

# CITY OF TROUTDALE



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

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7:00 P.M. -- JANUARY 9, 1990

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept: Minutes of 12/12/89
  - 2.2 Accept: Bills Month of DECEMBER, 1989
  - 2.3 Accept: Business Licenses Month of December, 1989
- (A) 3. PUBLIC COMMENT:  
Please restrict comments to non-agenda items at this time.
- (A) 4. ANNUAL REPORT: 1988-89 Cable - Ron Sherwood  
Call for Declarations, Challenges, Ex Parte Contact
- (I) 5. AUDIT REPORT: Neil Erickson  
Call for Declarations, Challenges, Ex Parte Contact
- (I) 6. PRESENTATION: M.S.D. [METRO] Solid Waste Division regarding  
Waste Reduction Plan Sam Chandler  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 7. RESOLUTION: Accepting Marine Drive Water and Non Gravity  
Sewer and Authorizing Release of Retainage LID 89-002(A)  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 8. ORDINANCE: Adopting A Revised Uniform Fire 1988 Fire Code  
for Multnomah County Rural Fire Protection District No. 10;  
Prescribing Regulations to Govern Conditions Hazardous to  
Life and Property from Fire or Explosion; Repealing  
Previous Codes; and Adopting Pertinent Provisions  
Call for Declarations, Challenges, Ex Parte Contact First Reading
- (I) 9. DRAFT REPORT/RESOLUTION: ODOT/City/Developer Provisional  
Agreement  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 10. MOTION: Council Initiation -- Vacation of Tract 'A' Anton  
Ridge Subdivision  
Call for Declarations, Challenges, Ex Parte Contact

- (A) 11. MOTION: Request to Extend Two Planning Commission Members  
Terms for a Period Not to Exceed Six Months [7/1/90]  
Call for Declarations, Challenges, Ex Parte Contact
- (I) 12. REPORT: Cellular Phone Lease/Stark Street Reservoir  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 13. DEPARTMENT REPORTS:  
o Public Safety  
o Finance  
o Community Development  
o Public Works  
o City Attorney  
o Executive
- (A) 14. COUNCIL CONCERNS AND INITIATIVES
- (A) 15. ADJOURNMENT.

  
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SAM K. COX, MAYOR

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

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7:00 P.M. --- JANUARY 9, 1990

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 Schmunk to lead the Pledge of Allegiance.

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

PRESENT: Bui, Burgin, Cox, Fowler, Schmunk, Thalhofer (7:28)

Jacobs - Excused

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

PRESS:

GUESTS: Ron Sherwood, James Iglehart, Neil Erickson, Sam Chandler,  
Linda Kota

Mayor Cox welcomed Scott Cline, Director of Community Development. Cline began work for the City January 2, 1990.

AGENDA UPDATE: Mayor Cox asked City Administrator, Christian, if there were any agenda updates. Christian stated there would be an addition to set a hearing date for the assessment roles for three LID's; two issues regarding Sandee Palisades IV - one for information only and the second issue requiring a motion for selecting an engineer.

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

MOTION: Councilor Bui moved to approve the Consent Agenda as presented. Item 2.1 (minutes of 12/12/89; 2.2 (bills/December, 1989); 2.3 Business Licenses/December, 1989). Councilor Schmunk seconded the motion.

YEAS: 4

NAYS: 0

ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Schmunk - Yea;

ITEM #3 - PUBLIC COMMENT:

Mayor Cox called for public comment on non-agenda items.

James Iglehart stated that he would like to comment on Agenda Item #9.

Mayor Cox stated this was only for non agenda items at this time.

ITEM #4 - ANNUAL REPORT - 1988-89 Cable - Ron Sherwood

Ron Sherwood stated that materials had been sent out to Council. This was for information and he would respond to any questions or concerns.

Councilor Burgin asked if complaints were really a part of the Regulatory Commission's role to be an advocate for subscribers?

Sherwood stated yes, he felt that it was. There were cases where customers were concerned about whether the Cable company would really get the job done. The Commission is able to mediate from another side and satisfy the complaints. He stated most of the time they could be appeased. The Commission receives a 'report' of the complaint and what resulted from it.

Councilor Burgin asked about complaints toward Cable Access regarding programming?

Sherwood stated that one thing that needed to be accepted by the customer was 'choosing' whether or not to view specific programs.

Councilor Bui asked about the transition between Rogers Cable and Paragon Cable.

Sherwood stated that it had gone fairly smoothly. There were obviously adjustments to be made to a different management style, which he felt was to be expected. Sherwood didn't feel that Paragon was used to having a franchise as tight as this one is.

Mayor Cox thanked Sherwood for his report.

ITEM #5 AUDIT REPORT: Neil Erickson (Tape 1 10:00)

Erickson gave an overview of the Audit Report. Council had the materials for several weeks to allow for review. The report states the financial position of the City of Troutdale.

Councilor Burgin asked Staff about the excess of revenues over expenditures for the year looking pretty good. It was his understanding that just because there was an excess of revenues over expenditures doesn't mean that the excess was available for any purpose. He asked Christian to address the source of the excess.

Christian stated that there were several areas in the budget where there was excess revenues versus expenditures. [i.e., several bond issues and required to keep a surplus available in the 'checkbook' to pay the bond payment every year]. Revenues recognized in one year and are budgeted in the next so there is a carry over [i.e., Bike Trails - State pays funds to the City and they are budgeted the following year since they projections as to exactly what they will be can't be made]. Cash carry over is shown in the budget every year due to

obligations in July, August, September that the City is required to pay [salaries]. There aren't enough revenues received in those months to actually pay them. The bulk of the revenue used is from tax dollars which don't begin to come into the City until November, December. A working balance needs to be there in order to pay the bills until the next payment is received.

Erickson stated that the first installment on taxes is due November 15 to the County and is transferred shortly thereafter. That is 4 1/2 months of operations without the primary source of property taxes into the City. Erickson pointed out that on pg. 4 - Debt Service column there is a designated amount for bond payment of \$268,000. That specifically put aside for bond payments that the City has to make.

Christian stated that is required for the FmHA payment which is part of the loan agreement with them to retain that amount at any one time.

Councilor Burgin asked what portion of that fund balance was generated during this year? In comparing \$268,000 on the balance sheet with \$358,000 - Erickson stated that approximately \$83,000 was generated during the current year.

Councilor Bui stated that in reading the Performance Review, based on the fact of the lack of staff and not having any authority to go out and hire more people to do other things, it was a hats off to staff for a job well done.

Erickson stated that he would like to thank Mr. Gazewood and Ms. Christian for the amount of dedicated work that they do toward the accounting system.

Erickson asked if there were any questions related to the Performance Review?

Councilor Burgin asked about the cash controls and a second individual to verify bank deposits - doesn't the bank do that anyway?

Erickson stated yes. What they were looking towards was having someone at the time the checks arrive at the City make an independent amount. Should one be accidentally dropped it would be immediately known to staff.

Councilor Burgin asked if the outstanding checks amounted to very much?

Erickson stated that if it was \$1,000 he would be surprised. Christian stated that \$800-\$900.

Councilor Burgin asked about the method of dispensing them?

Erickson stated that they are deemed to be abandoned property by the State and, as such, they need to be turned over to the State. They would need to be canceled, the bank notified of a stop payment and

the monetary value turned over if over the seven years.

Councilor Burgin, if less than seven? Erickson stated then they have the right to come in and deposit the check through the normal banking channels and have the money to settle the account.

Christian stated that checks were in small amounts. Throughout the history of the City they were as a part of agreements with individuals or businesses; lawsuits, or intended litigation. When people have chosen not to accept the City's offer they don't return the check and they don't cash it. There are some that were to do with easements.

Jennings stated that there were some in a couple of files at his office. He asked if there was a point at which the banks would not process?

Erickson stated generally after one year old they won't process.

Mayor Cox called for further questions. There were none.

ITEM #6: PRESENTATION - SOLID WASTE DIVISION [METRO] Regarding Solid Waste Reduction Plan - Sam Chandler (Tape 1 27:55]

Mayor Cox called for declarations, challenges, ex parte contact. None was stated.

Christian introduced Sam Chandler, Senior Planner Metro Solid Waste Division.

Chandler made available to Council a Model Plan for solid waste reduction. He reviewed (1) Implementation activity; (2) Model Plan. Metro was obligated to adhere to an order from DEQ to come up with implementation strategy for a lot of planning that had been done over the years. Chandler stated that this was an effort to provide local governments with a clear and concise guide line.

Chandler stated that there are staged phased plans. The first year there are minor elements that reflect things going on in the service provider environment right now. He stated that they were asking for willful participation and cooperation from the local governments with the activities. What is presented will, in fact, work and enhance the quality of life in the jurisdiction.

Chandler stated some jurisdictions may not have the resources or overall view of the scope of the problem and may require interjurisdictional cooperation. That is an alternative also. There may be regional or inter regional activities. The surrounding communities could band together to involve the hauler and allows the program to reflect what is needed in the area.

Chandler discussed the distribution of containers [available to view at City Recorder's area]. The containers had been distributed in Clackamas County. By August, 1990, Metro was required to comply with

a DEQ order to make containers available in at least one County. Metro budgeted for implementing a container project. They budgeted \$200,000 and in hard money it was \$500,000-\$700,000 to provide every single family dwelling within the Urban Growth Boundary in Clackamas. This budget year Metro will propose funding to the next jurisdiction that comes forward with a Plan that meets the requirements to use the container the most effectively.

Councilor Burgin asked Chandler to describe the use of the container.

Chandler described how to use and what the container would hold. He stated that the cost to haulers is \$1.19 total cash outlay.

Councilor Burgin asked about the broad spectrum of East County cooperative proposal would pose - would there be more of a chance than an individual City? Chandler stated yes, that would be fair to say. The obvious advantage would be to leverage the dollars available to the maximum extent.

Councilor Thalhofer asked when the container was full and the hauler picked up the items did it belong to the hauler at that point? Chandler stated yes.

Councilor Thalhofer then asked if the hauler would gain substantially? Chandler stated there were costs associated with the collection. There would need to be a separate vehicle to pick up the recycle items. The hauler is providing a service of picking up things people don't want. The hauler would not get rich doing it. It won't pay for itself. The increased costs would be subsidized by the jurisdiction or the user. There is a fee structure through the franchise system.

Councilor Thalhofer stated that the garbage rates will more than likely be going up. Chandler agreed.

Councilor Thalhofer asked if there was any projection as to costs regarding haulers at all, at Metro?

Chandler stated yes, there is a representative that sits on Metro's policy committee, technical committee and other citizens committees. There are other meetings to verify cost factors with this program as well as a yard debris program and how that collates with what they will be getting at the market.

Councilor Burgin stated the it isn't a loosing proposition at all if they present their rate request in a reasonable way to anticipate costs.

Councilor Burgin stated that Linda Kota from Gresham was in the audience.

Mayor Cox stated that if it would work out better to work with area jurisdictions, we should look into it.

Christian stated that Linda Kota was the staff member from Gresham assigned to Waste shed for the area. Portland has their own representative but Linda attended for Multnomah County.

Linda Kota stated that there were advantages to a joint cooperation with this issue. However, it hadn't been presented to the Gresham Council as a whole. Gresham was going to appoint an on-going solid waste committee and the Council may refer this issue to them. The committee was scheduled to be appointed in February. At that time, Kota would take the program to the committee's attention, with Council approval. She stated that a joint effort would be more productive in not wasting a lot of duplicated time.

Christian stated that Troutdale and Wood Village had an exclusive hauler that also served a portion of Fairview and an area in Gresham.

Kota stated that Gresham had ten haulers of those ten, three also served Troutdale, Wood Village and Fairview. Essentially the advantages in terms of efficiency would be that a hauler wouldn't be working with two or three different programs, which might also be cost prohibitive.

Councilor Schmunk asked if any of the haulers did any of the recycling now?

Kota stated yes. As part of the franchise agreement all haulers are providing weekly collection of recycleables and have been since last May. There are a couple of haulers that are using containers now.

Councilor Schmunk asked Chandlers how the people in Clackamas County were educated on how to use the container and this type of recycling?

Chandlers stated that haulers, helper, volunteers knock on doors, explain the container and hand them a tri fold brochure which also explains the program. Chandler stated that if there is no one home, a container is not left because they wouldn't know what they were and what to do. You are changing basic behavior patterns with this program. Chandler stated that in Milwaukie handed out the containers but didn't explain them. They had only an 18% participation rate. They went back and advertised, gave them brochures and the participation went up to 60%.

MOTION: Councilor Burgin wanted to formally cooperate with the other three cities by directing staff to pursue cooperation with the other three cities in developing a joint proposal.  
Councilor Bui seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

Councilor Thalhofer would also like to get a handle on the cost to the haulers.

Councilor Burgin asked since there was a rate request coming in that



as interim steps toward this goal and a couple of specifics (mini cans); to begin an opportunity for weekly or twice a month; delay the roller cart request and see about the recycling program.

Christian stated that the answers to these concerns were known from the wrestling of issues that Gresham had in going over the options they had, legally, as far as what is reasonable. Part of this has to be accomplished anyway.

Jennings stated that the City had a fair amount of latitude with adequate notice to the hauler in regards to changing language in the franchise.

ITEM #7: RESOLUTION: Accepting the Marine Drive/Sundial Road Water and Non-Gravity Sewer Facility and Authorizing Partial Release of Retainage (LID 89-002-A) 790-R [Tape 2[27:13]

Mayor Cox called for any declarations, challenges, ex parte contact. There were no comments.

Mayor Cox read the resolution by title.

Wilder stated that the project was found to be in substantial completion and recommended the acceptance of it and the authorization to release partial retainage. \$38,000 was being held in reserve. Full retainage would not be released at this time because there was a pump station yet to be completed. Wilder stated that it was in the best interest of the City to delay completion of the pump station until other contracted work was finished. Equipment had been delivered for the pump station and was being stored at City facilities. The unfinished element does not jeopardize the balance of the project.

Additional items had been added to the project at property owners request, as well as Portland General Electric -- approximately \$92,000 was added for electrical undergrounding. That was by separate agreement with those costs specifically distributed to the potential benefiting property owners. There was \$38,000 [not part of the LID] paid directly by PGE.

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

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM #8: ORDINANCE: Adopting a Revised Uniform Fire 1988 Fire Code for Multnomah County Rural Fire Protection District No. 10; Prescribing Regulations to Govern Conditions Hazardous to Life and Property from Fire or Explosion; Repealing Previous Codes; and Adopting Pertinent Provisions.

Christian stated that Lee DeMorett had retired [December 31, 1989]. There was to be a person take his place and respond to this issue. There was no representative in attendance. Christian stated this

could be the first reading for this item and it would be carried forward to the next agenda.

Mayor Cox called for declarations, challenges or ex parte contact. There were no responses.

Mayor Cox read the Ordinance by title.

ITEM #9: DRAFT REPORT/RESOLUTION: ODOT/City/Developer Provisional Agreement. (Tape 3 7:56)

Wilder stated that this would no longer be considered a resolution but would be an Ordinance. It is in draft form and the key word is 'draft'. It was for discussion, input and direction from the Council. Council had directed staff to draft an ordinance, through meetings held with ODOT to deal with the phased development of facilities along state roads and possibly eventually County and other jurisdictional roads as well.

An ordinance was drafted as generic as possible to anyone wishing to exercise the terms and conditions of phase development. The ordinance would also require that the City enter into direct agreement, through Council supported and authorized agreement with ODOT, to deal with issues relating to ODOT's requirements to phase signalization, laneage, storage, left hand turns, property dedications or whatever it might be. That agreement would, as staff recommendation, be a two party agreement between ODOT and the City of Troutdale.

Wilder stated that a great degree of latitude in dealing with a multitude of developers rather than targeting a single development. The ordinance would require that a third party agreement would be entered into regarding a specific to each development. The City/Developer/ODOT would be signing off and approving it as to form. This would assure that ODOT's requirements and conditions would be met.

ODOT had indicated that they did not have a model from which to draft the ordinance. This would be a first. They had little to offer in the way of guidance. The ordinance would be submitted to them for review and hopefully, they would have comments back to the City by the next scheduled meeting. We also hope to have the agreements at for the following meeting.

Wilder stated that this was new territory and ODOT's efforts were to try to encourage/work with developers for economic development in the area. If the ordinance/agreement was not executed ODOT would require the installation of all facilities up front for any development, regardless of the potential phasing that might be attached for the development. (Tape 3 11:38)

Mayor Cox called for declarations, challenges, ex parte contact.

Councilor Fowler declared a conflict of interest but wished to participate in discussion since this was preliminary.

Councilor Schmunk stated that ODOT's policies and transportation committee sent up by State has a primary concern in working with State highways and freeways and not secondary roads such as 257th/Graham Road. A good number of roads in the State are in the process of being turned over to local jurisdictions or County. A main goal of theirs when improvements are forthcoming is to spend their money on existing interstate highways and main state highways. She questioned this process, especially when Wilder commented that this would be a 'first'. She wondered if a Pandora's box was being opened. She had difficulty with it when in the past there had been a good working relationship with the State. The County was in the process of putting 257th in their system. This is created because of 257th. Councilor Schmunk had several problems with this issue.

Wilder stated that this may be done either with the State or ultimately the County, the City may have that development control in the long run anyway.

Christian stated that two years ago the City wrote to the County stating that it was needed to agree on what the standards are so that the same information is given at the right time to the right people. In that way, there wouldn't be any crossed signals when they start to develop. That was agreed to by the County some time ago. While this is the first formal adopted agreement, it wasn't the first time to be done in the State but not formalized in a final adopted procedure.

Mayor Cox saw no problem with it going to ODOT for comment and review.

Councilor Schmunk asked if Wilder thought it would speed up the process of the road being turned over to the County.

Wilder stated certainly not by February or March. He stated that it would affected but not a stumbling block to that process at all. The critical issue would be the method by which you would assure guarantee of compliance. What are the factors that would key in the requirements for the installation of signalization, would they be traffic counts, would they be levels of service or some combination. These things need to be worked out in a very tight agreement. The hammer that the City holds for issuance of building permits, development permits, certificates of occupancy -- all those things will have to be involved as well.

Christian stated each circumstance or situation require specific enforcement milestones or benchmarks that would measure performance. That would be between the City and each developer.

Councilor Thalhofer asked James Iglehart if he was familiar with the proposed ordinance. He also asked him, as a developer, what he thought about it?

Iglehart stated that in speaking on behalf of Columbia Crossing specifically, they were in favor of working with some arrangement with the City to assure that the developer would follow through with

all compliances relevant to Phase II. He stated that it was to their benefit to make sure that those things were done so that they could grow. He stated that they were in favor of it. What they were asking, however, was that consideration be given for Phase II for them specifically... that they not be isolated in Phase I as it relates to some form of a surety, bonding or whatever the mechanism be. They are in favor of a relationship with the City that guarantees to ODOT that they would be in full compliance to their request.

Mayor Cox directed to the City Attorney - how would this be?

Jennings asked Mr. Iglehart for clarification of what was meant by surety bond in relationship to #1...Iglehart stated that ODOT had no problem with the current access road in Phase I. Their concern was that Columbia Crossing complete their request in Phase II. What Columbia Crossing was asking was that any form of guarantee be specifically pointed at Phase II. As it stands, they were in full compliance with ODOT as far as the access road was concerned.

Jennings stated that if ODOT agreed then that could be described in the specific agreement with the developer.

Councilor Burgin, the agreement that would be drawn up under this ordinance if this passes?

Jennings stated, not the general ordinance, but in the specific agreement. If there are three steps to be completed and the developer has already completed steps A and B then the City's requirement with the developer would only be that step C be completed. Assuming that was what ODOT wanted. The City is only acting as ODOT's enforcement agent and the administrative agent. They design the general requirements and we would administer those requirements.

Christian stated that the City would in no way review or accept on ODOT's behalf in the beginning. Their standards are ODOT's standards. The City is assuring that those are complied with.

Wilder stated that the City is not setting the standards at all. Only the criteria by which we measure against the standards for compliance. The City would, by subsequent agreements, determine - in cooperation with ODOT - as to whether point by point trip ends per day constitutes the switch point at which time the signal is required. Those things would have to be worked out with ODOT. The City has a tremendous amount of input on those.

Councilor Fowler stated that he believed ODOT left a map of the three phases of that road, did they not? Wilder stated, no they did not. The City asked ODOT for a copy of the map as an exhibit to be attached to any agreements and they indicated that it was yet forthcoming from their traffic consultant.

Councilor Fowler stated that there were minor changes then. Wilder, yes. Fowler stated then it was his time to state his peace. This sounds to me like a tail wagging a dog. The state highway is the one

that is going to require the various requirements and so forth. Their concern was one concern and one concern only. Since this very seldom happens this is why they don't have a program to cover it. We are building a two phase is basically a Columbia Crossing, I did declare myself as being with Columbia Crossing did I not? I have a conflict of interest.

Councilor Fowler continued. Building a two phase, the first phase does not require, by the traffic count, as agreed in the meeting we had at this table a week or so ago. The first one does not require widening the road. The road can exist as it does, it does not require a signal. There are three drawings of it. What it is now, what it is going to be for Phase II and what it is going to be when the bridge is built four or five years from now. There is no way you can build a road to the bridge on that property and come to the four or five feet the bridge can be raised and to the six lanes the bridge is going to be wide and take it up there. When you build grade property from access to the bridge.

Councilor Fowler stated ODOT issues a permit for access to a piece of property and is an absolute guarantee of right from now on until eternity that you go through that access. Their concern is the issue of the access for Phase I that Columbia Crossing would not be Phase II which includes the stop light, the six lanes two left turn lanes, two up and down both directions, the bike lane, the sidewalks, the curbs and the whole ball of wax and so they were asking from the City some form of guarantee that in the permit control or otherwise, that you would be able to control not issue a permit, not issue occupancy and Pam, at the meeting a week or so ago brought up the fact that occupancy could be denied by the City if they had no completed all that was required on the permit from the state.

Christian stated, no that's not true. I said we could not ... Fowler, you could not deny a... Christian, no that's not true. I said we have no mechanism in our Development Code to allow us to withhold occupancy if they don't meet all of the requirements of the State. Only under our own Development Code requirements can we withhold occupancy. There is nothing in our Development Code that says we have the right to withhold occupancy because they don't comply with someone else's requirements, unless there is specifically addressed in our Code, or in an agreement through the Council.

Councilor Fowler stated that before we jump into drafting an ordinance of one form or another, which I still think is a tail wagging a dog, but we need to find out what you do require in your occupancy permit or at least so that the Council know what it is. In other words, if I build a residence can I occupy it without putting in the sidewalk, curb and my driveway in? Or, do I have to complete that?

Jennings stated that under this phase development deal, the developer would sign a contract with the City. That contract is going to say that the developer is going to agree that if he/she does not follow the benchmarks, they aren't going to have an occupancy permit issued.

Councilor Fowler, (inaudible) that answers your questions, about surety bonds?

Jennings stated that there are all sorts of agreements where people don't perform and you go to the bond to get help to get somebody else to do it.

Councilor Fowler, that's performing on a sewer job that's going sour or something of that sort.

Jennings, same thing.

Councilor Fowler stated that the state is already going to require bond to complete the road to their program. This is to make sure that they build the road before they open the door.

Jennings stated that the City is put in a position of where someone says I'm going to put in X, Y, and Z public services. The person then does something which demands those public services and there is now, if the person refuses to do the public service, there is no money to do the public service. In the case of a sewer, if the City has a bond we have an avenue to get the public service put in and then it is between the bonding company and the person that said they were going to do it. The City shouldn't be put into the position of having to pay for the public services that are needed out of their own pocket and then sue someone else who may, or may not, be financially solvent to do it. As a matter of fact, Bob Gazewood and Mr. Erickson would be very upset - the auditors would be very upset if the City had to reach into their pocket to the tune of half a million dollars to complete public services that were contracted for because we didn't have the funds to do it. Every year I am required to file certification with the auditors about litigation pending and the potential cost to the City and I have yet to have one filed saying, we have litigation pending and absolutely no funds allotted to pay for the particular service for which we are contracted.

Councilor Fowler ...water and so forth we are (inaudible) state highway where the state can require a bond for the construction of that to be done at their specifications and completed at their direction. They are saying basically what we need because when we issue the man has a right to permit when we go to the second phase where we are required to doubling the size of the road and so on an so forth they want the City's (inaudible) permit at that point in time or there is some way of preventing occupancy. We are trying to make an ordinance before we all know the facts...we are rushing into something.

Councilor Burgin stated, to talk more generically, if the State requires a developer to put up a bond then why do they also need to require the City to?

Christian stated we've got the ordinance that sets down standard operating procedure in working with the state highway. During the

meeting, James (Iglehart) and Harry (Fowler) were both sitting there. Carlson said that if in fact the City wasn't involved in this discussion and they were coming straight to the state for an access permit, they would look at the full potential development on that piece of property and they would require the developer to post a bond for full improvements before they were allowed an access permit [or require full improvements before any access permit was granted]. Now, that was the beginning of the discussion and that's where we started to talk about, in fact, we're not talking about full potential development of this property right now. That the Council's stated goal for five years has been economic development. Flexibility with developers and the issue was brought up by James [Iglehart] that in fact, if - let's assume that there are no other phases on the board and that phase I whatever that may be, because we still are not - in fact there is nothing that all three of us have signed that this is Phase I and this is one of the things that we talked about. If Phase I was the full development potential on this particular piece of property, they would issue an access permit as presented right now. The issue is that future development - one more building or x number of trips per day, generated, additional beyond what is projected right now - would require a higher level of improvement. In all of those things that the state is going to say is required on their facility. The point is that once under the state's policy - once an access is issued and they have no other enforcement tool to make sure those things are done so, we are sort of the intervener at this point saying 'on behalf of the Council based on their goals and based on what we were directed to talk about with the State, you want to see this development happen, is there a way that through the City's mechanisms we can establish both an agreement with the State identifying their requirements and an agreement with the developer in terms of what they agree to do and we are requiring and enforcing that accomplishes all of this but is just phased.

Christian stated that it is in two stages, that means that if the state says that based on phase I this access is fine but, if there are more trips, etc. they'll issue the permit providing that the City has a tool with this developer that provides those improvements to be done at certain benchmark occurrences. We talked at length about those kinds of benchmarks that we could identify. This is in lieu of posting of \$200,000 bonding. That is a considerable expense before a business is actually generating any working capital. So, it makes sense to me that you allow a business to have a chance to start generating some cash flow and they establish their success in the business, they are ready to expand and they know then that they are going to have to do these kinds of improvements before they can expand square footage, parking lot(s), or whatever. That wasn't the purpose of the meeting to establish those parameters then. We were just talking more theoretical foundation at that point. In fact, we were trying to avoid negotiating at the table all the what ifs, and whereas types of things between the developer and the City. First things first. Are we talking the same theory and foundation with the state and would they even buy off on this bright idea. While they were in general agreement, they were very clear in not committing to anything until they had seen the final accepted draft of the City

Council and the City Council's willingness to enter into this type of agreement. Once they saw it, they would consider it.

Christian stated that this all had nothing to do with Columbia Crossing and the agreement that would be between the City and Columbia Crossing. That discussion was not specific to that agreement.

Mayor Cox stated that he thought the agreement looked good, he thought it would help us and Mr. Iglehart stated this. If this goes to the state now, and they agree,... there will be meetings on it to finalize these things. He stated he felt that Council was beating a horse to death to continue on with this for another hour. He wanted to see it go, and asked Mr. Iglehart if he agreed. He nodded agreement. Mayor Cox felt that Council agreed and since it was known what the outcome would be within another half hour or so, just send it now.

Councilor Fowler asked if it would be on the agenda next time.

Mayor Cox stated that it would be on the agenda for a couple of times yet.

Mayor Cox asked if someone wanted to make a motion on this. Councilor Schmunk asked what kind of motion he wanted.

Mayor Cox stated, that this would be sent to the state, as a draft ordinance to see what they have to add that is different.

MOTION: Councilor Bui moved to refer the matter to the state to review the draft. Councilor Schmunk seconded the motion.

YEAS: 4  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - ?; Schmunk - Yea; Thalhoffer - Yea

ITEM #10: MOTION: Vacation of Tract "A" - Anton Ridge Subdivision

Mayor Cox called for declarations, challenges, ex parte contact. There were no comments.

Sue Barker stated this was a request to initiate commencement of vacation proceedings through a motion of a small tract of land created when Anton Ridge subdivision was platted in 1978. The property to the east is a 1.86 parcel separated from a City street by the tract of land. The property owner would like to vacate the property so that she could partition the property and build a single family house that could access onto 13th Street for a future dwelling. Until a house is actually permitted, issued, and constructed no access can be done through the property.

Barker stated that Council initiation allowed Council to proceed with a vacation without having to obtain consent of all property owners. It does not take away those property owners right to be notified of



public hearings scheduled, a map and details of public hearing schedule. The property would also be posted and notice published in the paper for a period of four weeks preceding the hearing for that vacation.

Vacation of property such as this does reduce the City's maintenance costs and continued liability for taking care of small unuseable parcels that don't benefit anyone.

Mayor Cox stated that this had been done before.

Councilor Schmunk asked if they would have to subdivide the land - Christian just partition. Barker stated that after success of the vacation, the property owner would have to partition and create an R-10 lot. It would become de facto part of Anton Ridge, by virtue of that 75' frontage. Currently, the property owner isn't allowed any access through that.

Councilor Burgin asked if that would increase the value to the property. Why would the City want to give it away?

Barker stated that it originally came from the property when Anton Ridge was platted.

Councilor Bui stated that Councilor Burgin had answered his own question. Why would the City want to give it away? To put it back on the tax rolls in other words. it is now off the tax rolls.

Councilor Burgin asked if it gets put back on tax rolls by virtue of once it is subdivided and those are assessed higher than they are now?

Councilor Bui, correct.

Barker stated that the property owner was in the audience.

Councilor Fowler asked who owned it in the first place.

Karen Berger-Kimber, property owner of the old Rambling Rod property. She stated originally the entire area where the street goes to the north and all of that property that is Anton Ridge belonged to the property when she purchased it 13 years ago. When she purchased it, she purchased only a portion of it, the balance was sold to the developer of Anton Ridge. The property was L shaped and the original plan was to have a separate lot to build a house on and the adjoining property would have her residence on it. When the street went in, it was designed with a curve and the pie shaped piece was excluded. It sat there. She originally understood that she was to have access. The developer and Berger-Kimber had a disagreement and the access was never there. She wants to sell the lot and she can't do anything unless she has access to the street.

Councilor Fowler stated that his point was did the developer attempt to do something exactly as (inaudible) was that kept by the developer to block it off (inaudible) a one foot strip on the other end of

this Avenue here - the one foot strip owned by the City...

Barker stated there was no reference in the file. The one foot reserve strip is until the property north develops and this would be treated, until it develops, you would leave the one foot reserve strip. In a case where someone proposes to partition, regardless, she cannot access that until she obtains appropriate permits.

Councilor Fowler asked how the City obtained it?

Berger-Kimber stated that it was just handed over to them by the...

Barker stated that once they were on the plat it was just deeded to the City by the developer.

Mayor Cox stated that it was one inch at the end and how many feet at the other? Barker stated 32' at the other end.

Councilor Burgin stated then it didn't come from that property it came from the other ...it was never part of the property Berger-Kimber owned now.

Christian stated it was never part of that tax lot but the property was owned by one person.

Councilor Burgin asked if that property ever participated in whatever went into building the street - 13th Street. If that was ever partitioned there would still be some system development charges for streets and other things, right?

Barker stated that pay the normal system charges that anyone else would pay. There are no credits available.

Berger-Kimber stated that she had purchased a sewer permit for that lot initially and have paid for some of the services for that street, the sewer system and the ...

Councilor Burgin asked if she had already paid for the street?

Berger-Kimber stated that she was assessed a storm sewer assessment and also, when she purchased her permit - she was allowed access across that property to the - she paid for the services there but she isn't allowed to use that little triangle piece to do any curb changing or anything. Another thing was that she did allow students from the Anton Ridge development to cross her property to go to the high school. If the City was concerned about liability, there was considerable liability with the City there for allowing the children to cross that portion of the City property. She allowed them to cross her property.

Councilor Bui asked what the recommended next step would be?

Barker stated a motion by Council to initiate vacation proceedings, establish a hearing date and direct staff to begin notifying property

owners and ..

Councilor Bui asked what the first meeting in March date would be?

MOTION: Councilor Bui moved that the City vacate the property, setting March 13, 1990 as the date to consider the alternatives, that the area be posted and that the appropriate owners, by statute, be notified. Councilor Fowler seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM #11: MOTION To Request to Extend Two Planning Commission Members Terms for a Period Not to Exceed Six Months (7/1/90)

Mayor Cox introduced this item. He stated that this was to extend the terms of Chuck Wolsborn and Gary Stonewall whose terms expired on January 1, 1990. This extension was not to exceed six months or, July 1, 1990.

Councilor Schmunk stated that she didn't see where the two were in agreement to the extension.

Christian stated that there had been discussion at the Planning Commission due to a deadline of the Periodic Review. It had been a long 2 1/2 yr. process. All the members felt that staying on through the finalization of the Plan would be at the best interest of everyone.

MOTION: Councilor Fowler moved to approve the extension of Chuck Wolsborn and Gary Stonewall to the Planning Commission until July 1, 1990. Councilor Burgin seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM #12: REPORT: Cellular Phone Lease/Stark Street Reservoir

Mayor Cox introduced this item.

Wilder stated that there was no request for action on this item at this time. He stated that the City was approached regarding the possibility of attaching unobtrusive antennas and a small building on the Stark Street Reservoir site. This would be in exchange for some monies. He added that the City Attorney had stated that there was no need to secure appraisals to do this. Wilder stated that staff may ask Council, at a later date, to have the appraisals anyway. He was uncomfortable with the value. Wilder stated that research would be done to make sure that the dollars being discussed are real value dollars.

Council Burgin asked if it was Cellular One, or GTE?

Wilder stated that he was pretty sure it was GTE.

Christian stated that she felt the money could be used in the improvement fund to make sure that the daffodils could be painted. While not wanting the phones, she felt it may be negotiated - as well as the \$400/month to maintain the daffodils - maybe some air time as part of the agreement. She stated that the Police Department has laid on the table the possibility for their purposes - it would be mobile and go with the prime patrol car. Christian cited as an example of a use - the recent officer injury and having to run to the Plaid Pantry every time the beeper went off to return the call.

Christian asked Council for a consensus to authorize staff to go ahead with negotiations.

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

AGENDA UPDATE - SETTING HEARING DATE

Mayor Cox asked about a consensus to set a hearing date for the assessment rolls.

Christian stated that January 23, 1990 to establish assessment rolls for three LIDs - Marine Drive, North Harlow, Grade School Access. She stated that the Council will act as a Board of Equalization to spread the assessment rolls.

MOTION: Councilor Bui moved to set January 23, 1990 as the date to establish assessment rolls for the LIDs North Harlow Water LID 89-001; Grade School Access LID 89-003; and Marine Drive Water and Non Gravity Sewer LID 89-002[A]. Councilor Burgin seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

AGENDA UPDATE: Sandee Palisades IV LID 90-003

Christian stated that information was available to Council regarding this subject. Council had authorized staff to go ahead with a contractor in that LID - did Council want to go ahead and authorize staff to go ahead with the contractor or authorize the Mayor to sign the contract with selection of an engineer.

MOTION: Councilor Bui moved to authorize the Mayor to sign the contract with the selection of an engineer for the Sandee Palisades IV LID 90-003 project. Councilor Fowler seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

Christian stated that the engineer was Kent Cox & Associates.

ITEM #13 - DEPARTMENT REPORTS:

Public Safety - Chief Collier had nothing to add.

Councilor Fowler discussed an occurrence he had and related that the 'boys' were there.

Councilor Burgin asked about what the City's policies are on hit and run investigations. Do we investigate them if we know who the hitter is? He thought it was important for the citizens to know that they are significantly better off having the Troutdale Police doing that kind of investigation than they would be if they were in the City of Portland right now.

Councilor Schmunk commented on the report this month. She stated she found it extremely interesting and the back up information that was included.

Finance - Bob Gazewood had nothing to add.

Councilor Bui stated that he would like Bob to tell his staff a job well done based on the auditors recommendations.

Community Development - Scott Cline had nothing to add.

Councilor Schmunk asked about \_\_\_\_\_ represent?

Barker stated Sandee Palisades was 73; Cereghino Farms - 54 lots; another developer - 39 lots. Those are the ones that are on schedule right now that have been approved.

Public Works - Greg Wilder had nothing to report.

Executive - Christian had nothing to report.

COUNCIL CONCERNS AND INITIATIVES:

Councilor Schmunk discussed concerns from a prior transportation meeting regarding the membership of J-PACT. The City of Gresham is in a hurry to be included as a member because of their size. They would like a membership themselves. J-PACT feels the membership should stay the same as it is. One of the arguments about having Gresham being on J-PACT would be that there would be four representatives from Multnomah County and the rest of the members of J-PACT aren't crazy about that. A second issue is that the City of Portland feels that if membership is based on population, they should have more representation. Schmunk felt it should stay as it is. East Multnomah County would like a consensus from the Council.

Mayor Cox called on each Council member and the consensus is that it should stay the same.

Councilor Bui stated that he felt about Gresham's ordinance regarding

nude dancing. He stated that he would like to have the Council direct staff to draft a resolution supporting Gresham's efforts by developing an ordinance to ban nude dancing establishments.

Councilor Thalhofer stated that he would even go one step further and not only support Gresham's ordinance, but he thought the City of Troutdale should have one. He thought with the additional activity in the area, someone would probably be trying to bring one of them into Troutdale.

Christian stated that staff had started gathering information on this regarding what is legal and what isn't.

Mayor Cox stated that he understood that the State Legislature was going to address it in a stronger form and then individual cities wouldn't need ordinances. That would be, however, a year off. He preferred that the City proceed before that.

Councilor Thalhofer stated he would like something done whether or not it would fly. He understood that one of the most liberal Justices was retiring and that may change the complexion of the court rulings. He thought it was time to get as tough as possible.

Councilor Bui stated that there was a Fire Task Force meeting in Wood Village at 7:00 p.m. on Thursday evening - January 11, 1990. He invited any interested persons to attend.

ITEM #15: ADJOURNMENT:

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

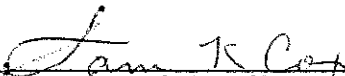
YEAS: 5

NAYS: 0

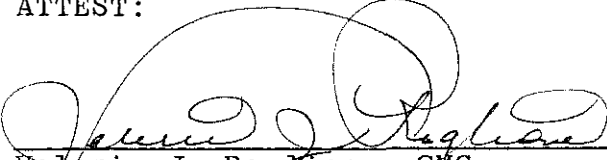
ABSTAINED: 0

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

The meeting was adjourned at 9:11 p.m., January 9, 1990.

  
\_\_\_\_\_  
Sam K. Cox, Mayor  
Dated: 2/14/90

ATTEST:

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

CC5[6]

THIS IS A PUBLIC ATTENDANCE RECORD. PLEASE LIST THE FOLLOWING INFORMATION:

PLEASE PRINT NAME	ADDRESS	TELEPHONE
ESTER ARLAN	Nelson Business Consultants, Inc. 2202 Lake Rd, Milwaukee, WI 53222	654-9533
Sebastian Dyer	PORT OF PORTLAND	231-5000
TED WEGERT	PORTLAND/DIST. 10	248-0203
Tom Gies	2240 SE 76 PORT	761-3200
DAN DE CERCK	JUNIPER	661-4884
Santa Clause	Yellow Ribbon, OR	