

# 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 23, 1990

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept: Minutes of JANUARY 9, 1990
- (A) 3. PUBLIC COMMENT:
  - Please restrict comments to non-agenda items at this time.

\*\*\*CONVENE\*\*\*

Board of Equalization to Review Preliminary Assessment Roll

\*\*\*Hearing\*\*\*

North Harlow Water LID 89-001  
Grade School Access LID 89-003  
Marine Drive Water and Non Gravity Sewer LID 89-002[A]

- (I) 4. STAFF REPORT: Levying Final Assessment Roll  
Gazewood
- (A) 5. ORDINANCE: Spreading Final Assessments - North Harlow Water  
(LID 89-001) Gazewood  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 6. ORDINANCE: Spreading Final Assessments - Grade School  
Access (LID 89-003) Gazewood  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 7. ORDINANCE: Spreading Final Assessments - Marine Drive Water  
and Non Gravity Sewer (LID 89-002 [A]) Gazewood  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 8. ORDINANCE: Adopting the State of Oregon Structural  
Specialty Code, the State of Oregon Mechanical Specialty  
Code, Oregon State Electrical Law and Oregon Electrical  
Specialty Code with Oregon Amendments, The 1988 Uniform  
Code for Abatement of Dangerous Buildings, and the 1988  
Uniform Plumbing Code. Cline  
Call for Declarations, Challenges, Ex Parte Contact

- (A) 9. ORDINANCE: Adopting a Revised Uniform 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 other Pertinent Provisions. Second Reading  
Call for Declarations, Challenges, Ex Parte Contact Cline
- (A) 10. ORDINANCE: Establishing Procedural Guidelines and Policy for Local Implementation of Certain State Development Requirements. Second Reading  
Call for Declarations, Challenges, Ex Parte Contact Wilder
- (A) 11. UPDATE: East Troutdale Sanitary Sewer LID 90-001 Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 12. RESOLUTION: Accepting Dedication of Property for Future Street Right-of-Way from Portland Adventist Medical Center (Tax Lot 114, Section 35) Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 13. RESOLUTION: Authorizing the Formation of a Local Improvement District (LID) for an 18 Unit Subdivision [Sweetbriar] and Authorizing the Mayor to Execute a Non-Remonstrations Agreement and Waiving Other LID Processes. Wilder/DeClerk  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 14. RESOLUTION: Authorizing the Formation of a Local Improvement District (LID) for an 74 Unit Subdivision [Santee Palisades IV] and Authorizing the Mayor to Execute a Non-Remonstrations Agreement and Waiving Other LID Processes. Wilder/Kangas  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 15. RESOLUTION: Authorizing the Mayor to Grant a Utility Easement for Electric Power Line to Portland General Electric (Tax Lot 43, Section 25) Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 16. RESOLUTION: Award Construction Bid - Marine Drive (LID 89-002[B]). Replace Default Contractor Wilder/Newton  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 17. RESOLUTION: Ege Franchise - Rate Increase Christian  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 18. RESOLUTION: Authorizing the Call for Bids/Well #7 Pump, Motor and Control Equipment Wilder  
Call for Declarations, Challenges, Ex Parte Contact

- (A) 19. SET SALE DATE AND CONDITIONS OF SALE: Sunridge Lots [1, 8, 9, 14, 15, 16, 17, Section 35 T1N, R3E W.M.]
- (A) 20. COUNCIL CONCERNS AND INITIATIVES
- (A) 21. ADJOURNMENT



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SAM K. COX, MAYOR

LEGAL2[25]

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 23, 1990

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

Mayor Cox called the meeting to order at 7:02 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: Barker, Christian, Jennings, Chief Collier, Gazewood, Wilder, Raglione

PRESS: Dave Pinson, Gresham Outlook  
Webb Reubal, Oregonian

GUESTS: Estle Harlan, Terry Ege, Sebastian Degans, Ted Megert, Tom Gies, Dan DeClerck, Mac MacElroy

ITEM #2: CONSENT AGENDA

Mayor Cox read the Consent Agenda.

MOTION: Councilor Schmunk moved to table the minutes until the following meeting. Councilor Burgin seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

AGENDA UPDATE: Christian stated that since there was extra attorney time at this meeting she requested Items #13 and #14 be heard after Item #7

MOTION: Councilor Bui moved to approve the Consent Agenda omitting the Minutes. Councilor Burgin 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 call for comment on non agenda items. There were none.

CONVENE - Board of Equalization - Review Preliminary Assessment Roll

Mayor Cox convened the Board of Equalization for Hearings on North Harlow Water LID 89-001; Grade School Access LID 89-003; and Marine Drive Water and Non Gravity Sewer LID (89-002[A]).

Christian stated that Bob Gazewood, Finance Director would review materials regarding spreading of assessment to the affected properties.

Gazewood stated that in keeping with Ordinance 159, the Council will sit as Board of Equalization to analyze and review the Preliminary Assessment Roll on the three LID's before them. He stated that the Board's role was to review and analyze the assessments as the preliminary assessment roll, hear any objections and remonstrances and after hearing objections and remonstrances make a decision on spreading the preliminary assessment roll. The Board then presents it to the City Council for adoption. Gazewood stated that if there was a problem with one of the LID's being spread, it could be moved to another meeting at a later date.

Christian stated that this would be the time to hear any remonstrances from the individuals being assessed. If there were any questions, this was the time to ask.

Councilor Burgin asked that Gazewood explain the process for the City's portion of the Grade School Access project.

Gazewood stated that the total cost of this project was \$167,162.97 All three LID's included a pro rated share of related projected bond costs -- worked into the figures. The Grade School Access was determined on a basis of a percentage allocation in relation to the cost to be borne by the participating parties. The original proposed roll at the time of the Community Development staff report criteria for the costs. Those costs to be borne by the school district versus the City added up to specified dollar amounts and that produced the percentage of 65.9 for the school district and 34.1% for the City. That factor was carried on an applied to final costs.

Christian stated normally the City doesn't take that kind of a percentage liability through an LID process. This was partially funded through a CDBG program and the City received funds through that program under that process because it is considered to be low to mod income neighborhood. The City is not allowed to assess property owners within that identified neighborhood. That is why the City share is so much greater. The City is offsetting that low to mod income group with the CDBG grant money and then the City share.

Councilor Burgin wanted the citizens to know that it is not normal for the City as a non property owner to accept an assessment on an

LID.

Gazewood stated that the \$167,000 figure was net of the CDBG grant. That was granted at the value of \$76,900. The project would be that much greater if not for the grant.

Mayor Cox asked for remonstrations against the North Harlow Water LID 89-001. There were none. Mayor Cox asked for Council questions.

Councilor Thalsofer asked about the public notification procedure on the LID's.

Gazewood stated that the City ordinance required 10 days notice to be mailed and posted to the affected property owners. Approximately 12 day notice was given. All property owners of the three LID's were sent notices by registered mail with return receipt. The return receipts were received from all property owners including the out-of-state property owners. There were no remonstrances received from there.

Mayor Cox asked for remonstrations against the Grade School Access LID 89-003. There were none. There were no questions from Council.

Mayor Cox asked for remonstrations against the Marine Drive Water and Non Gravity Sewer LID 89-002[A]. There were none.

Councilor Thalsofer stated that this was the time for remonstrating if there were any. There were none.

Mayor Cox called for Council questions. There were none. He stated there was nothing further for the Board of Equalization to do.

Councilor Bui recommended that the Board of Equalization refer the matters to City Council for passage. Councilor Thalsofer seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

RECONVENED City Council Meeting [Tape 1 Side 1 13:10].

ITEM #4: STAFF REPORT: Levying Final Assessment Roll

Gazewood added that the application for the bonding installments has been submitted to Bond Council for review and should be back within two days. The City would mail the notice of final assessment, based on Council action, to the property owners this week. At that time they will be advised as to the requirement for cash payment or the bonding of the assessment. There will be a 20 day period from the date of mailing to return the letter of application for installments. The procedure requires that this must be acted upon within the 20 days due to the bonding of this. Staff will be back to Council on February 23 with the ordinance for the Bond Sale.

Gazewood stated the importance of the requirement that the application be acted upon. In the past, people haven't done this and they make their property subject to total cash payment immediately and foreclosure proceedings within 60 days if this isn't paid.

ITEM #5: ORDINANCE: Spreading Final Assessments - North Harlow Water (LID 89-001) (532-0)(Tape 1, Side 1, 15:45)

Mayor Cox read the ordinance by title.

MOTION: Councilor Bui moved to pass the ordinance spreading the assessments for the North Harlow Water Line LID 89-001, as written. Councilor Burgin seconded the motion. YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM #6: ORDINANCE: Spreading Final Assessments - Grade School Access (LID 89-003) (533-0) Tape 1, Side 1 16:14

Mayor Cox read the ordinance by title.

MOTION: Councilor Bui moved to pass the ordinance spreading the assessments for the Grade School Access LID 89-003, as written. Councilor Burgin seconded the motion. YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM #7: ORDINANCE: Spreading Final Assessments - Marine Drive Water and Non Gravity Sewer (LID 89-002[A]) (534-0) Tape 1, Side 1 17:00

Mayor Cox read the ordinance by title.

MOTION: Councilor Bui moved to pass the ordinance spreading the assessments for LID 89-002[A], as written. Councilor Burgin seconded the motion. YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM #13: RESOLUTION: Authorizing the Formation of a Local Improvement District (LID) for an 18 Unit Subdivision [Sweetbriar] and Authorizing the Mayor to Execute a Non-Remonstratation Agreement and Waiving Other LID Processes. (Tape 1, Side 1 18:00)

Mayor Cox called on Wilder to present information on this agenda item.

Wilder stated that though this may be a sensitive issue, Staff has a duty under ordinance and statute to present it to Council either in petition form or request Council to form it by their own initiative.

Wilder stated that by way of memo and resolution, Council was asked to form an LID to construct facilities for a 18 unit subdivision in the south section of Troutdale. He estimated that the project would cost approximately \$120,000. This would be for the installation of streets, storm water, sewer and water facilities. Mr. DeClerck was in the audience.

Councilor Burgin asked if this was similar in form to the request for the Sandee Palisades IV LID?

Wilder stated yes, it was being requested through the agreement process. The finalized agreement was in a prior packet and Wilder stated he felt it adequately protected the City. The question of whether or not Council wanted to form it were more philosophical than pragmatic.

Councilor Burgin asked how else the two differed - Sandee Palisades IV and the proposed?

Wilder stated that Sandee Palisades IV was a previously filed subdivision that had been approved by the City in 1978-79. There were known conditions, a plat that is nearly ready to be recorded. The facilities had already been designed, most of the engineering had already been completed.

Christian stated that fees had already been collected for the City's responsibility in the subdivision - \$9,000.

Councilor Burgin asked if this had already been through the planning process yet?

Wilder stated not to his knowledge. Christian stated that unless they were in today, there had been no pre-app's.

Councilor Burgin stated that he wasn't sure if Mayor Cox had called for declarations or challenges but before he went any further he wanted to state that he had talked with staff about this issue as well as David Whitman who called and asked him some questions regarding this.

Councilor Bui asked if it was legal for Council to discuss formation of an LID if the Planning Commission hadn't gone through the process of agreement to the fact that a subdivision be built in Troutdale?

Jennings stated that it was appropriate to discuss the issue. He stated that it was difficult to make a final decision absent knowing what you are deciding on the size of the project, the infra-structure that would be established. The issue of a single participant LID in Oregon has been litigated, has been approved. One of the reasons to proceed slowing is that for bonding purposes you must be sure that



facilities provided are those which will be turned over to the City and will be 'public facilities'. In order to get tax qualification, you have to have bonding for facilities which are going to be public facilities, otherwise your LID wouldn't qualify appropriately.

Jennings stated that he had discussed this with Bond Council and he said to make sure that is something that is determined -- clearly! The Sandee Palisades issues have already been discussed with Bond Council and they have been identified with things that typically become City sewer, et cetera. That is clear that that is safe, a distinction he thought was important in this case.

Councilor Bui then asked Wilder if it was imperative that this LID be formed this evening.

Wilder stated no. There is a section 13 in the agreement - the reason is to provide some type of preferential treatment to people wishing to develop any type of development they may not know whether they can put together an entire package - funding and other wise to create the project and make it whole in one way or another. Section 13 requires a lot of things of developers. It requires that they post a bond, cash, or a letter of credit of an amount that the City would expend before the subdivision is formed and before there are legal rights-of-way. It requires that he perform the plat, record, dedicate streets, rights-of-way etc. Even to the thickness of the mylars that be provided to the City. It is a very tight agreement. Our pro-development type of approach to developers and provides them with an opportunity to determine whether or not they can put a funding package together for a whole project. It protects the City from all expenses and all costs.

Councilor Burgin stated that he agreed with Wilder, it was a philosophical. Whether or not this was acted upon now, Councilor Burgin stated his two objections to this type of LID. 1) The City is not in the banking business for developers and banking, planning, engineering. The letter from Don Nelson Realty, signed by Mr. DeClerck, stating "The owners benefit by not having to tie up any more large sums of money for an undetermined period of time since the property is owned free and clear at this time. They also benefit by being able to continue to pursue their chosen professions knowing that the problems encountered in a development like this are going to be handled without interruption of their own careers."

Councilor Burgin stated that it was his opinion that someone intending to develop property has their career interrupted and should take the risks associated with that development as opposed to the citizens of Troutdale bear the costs or staff time to develop their project.

Councilor Burgin stated his second concern was the bond capacity. Although under Bancroft Bonding LID the City doesn't pay the money but are limited to 3% of assessed value. Although the money isn't spent by the City it is a scarce resource that is allocated. With the items passed this evening and future projections the City will be

approaching half of that capacity. He stated that he didn't feel it served the citizens to allow the capacity to be used on a first come-first serve basis by developers. He felt that Council should set bonding capacity on a priority basis.

Wilder offered two defenses. Nothing prohibits them from requesting the LID in any case through the normal process. If that were approved by Council there would be considerably more staff time involved than through this process. Secondly, it allows from conception, public facilities that are going to be the City's in the end anyway.

Christian responded to the philosophical issue. As a Council goal for the past 8 years - to see Troutdale to develop and grow. Staff provides Council with opportunity to make decisions in terms of how to develop it and make it grow. That is not staff decision. Troutdale is in a growth mode and these questions haven't been dealt with for the past six years. We have been out there encouraging growth and development and Council needs to make some decisions regarding the management of that growth.

Councilor Fowler stated that this appears to be the cart before the horse. There have been no plot plans, divisions - nothing at all. Only that we commit a chunk of change to this project while they dilly-dally for a number of years. He stated that everything had already been done on the Sandee Palisades project. [Tape 1 Side 2]

Councilor Bui stated that he had been a member of the pro growth Councils in the past. He agreed with the concerns that Councilor Burgin had. He felt that this would be saying 'yes', if all of the other requirements are met without actually tying up any moneys until the other requirements are met. He didn't feel it was inappropriate to move ahead.

Jennings stated that the bonded indebtedness is not committed until in fact the LID is formed and the assessment is spread. He stated that the resolution committed to the formation of the LID but, it doesn't form it.

Christian stated staff time and consulting fees to start the project would be committed.

Councilor Burgin felt that committing to this LID would set a precedence for all other developments. He stated that there were other circumstances in the Sandee Palisades IV request.

Councilor Schmunk asked if limits could be set for capacity or the amount of hookups?

Jennings stated that a percentage of the bonded indebtedness could be set. That should be studied and defer for a month for Council to come up with a proposal. As lots are sold, these bonds should be retired fairly shortly. Jennings stated that he would research other areas and report back to Council at the next meeting.

Christian stated that this issue as well as the LID process and bonding for development could be discussed in a Work Session. She felt that the time was right to examine these issues and look into exactly what the Council desires are toward them.

Tom Gies, 2240 SE 76th, Portland 97215. Mr. Gies stated he was one of the developers and the letter was written for reasons such as : financing was favorable to them; they could continue while the economy was on a roll; and the economy was better so fewer requests for LID's and they would like to get as many on the market as possible.

Councilor Thalsofer agreed with setting a work session.

MOTION: Councilor Fowler moved to table the resolution and set a work session to discuss the issues further. Councilor Burgin seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #14 RESOLUTION AUTHORIZING FORMATION OF AN LID FOR AN 74-UNIT SUBDIVISION (SANDEE PALISADES IV) AND AUTHORIZING MAYOR TO EXECUTE A NON-REMONSTRATION AGREEMENT AND WAIVING OTHER LID PROCESSES): (792-R)

Mayor Cox read the resolution by title.

Christian stated that this item was different from the previous discussion because Council had already formed the LID. This is an expedited process because of a one property owner LID. This is a safety measure to follow through the formation and process for Bond Council and so that there is something in the official City record other than the motion only. It is platted, approved, and to Planning Commission, fees were paid in 1979 - in fact the \$9,000 in fees has been held for ten years.

Mayor Cox called for further questions, or concerns. There were none.

MOTION: Councilor Bui stated that since this item had been previously discussed he would like to move that the resolution for public facilities for a 73 unit subdivision for Sandee Palisades IV be approved. Councilor Thalsofer seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #8 - ORDINANCE (ADOPTING THE STATE OF OREGON STRUCTURAL SPECIALTY CODE, STATE OF OREGON MECHANICAL SPECIALTY CODE, OREGON STATE ELECTRICAL LAW, OREGON ELECTRICAL SPECIALTY CODE WITH OREGON AMENDMENTS, 1988 UNIFORM CODE FOR

ABATEMENT OF DANGEROUS BUILDINGS, AND THE 1988 UNIFORM PLUMBING CODE): (535-0)

Mayor Cox read the ordinance by title.

Cline gave background information. He stated that the last time there were changes to the Code was four years ago when the 1985 Building Code was adopted and modified to make it the Specialty Structural Code they were adopted in June, 1986 along with the Specialty Structural Code, the Mechanical Specialty Code, the Electrical Specialty Code and the Plumbing Specialty Code. The State has, by ORS Chapter 456 required that these be adopted and in effect as of January 1, 1990. Cline stated that staff was recommending adoption. The ordinance was basically the same as was passed four years ago.

Cline stated that two things to be pointed out were 1) the City was stating what the State was requiring to adopt and; 2) specifying that in Chapters 11 and 70 of the attendance in the Structural Specialty Code are also adopted by the City. Those deal with agricultural buildings and with excavations and grading. Finally, the effective date will be the date this passes.

Christian stated that a typographical error on page 2, Section 6 should be \$100.00 minimum/maximum per day. This is required by State law.

MOTION: Councilor Thalsofer moved to pass the ordinance with the change on page two reading \$100.00 rather than \$200.00. Councilor Fowler seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #9 - ORDINANCE (ADOPTING A REVISED UNIFORM 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 OTHER PERTINENT PROVISIONS): (536-0)

Mayor Cox read the ordinance by title.

Cline stated that this was a similar situation. In addition to the adoption of a new building and specialty code they were also looking at adopting the Uniform Fire Code for 1988. He stated that currently the City was under the 1985 Code.

Cline introduced Mr. Ted Megert, Portland/District 10.

Mr. Megert, 55 SW Ash, Portland. Megert stated the need for revision to the Fire Code and Fire and Life Safety Regulations were due to: 1) statewide adoption, with amendments, of the 1988 Uniform Fire Code by the State Fire Marshal; 2) UFC is a companion code to the 1988

Uniform Building Code, which will be adopted, as amended by the Building Codes Agency, in January, 1990; 3) for purposes of exempting RFPD-10 from regulation by the State Fire Marshal, the administrative section has been revised to be consistent with exempt jurisdictions; 4) the federal and state acts, which mandate regulation of hazardous activities and substances, and the need to recover administrative costs.

Megert stated that Section 7 - Amendments to 88 UFC - should be noted as Section 6. He stated that new permit requirements had been added to recover administrative costs necessitated in regulating hazardous substances and operations in compliance with the federal and state acts. The permit regulations are also intended to ensure that the presence of these substances or operations does not violate the building occupancy approved under the building code. The fees are the same as those adopted in Portland. Section 8 should be noted as Section 7 - Appeals. Revised for clarity and refers to duration of contract with Portland. All other section remained the same but have been included as part of the total document.

Mayor Cox asked if the Fire Marshal checked the trains that passed through for hazardous materials?

Megert stated that they were aware of the materials but they didn't have the authority to regulate trains.

MOTION: Councilor Bui moved to pass 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

[Tape 2, Side 1]

ITEM #10 -ORDINANCE ESTABLISHING PROCEDURAL GUIDELINES AND POLICY FOR LOCAL IMPLEMENTATION

Mayor Cox read the ordinance by title.

Christian stated that staff sent this at Council direction. This had been discussed at a prior meeting. No response was received.

Councilor Schmunk stated that she didn't feel there could be any action taken on this until the information was received from Oregon Department of Transportation (ODOT).

Mayor Cox stated that this could be set over until a response was received.

Christian asked if Council wanted to reset it to the next meeting or until a response was received?

Councilor Thalhofer stated that scheduling it for a later meeting would be better than waiting indefinitely should there be no response

for a considerable time.

Christian asked if there was no response by February 27th meeting was the first meeting in March [March 13, 1990] acceptable?

Bui-yes; Burgin-yes; Fowler-yes; Jacobs-yes; Schmunk-yes; Thalhofer-yes.

ITEM 11: UPDATE: EAST TROUTDALE SANITARY SEWER LID 90-001 [Tape 2, Side 1 2:36]

Wilder stated that this project continues to get more complicated. The Forest Service and Gorge Commission have approved the sewer project for the East Troutdale community. He stated the City would be allowed to construct a sewer line of adequate size to handle the properties as zoned. It does not mean that the Gorge Commission is approving additional commercial or residential facilities that may not already be constructed.

Wilder stated that staff just received the on site cost requirements for the step system - \$5,700 excluding the LID. He felt that would be cost prohibitive. He asked that this LID remain scheduled for February, however, look at the original concept to provide service to Tad's and the benefiting property owners including the City Park, Otto property and providing temporary connections across the bridge and into the Jackson Park trunk. Having the engineer make sure that the 4" line will work with this much reduced scaled project. Tad's has a swimming season deadline to solve the problem. If the problem can be solved by cutting the LID back from what we were considering and still make provisions to go back to this without losing much other than a 2" pressure line...that may be the best approach.

Wilder stated that as it is structured now, the project is estimated at \$250,000 which would provide the availability of service to everyone in east Troutdale as well as the entire island between Beaver Creek and the Sandy River. It would provide immediate service access to areas [indicated by map] and service availability to all those in green [indicated by map]. \$250,000 plus another \$300,000 just for on site costs which may or may not be Bancroftable.

Mayor Cox asked if the 4" line would be large enough to go the rest of the way?

Wilder stated that it was still a question in his mind as to whether Tad's can be served through a 4" line through this system. There is 4 times the capacity in the line that there would be in a 2" line. He stated that the concern was moving the waste product so it doesn't go anaerobic and cause problems further down the line. The 4" line may not work if it does a 4" line would be built to Tad's and make provisions to extend it through a second LID or some other process later on. Once across the bridge, continue with the same 4" line so it wouldn't have to be built again to a point where a small pump station could be constructed to push it across to Beaver Creek into the Jackson Park Interceptor and reduce the cost from \$250,000 to \$70,000-\$80,000.

Councilor Bui asked if before all the people got involved was there another sized line going in?

Wilder stated they were looking at a gravity system. Again, approval from the Commission would be required. It would make a higher level of development possible to go with a larger line. They think that wouldn't happen with a 4" line.

Wilder suggested that the City don't give up, not forego the service but go back to the beginning which was to provide service as mandated by DEQ for Tad's for the swimming season and it be done in the simplest method as possible.

Councilor Bui felt there was a conflict between the authority of DEQ stating that Tad's needs the service and the Gorge Commission authorizing it.

Wilder stated that the Gorge Commission agreed that Tad's needs the service but they didn't agree to construct [until the dialogue began] anything to serve anyone but Tad's.

Councilor Bui asked if Wilder was fairly certain that they were convinced now?

Wilder said that their statement and approval indicated their approval that the City can provide the system size to serve the existing lots of record as currently zoned. They will not say that means they will approve any building, just the opportunity and provisions for it.

Jennings asked Wilder where it was in the whole LID process where was the City? Who had been notified?

Wilder stated 'nowhere'. There were no public notices, no resolution presented. That would be before Council at one of the meetings in February. Wilder was asking for direction so that staff could proceed. Staff felt that it should go back to the beginning and construct it to serve Tad's as quickly and simply as possible, however, sized so that the City could take advantage of it later on.

Jennings clarified that when notices are sent to affected property owners it must be stated that they are told where it will be built and approximately how much it will cost to build it. Once that is done and the notices are sent, to change it would require a re-notification to all affected properties. He felt proceeding with all deliberate haste but emphasized that once it is decided - then notify the people. This would eliminate procedural problems later on.

Wilder stated that Tad's couldn't be expected to pay for a 4" line when that would exceed what their need would be. The City would have expense for the oversizing costs with the hopes in the future of recapturing the oversizing costs.

Councilor Thalsofer asked if a 4" line would be enough later on?

Wilder stated this was a force main only. The liquid part of the waste is all that is transported. The solid are held on site to be pumped much like a septic tank pumper would handle. The 4" would handle a little more than what is currently zoned and configured...That is for the step system. Due to the cost, however, Wilder had some serious reservations that he didn't have three days ago. For that amount of money, a gravity system could be built for a lot less money that may do a better job. The gravity system would not carry across the bridge, it would still have to be pumped. The segment crossing the bridge would be sized enough to take care of it whether or not it would be a step system or a gravity system that would be pumped.

Wilder apologized for the project turning into a never ending type project.

Councilor Thalsofer stated that was the direction he wished it to go. Wilder received Council consensus for proceeding with the necessary preparatory materials to construct it to serve Tad's as quickly and simply as possible, however, sized so that the City could take advantage of it later on.

ITEM #12. RESOLUTION: Accepting Dedication of Property for Future Street Right-of-Way from Portland Adventist Medical Center (Tax Lot 114, Section 35) (791-R)

Wilder stated that as a condition of development, Portland Adventist Medical Center was required to dedicate one-half street right-of-way for future extension of Cherry Park east of 257th Avenue. Additionally, the right-of-way dedication preserved easement access for the Finnigan property. Wilder stated that the resolution asked that Council accept the property for these purposes. It is a 30' wide strip the depth of the property, with a length of 120' to 150'. This was across the street from Reynolds High School adjacent to the City's well site.

Mayor Cox read the resolution by title.

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #15. RESOLUTION: Authorizing the Mayor to Grant a Utility Easement for Electric Power Line to Portland General Electric (Tax Lot 43, Section 25) (793-R)

Mayor Cox read the resolution by title.

Wilder gave background information. The resolution authorized the



Mayor to grant a utility easement for electric power to PGE. This was necessary due to the closure of North Harlow from the Historic Columbia River Highway north of the Wastewater Treatment Plant. PGE was making minor improvements and relocations to existing facilities, in order to clear up their records, they wished a formal easement be established.

Staff recommended granting the easement including Condition #8 to protect the City from future expansion of the sewage treatment plant and potential costs that might be incurred. Condition #8 read 'The granting of this easement shall subject PGE to the same terms and conditions as contained in their Franchise Agreement. There will be no recognized difference between this easement and rights-of-way.'

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #16. RESOLUTION: Award Construction Bid - Marine Drive (LID  
89-002[B]) (794-R)

Mayor Cox read the resolution by title.

Wilder stated that the resolution authorizes entering into a negotiated contract with Clearwater Construction for the building of gravity sewer facilities on Marine Drive and Sundial Road to take the place of defaulted contractor.

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #17. RESOLUTION: Ege Franchise - Rate Increase (795-R)

Mayor Cox called for declarations, challenges.

Councilor Burgin stated that he had spoken with staff on this subject and Sam Chandler, Metro.

Mayor Cox read the resolution by title.

Christian introduced Estle Harlan, Terry Ege for comment.

Harlan discussed the materials contained in the packet. In 1986 it was requested that a specific format be used for rate increase requests, they had honored that request. The average per year is 2.4% well below the rate of inflation.

Harlan stated that additional information regarding recycling could be discussed. The franchisee is currently spending [operating costs] \$13,000-\$14,000 for recycling. His depreciation had not been added in, if it were it would total \$15,119/year on recycling. From that recovered materials, he received from the sale of those materials \$10,211. was retained by the franchisee. He has computed that disposal fees if he landfilled it instead of recycling it would be nearly a wash with the expense. With the \$10,211 it allowed the rate increase to be less. She felt the franchisee could be thanked for an aggressive recycling program.

Harlan stated that the franchisee wanted to do more. His plan was to go weekly recycling by July 1, 1990. He was intending to pursue a more aggressive recycling program.

There was a typo in Exhibit 'A' stating that each additional can is listed at \$8.05/per month and should reflect \$9.05 per month instead.

Harlan stated that if containers can be obtained, they will be available for all households not just customers beginning March 1, 1990. The Metro grid only covered about 1/3 of the costs, a future pass through of additional costs will be looked at, however, at this point Ege will be doing it anyway. East County should be getting a grant of their own and would be included with Gresham, Fairview, Wood Village - as early as this fall. Troutdale should be in line for even more than once a week to take advantage of a recycling container program. Once that becomes available for east county, it would be advantage to go into it all at once. There will be a great deal of promotional advertising surrounding that program.

Councilor Burgin was excited about how soon the recycling program would be weekly. He asked Terry Ege what he thought of the containers being used by Clackamas County? He hadn't been using it and thought they would have to wait and see until they were implemented.

Councilor Burgin first thought it was odd to have crumpled up paper bags inside the one bin.

Terry Ege said right now the labor is done by the person offering the recycling. The labor would be the franchise's and the costs would then go up. He asked if the person giving the materials should do the labor or the franchisee?

Harlan stated that she represented United Disposal service and a similar bin was used. In one Washington County, one Clackamas County and two Marion County cities this was used for the past three years. They have increased their recycling by about 30% - one bin. She described how the bin was used. The customer is essentially doing the same work. What it does is peer pressure. When someone sees their neighbor's out, they want their neighbors to see that they are participating. It is a red bin and stands out quite a bit.

Councilor Burgin asked about the wind on this type of container?

Harlan stated that some have holes in them, some solid - they have worked well. There are several models and Terry Ege can decide what he wants. He stated that not using them he didn't really know how they would work.

Councilor Schmunk felt that once the container was empty, the wind could easily move them.

Councilor Burgin was concerned about the roller carts. They are larger than the 32 gallon cans - he was concerned about having them available as an option before going on to a big push for the recycling. He felt it would go the opposite direction, if people had more capacity they would unload more junk.

Harlan stated there were none at this time. If the rate increase is approved, they would have to be ordered - at about February 1. There would be a pilot program to see if this type of container would even work here, it may not.

Ege stated that in order to keep costs down, mechanism is the only way to do this. The carts, as Councilor Schmunk discussed, wouldn't be easily moved by winds. By going to carts and mechanism labor and equipment that can be used would cut down the costs. They have a 60 gallons/90 gallons.

Councilor Burgin stated that he felt that giving people a 'dumpster' that can be kept at their home, will be filled with all kinds of yard debris, et cetera and would go to landfills and not be recycled.

Harlan stated that with aggressive recycling it has not increased by putting out the cart - that is the area where it increased by 30%. The off has been that companies have been able to keep labor costs down as well as lower the injuries sustained - i.e., backs. The machine lifts that type of container.

Christian discussed the cost savings of workers compensation claims being reduced. She stated that she had talked with Terry Ege regarding these issues.

Ege stated that they were hoping to have a roller cart classification in workers comp. Right now there are drop boxes and containers \$10.71/100 versus garbage haulers manual labor at approximately \$13/100 for a .03 cent per dollar difference in cost if the roller carts are proved to be safer for injuries the classification might go down and create some savings and less likelihood to bring rate increases back to Council.

Councilor Burgin asked Ege if there was a chance of dovetailing the roller carts more specifically with the weekly recycling? Partly through the City communication channels - through the newsletter and let the citizens know what the hauler is willing to do so that we can begin beating the drum for it, in terms of recycling. That way the wrong message wouldn't be given regarding a new big container to just dump more stuff. Something from Ege and from the City?

Harlan stated that Ege didn't know when the carts would arrive. He would, however, be on line to do weekly whenever the carts arrive. When the carts are ready, he would be ready to begin weekly ...

Ege stated that for anyone desiring a cart, they can be given a recycling bin at the same time. There are lots of costs in carting - \$70.00 each - for Troutdale @ 1,500 counts it would be \$105,000 investment. He was asking if some of the customers would go in on a \$30.00 deposit [totally refundable] either after five years or when they move away.

Harlan stated her concern over the generosity. Harlan stated they could promise weekly recycling by the time they get the carts.

Christian stated that there is another pass through in the summer.

Harlan stated July 1, Metro will be increasing disposal fees. The amount isn't known yet. They would be back for another increase at that time. She stated they should have been back in 1987, 1988, because of the timing in the ordinance 1989 wasn't possible either. This has been the first window of opportunity and another request will be before you within 6 months with a disposal fee pass through - the catch up couldn't be delayed any longer. At that time the cost of the recycling containers can be discussed.

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #18. RESOLUTION: Authorizing the Call for Bids - Well #7 Pump, Motor and Control Equipment (796-R)

Wilder stated that the City had constructed a pumphouse and supporting facilities for Well #7 (Santee Palisades) and budgeted this year to complete the project. Staff estimate was \$65,000; the engineer's estimate is \$62,000. With the figures that close it should be a good estimate. He was asking authority to proceed with the bid process and expect that a bid award would be before Council in approximately one month.

Mayor Cox read the resolution by title.

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #19. SET SALE DATE AND CONDITIONS OF SALE: Sunridge Lots

[1,8,9,14,15,16,17, Section 35, T1N, R3E]

Christian stated that the law had changed significantly. Council needed to address how to sell Sunridge. The market is up and there had been inquiries. However, prior to holding a hearing to sell the property an appraisal must be in hand.

Councilor Schmunk asked if there wasn't some reason why the lots had been tied up?

Christian stated lots A and B couldn't be disposed of until the owners form a homeowners association and do something with them. They can either call and vote to dissolve themselves and the property gets divided into separate lots; or they can decide to form the association and do something with the lots.

Christian stated what needs to be done is set a time of the sale, hold the public hearing regarding the sale, advertise it. The law doesn't require conditions of sale, Council can negotiate. Do you want to take sealed bids? Appoint someone to negotiate from Council? Do you want an appointed staff person to open the bids and present them? This would all have to be at a Council meeting.

Christian stated that a notice must be in the paper stating the time of sale and place a minimum bid once the appraisal is received.

Councilor Schmunk didn't feel that setting a minimum bid at assessed value was necessarily the best way.

Christian stated that due to the lack of information the appraisal would provide, setting the time and manner was the concern.

Thalhofer felt that staff should do it - negotiate, open bids and present them to Council.

Councilor Fowler asked about the need for an appraisal, couldn't they just go by the market in the area?

Christian stated that the City is required by law to have an updated appraisal - an updated one, within the past 30 - 60 days.

MOTION: Councilor Bui moved to hold a public hearing on February 13, 1990 and open the bids on February 27, 1990. Councilor Thalhofer seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #20. COUNCIL CONCERNS AND INITIATIVES

Councilor Burgin thanked the Council for the LID philosophy question. He wondered if it would be a good time to discuss a work session.

Mayor Cox stated a Saturday morning would work best. The next three Council meetings are scheduled fully.

February 3, 1990 at 9:00 a.m. was the Council consensus. Issues to be discussed other than the LID process, Burgin suggested the Ethics issue; Bonding issues related to LID's; Fire issue.

Councilor Thalsofer asked about an apartment complex that had been approved at a previous meeting - the property at Hensley and 257th?

Christian stated the last update she had was they still intended to do it and would be in the spring for permits.

Councilor Thalsofer stated that some had been approved, but not built and he was tired of being branded as anti apartment.

Councilor Bui stated that January 16 the Three City Fire Task Force met in Wood Village. The Chairman, Dave McCutcheon has been appointed to the Fire 10 Budget Committee. McCutcheon is asking that all three cities pass a resolution authorizing the designation of staff to look into the issue of withdrawal from Fire 10. As a result of that meeting, Bui stated he called Chief Martin, Portland Fire Bureau. He stated that he asked if Portland had indicated, for sure, that they would not let Fire 10 out of the Portland Fire contract the second five years. He wasn't sure.

Councilor Bui stated in addition to that, the members of the task force concurred that the Board hasn't done much about things - the fire equipment is in bad shape in terms of mileage, usage - to the point that replacement of three of the engines with new lease/purchase operations. This is extremely expensive and outside of the money that they would pay either Gresham or Portland in a contract. Gresham presented them with a contract proposal for \$3 million, Gresham wants to move all their equipment out of the main station near City Hall and put it up to the closed Fire 10 fire station near 12 mile corner - Zim's. That would be a condition of that contract.

Councilor Bui felt that Fire 10 people didn't feel they had much to say in the Gresham contract.

[Tape 3 Side 1]

Councilor Bui stated that after the annexations they are down to three fire stations; Orient, Troutdale, 174th/between Division and Stark. Once Portland annexes the 174th station would probably be Portland's.

Councilor Bui stated after all is said and done there will only be three cities on this side that they have to provide fire service for plus, Orient. Mr. McCutcheon recommends strongly that all three cities adopt a resolution to authorize staff to come up with a manner which would be feasible to pull out of Fire District 10 if we have to go that far.

Mayor Cox asked for Bui's recommendation.

Councilor Bui stated that it wouldn't hurt anything to look. It has been discussed for years. There are people here that want to hear from there. A division of assets had been discussed previously, except their attorney changed and said 'no'. Those people outside of the district now are not separately to be considered, they are still in the district. The taxpayer costs have risen from \$3.03 to \$4.02 over the past five years.

MOTION: Councilor Bui moved to authorize staff look into options that would be feasible to pull out of Fire District #10; and bring back to Council for further consideration.  
Councilor Burgin seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

Thalhofer stated that he felt Fire 10 was trying to do the best they can with all the annexations that have eaten up the area over the past years and created several problems. He didn't want to imply that there were any sinister motives and didn't feel it was appropriate to make those implications.

Mayor Cox agreed that the annexations had created problems, however, he felt that they could have listened to the task force more, Councilor Bui agreed.

Christian stated that they had a different perspective than the City did. The City was concerned with and have a responsibility to the citizens and what it is costing those people. The Fire District has a greater concern for a greater area/number of people that will have very little service without the cities there - particularly in the Orient area. We spent a lot of time giving them the opportunity to address that issue. There is no hope in sight in terms of Troutdale citizens getting any help with the cost of fire service. It is a much greater area with a wide diversity of properties and makes it one district that could afford to provide the service.

#### ITEM #21. ADJOURNMENT

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

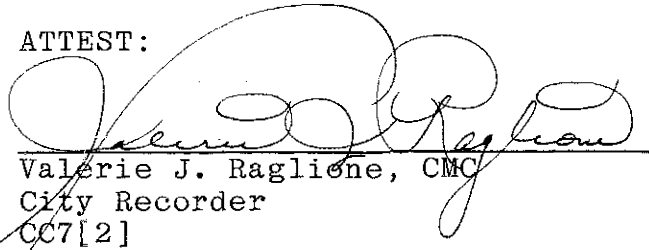
Bui - Yea; Burgin - Yea; Fowler - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

The meeting adjourned at 9:12 p.m., January 23, 1990.

  
\_\_\_\_\_  
Sam K. Cox, Mayor

Dated: 2/14/90

ATTEST:

  
Valerie J. Raglione, CMC  
City Recorder  
CC7[2]