian stated that an offer was made to the number one participant but, as yet we didn't have confirmation of acceptance.

Walt Postlewait thought it was a long day and a lot of work. The process was enjoyable and he felt that anyone that had the opportunity to participate should take it.

Councilor Jacobs stated that it was enjoyable and would never want to go through one as an applicant.

Christian stated that Julie Sorensen, representing Troutdale Business Association and Marilyn Holstrom, City Administrator of Fairview, were the other two assessors. Christian stated that the final decision all supported the number one candidate. Postlewait thought it was amazing that all four assessors agreed so quickly.

Mayor Cox asked Christian to discuss the Contract Agreement for inspections for the building division. She stated the proposal was made by Ken Prickett, Building Official. She stated that it could be set aside until the December meeting.

Christian explained the current status and the proposal by Prickett for various inspections [plumbing, electrical, building, and plans checking]. the City would pay on a percentage of fees which the City sets. This would mean that there weren't permanent regular full-time employees, the City would just be paying on an as needed basis. Christian stated that if Council was interested in pursuing this, she would get together with Prickett and draft a contract for Council to review at the next Council meeting, or, if Council prefers, she could hire a new building inspector.

Councilor Bui asked if, by law, the City is supposed to have someone named as our Building Official?

Christian stated yes. The proposal is that when the new Development Coordinator is hired, that person will assume that title. The City is not in violation of the law because Ken Prickett has the title until the new person is on board.

Councilor Fowler asked if any cost comparisons have been made regarding hiring vs. contracting for inspection services?

Christian stated that based on the what the City pays building inspectors, the City has trouble recruiting them.

Councilor Fowler stated that the three people that are now involved in forming the corporation under consideration for contracting services are top quality people.

Discussion of other municipalities contracting with neighboring

agencies was discussed. Councilor Schmunk stated that it was uncommon and done on a percentage basis.

Councilor Bui stated that if the City Administrator presented Council with an analysis a decision could be made then. Christian stated that if Council had any ideas or questions in the meantime, to contact her with them so that she could include them in her response.

Councilor Schmunk stated that when this has been done in the past [i.e., meter reading] it has been found to be very cost effective. She didn't feel it should be ruled out.

Mark Jensen asked about a response to the October 11 letter to Wayne Schulte? Christian stated that there was no response to date.

ITEM #15: COUNCIL CONCERNS AND INITIATIVES

Councilor Fowler asked about a memorandum regarding Leslie Hauer's notice of intent - he stated that while he didn't hire or fire the woman, he felt that the memo was asking him to restrict his "freedom of speech". He stated that if he wanted to discuss it, it was his prerogative.

Jennings stated that if the City is in, or faces, litigation it is prudent not to discuss the items in litigation. That was a matter of common sense.

Councilor Fowler stated that he wasn't involved in litigation.

Jennings stated that Fowler was a representative of the City.

Councilor Fowler asked if he was liable in anyway? Jennings stated that if someone was to miss speak themselves, the City could be liable for the miss statement. There was a responsibility beyond... Fowler stated that in making any statements yes, he felt he could do that.

Jennings stated that there is an insurance contract which everyone is bound by and requires each individual to do certain things in order for that insurance to cover issues. He suggested that Fowler check the insurance contract and with an insurance attorney to see if making statements outside of his clearance would be in violation of the insurance contract. Violating the contract could lead to them refusing to honor it -- providing no defense and no coverage.

Gazewood was directed to make copies of the insurance contract for Fowler to review, as well as other Council members who wished.

ITEM #16. ADJOURNMENT

Motion to adjourn was made by Councilor Schmunk. Councilor Fowler seconded the motion.

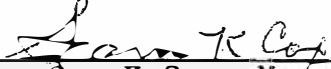
YEAS: 6

NAYS: 0

ABSTAINED: 0

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

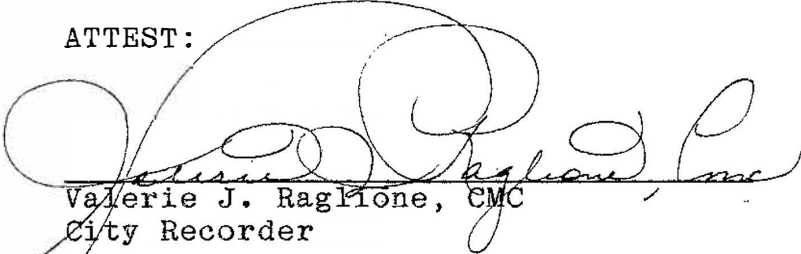
The meeting was adjourned at 8:45 p.m., November 14, 1989.



Sam K. Cox, Mayor

Dated: November 29, 1989

ATTEST:



Valerie J. Raglione, CMC
City Recorder

CC5[4]