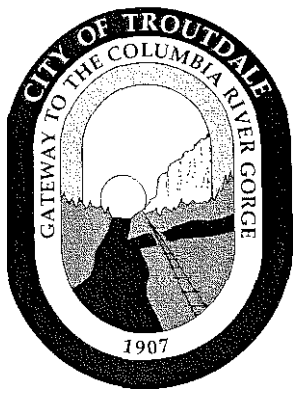


CITY OF TROUTDALE



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

7:00 P.M. -- FEBRUARY 27, 1990

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
- (A) 3. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
- (A) PUBLIC HEARING: To Consider an Ordinance Amending the Zoning Map of the City of Troutdale for Non-Residential (Commercial/Industrial) Zoning Districts as Recommended by the Planning Commission Cox
Open Public Hearing
Call for Declarations, Challenges, Ex Parte Contact
Staff Summation
Public Testimony: Proponents
Public Testimony: Opponents
Recommendation by Staff
Council Questions or Comments
Public Hearing Closed
- (A) 4. ORDINANCE: Amending the Zoning Map of the City of Troutdale for Non-Residential (Commercial/Industrial) Zoning Districts as Recommended by the Planning Commission Cline
First Reading
Call for Declarations, Challenges, Ex Parte Contact
- (I) 5. REPORT: LID Procedures Update Wilder
Call for Declarations, Challenges, Ex Parte Contact
- (I) 6. REPORT: Procedural Guidelines and Policy for Local Implementation of Certain State Development Requirements. Wilder
Call for Declarations, Challenges, Ex Parte Contact
- (A) 7. ORDINANCE: Authorizing the Issuance of General Obligation Improvement Bonds and Providing for Public Notice of Bond Sale Gazewood
Call for Declarations, Challenges, Ex Parte Contact
- (A) 8. SALE OF PROPERTY - Tax Lots 1, , 8, 9, 14, 15, 16, & 17 - Sunridge Subdivision, Section 35, T1N, R3E, W.M.

Call for Declarations, Challenges, Ex Parte Contact

- (A) 9. FINAL REPORT: Marketing Final Report - Review of Contractual Services John Hall
Call for Declarations, Challenges, Ex Parte Contact
- (A) 10. RESOLUTION: Award Well #7 Construction Contract Wilder
Call for Declarations, Challenges, Ex Parte Contact
- (I) 11. REPORT: Sewage Treatment Plan Pre-Design Study Filing With DEQ Wilder
Call for Declarations, Challenges, Ex Parte Contact
- (A) 12. RESOLUTION: Authorizing the Formation of LID for Cereghino Farms Development and Authorizing the Mayor to Execute an Agreement. Wilder
Call for Declarations, Challenges, Ex Parte Contact
- (A) 13. COUNCIL CONCERNS AND INITIATIVES
- (A) 14. ADJOURNMENT.



SAM K. COX, MAYOR

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

7:00 P.M. --- FEBRUARY 27, 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 Jacobs to lead the Pledge of Allegiance.

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

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

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

PRESS: Gresham Outlook - Dave Pinson
Oregonian - Webb Reubal

GUESTS: Richard Riley, Gibbs & Olson Inc., Robert Johnson, James
Wakeman, Sally Wakeman, Shirley Prickett, Ted Gathe, Ralph
Tahran, Carol Chace, Susan McAdams, Frank Przybylo, Bruce
Stannard, Ray Kuhns, Dean Bramon, Dick Holmason, Julie
Holmason

AGENDA UPDATE: Mayor Cox asked City Administrator, Christian if there were any agenda updates. Christian stated that Item 9 would be rescheduled to a later date at the request of John Hall, Real Estate Strategists. Christian stated that the information Council had suggested would be addressed when he makes his presentation.

ITEM #2 - CONSENT AGENDA:

Mayor Cox stated that there were no Consent Agenda items.

ITEM #3 - PUBLIC COMMENT:

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

Jack Horner, 3250 SE Hillyard, Gresham discussed a petition regarding the Mt. Hood Bypass. He stated there was an obvious omission in the way this had been looked at. That omission was 257th. Not in the way the City objected to it but as it appeared none had proposed it -

with a connector at the bottom of 257th. Not to interfere with Troutdale, obviously the objections that were made were very valid, coming up from 258th would have cut through a great deal of valuable property and he understood the City's objection to it. He stated a proposal to Gresham Council for direction to the Citizen Advisory Committee re-examine the 257th route at this time. It was stated this was a citizens group, not affiliated with anyone except Gresham citizens.

Mr. Horner stated he had copies of a brief explanation and the petition for Council. [These were not left.]

Ted Gathe, 125 SE Cogan, Gresham. He stated the petition was seeking support in supporting that an alternative study be commenced at the time the Corridor Design Review process is going on. This was not a stop the Mt. Hood Parkway group. He stated that a Corridor route was necessary but where was it best cited. Reasons in asking for an alternate study was that it was required by Federal Law [National Environmental Policy - NEPA] has a provision that actually requires alternative studies occur in order to be able to decide which parkway is the right one.

Gathe stated they didn't know what Council feelings would be regarding a major interchange for the freeway at 257th. They felt ODOT didn't want it there because they felt 242nd was a better one. Without knowing Council feelings suspected that they didn't want a parallel route coming back through Troutdale and circling through the eastern most corridor. He stated that several persons asked why 257th wasn't considered as a corridor option. The environmental staff also wondered why it wasn't being considered. There are obvious impacts to residential areas south of Division, the impacts are not in order of magnitude larger than the impacts to Hogan and Burnside corridors. He stated he would pass out a study but would correct them first.

Councilor Schmunk asked when they intended to take this to Gresham City Council?

Gathe stated they had not made the proposal to the Gresham City Council but would like 257th re-examined as an alternate route. Mr. Gathe stated that a Citizens Advisory Committee meeting would be held in Gresham on March 8 and on March 13, they would make their presentation to the Gresham Council.

Councilor Thalsofer stated he brought up the issue of 257th as a feasible route a multitude of times. He had thought all along this was the route that should be considered. He stated they said it wasn't a viable option because people didn't want to go this far east was one of the main reasons. He didn't understand why 257th wasn't a feasible expressway route. Wilder served on the Technical Committee and might add to the discussion. The State continued to tell us that it just didn't work out right, 257th is too far east. This has always seemed to be the logical answer. The Council thought Gresham was the one that didn't want it south of Division to tear up their residential areas. He stated he was in favor of looking at it.

Gathe stated that in the August, 1989 ODOT Corridor recommendation [which discarded the eastern corridor and focused on the Hogan route] the report stated the committee recommended that ODOT proceed with design level study of the Hogan route corridor. Other routes suggested by environmental staff and public such as 257th were not considered reasonable at this time. These corridors and the reasons for their objections will be documented in the EIS. These are the responses we are getting. To wait until the environmental impact statement is done is ridiculous - they have only focused on one corridor at this time.

Councilor Burgin stated that there had been considerable discussion about why: one of the major concerns was that the College would be bi-sected, one of the major investments. The Troutdale Council had passed a resolution stating that they didn't want that level of a structure bisecting the community - it was Burgin's opinion that was true whether it was 257th or a diagonal route through the City. The resolution was passed and he didn't see that it had changed.

Councilor Burgin stated the initial studies and spending all the money [County, Federal, State] on 257th why not have that be the route. At the time, Burgin stated, he was naive not understanding the amount of traffic that would be carried on that route. It isn't just a 4 land arterial. We would have the same concerns about cutting the City in half with that route as we did the diagonal route. He stated the City was on record and he stood by that.

Mayor Cox stated that there would have to be several frontage roads all through Troutdale on both sides people living on either side would have to go to the opposite side to get off. The thought of Troutdale Road was discontinued now. That was one of the major reasons why the Council stated going to the extreme western edge - County Farm up to Stark.

Wilder stated that Councilor Burgin's comments were correct. If 257th was used in the current corridor configuration all the access to 257th would be deleted - minor points of access - maybe you would have Stark and maybe, if lucky, Cherry Park. All the rest of access to 257th simply wouldn't be allowed for a facility of that type. That in essence would do the same thing as a diagonal cut but cutting it in half north to south instead.

Mayor Cox stated that it would ruin the City.

Wilder stated utilizing an alignment - 257th still had viable parts to it. [Tape 1, Side 1 14:00]

Mayor Cox stated a previous Mayor wanted the money for Eastman and the City as well as the other cities agreed that the money would cut out for one years' time. When it came back, they changed their mind and didn't want it there it was too far away from the business center. That's what started 257th not being considered the second time around.

Wilder stated that the facility Mayor Cox was speaking about was an arterial facility and the current discussion is a parkway/freeway type facility.

Councilor Thalsofer stated the parkway concept could be modified to make it something less than a parkway vision. A median with trees/flowers - it doesn't have to be that fancy. It is a route to move traffic. The north/south connector with 257th was the original idea. He wanted to know why it still wasn't a viable option. Understanding there would be traffic through Troutdale, we already have 4 lane [near expressway now]. He had no objection to considering it at least. He thought the Council would consider 257th - he didn't know about the others.

Councilor Burgin asked if staff would make copies of the resolution available [685-R passed 12/9/87 - 6 Yeas; 0 Nays; 0 Abstained]. Burgin stated that the City was on record as being opposed to any parkway through the City.

Councilor Schmunk stated she didn't under the resolution to mean that the City would not consider 257th. That was her interpretation.

Councilor Burgin stated that the resolution says it has to be west of 242nd and south of Stark so yes, it could connect 257th off of Stark but the resolution passed says it has to be west of 242nd except for the northern portion.

Christian stated it doesn't address anything within the interior of the City limits.

Mayor Cox said it would cut off a lot of road access to 257th that there exists currently.

Councilor Schmunk stated that the proposal would be a completely new parkway, not existing.

Jim Wakeman, 1209 SW 26th, Troutdale, asked why Council and staff intended to do regarding interviewing and replacing the Planning commission member(s)? One member had recently submitted a resignation and two other members have been extended to serve through June, 1990.

Mayor Cox stated that the replacement(s) will be on the Council agenda before too long.

Jim Wakeman stated he was also a member of the CAC. One of the goals and objectives of the 257th Parkway is to reduce the amount of traffic on surface streets in the corridor where it is currently going. The further east the parkway is moved the less affected the City would be to reduce the congestion on the streets of Gresham, Wood village, Fairview and Troutdale. The people spoke to that issue.

Bruce Stannard, 807 SE 40th, Troutdale, discussed the topic of parks. He stated that he was interested in saving 25 acres of property

directly west of Reynolds for a park system involving jogging path and ballfield for the kids. He passed out a map of the affected area that asked for letters, phone calls or comments to be submitted to Commissioner Sharon Kelley and the City of Troutdale Parks Division. Mr. Stannard represented a group of supports listed as Rockwood Soccer League, Reynolds Little League, City of Troutdale, Parks, Rockwood/Reynolds Softball, Bob Skipper, Multnomah County Sheriff, and Sam Cox, Mayor of Troutdale.

Mr. Stannard stated that he would be back on the meeting of the 27th to talk about zoning in that area to make sure it could be held as a park. If the County could be coerced into deeded it to the City of Troutdale and work through that system.

Councilor Schmunk asked if this had been presented to the County Commissioners. Stannard stated that Commission Kelley would support it as much as she is supported. She was only one Commissioner of five. They knew the property was going to be sold and knew they needed to be ready when the opportunity arose. Stannard asked that any support that Council could give [letters, calls or whatever] would be appreciated.

Mayor Cox and Councilor Schmunk stated that the Council had supported this issue for a number of years.

[Tape 1, Side 1 23:58]

PUBLIC HEARING: To Consider an Ordinance Amending the Zoning Map of the City of Troutdale for Non-Residential (Commercial/Industrial) Zoning Districts as Recommended by the Planning Commission Cox

Open Public Hearing 7:25 p.m.

Call for Declarations, Challenges, Ex Parte Contact

Councilor Fowler stated that he had a definite conflict.

Staff Summation

Cline stated that the staff has been working on periodic review process for more than a year. There are various stages of completion and staff was trying to complete it as soon as possible to meet the deadlines to LCDC this summer. There are heavy hearings scheduled. This item is a completion of one that has gone on for over a year. There have been 3 public hearings, minutes were included, recommendations were made by the Planning Commission. The first was conducted January 18, 1989 which involves 13 parcels annexed into the City; the second was conducted May 17, 1989; the third on June 21, 1989.

Cline stated there were additional zoning changes which were recommended by the Planning Commission which would be brought to Council March 27. They were split due to the length of the public hearing process. The non residential properties would be heard now and then residential properties will be at the next public hearing.

Cline stated that these properties have been recommended by the Planning Commission for change. The spread sheet that outlines what each of the tracts are, the designation, the existing zoning, the proposed designation, who initiated it, the recommendation from the CAC and then the recommendation from the Planning Commission. Cline referred to maps posted around the room. A = Existing Zone FU20; recommended = General Industrial; B existing zone Industrial Park - recommended = General Industrial; C existing zone General Commercial - recommended Light Industrial; D existing zone Industrial Park - recommended Central Business District; E-1/E-2 existing zone A2 [multi-family use] - recommended = Central Business District; F - existing zone R4 residential - recommended = Community Commercial; G existing zone Neighborhood Commercial - recommended = Community Commercial.

Cline stated for the record that numerous inquiries were received concerning the re-zonings. However, only one letter was received stating favor of a change in zoning Tract B in the Fleur-de-Lis subdivision from Donna Burlingame supporting the change in zoning from Neighborhood Commercial to Community Commercial and a phone call from Neil Handy, property owner at 146 W Historic Columbia River Hwy., has expressed concerns over the re-zoning Tracts E and F to the CBD and the CC designations respectively. He stated concerns over traffic, access if they are zoned and developed as commercial uses. [Tape 1, Side 1 29:35]

Councilor Thalhofer asked what the access would be?

Cline stated since it was on 257th that would be controlled by the County since it is a County road.

Mayor Cox asked if there is other access?

Cline stated that in particular "E" fronted on Halsey also and assumed primary access would be off of Halsey Street.

Public Testimony: Proponents [Tape 1, Side 2]

Ralph Tahran, architect and planner representing parcels marked "E" and "F" - 17355 SW Boones Fy. Rd., Lake Oswego. Mr. Tahran stated that F currently was zoned residential 16 acres front onto the correctional facility. The Planning Commission and CAC struggled with the Community Commercial designation. It is the best use for the property with 257th access it would be critical and would need to take the whole corridor into account.

Mr. Tahran stated that the 16 acre piece was an odd shaped piece next to an arterial street with a very long frontage, correctional facility - not a very good housing choice. He stated that the community commercial use was felt to be the best use for the property. Along 257th there are several vacant pieces of property, access would be critical along 257th and it does need to be planned where it takes the entire corridor into account. In the uses, as proposed, and the few property owners that there are he thought it

could happen. Topography, parcel size really dictate access to be minimized.

Mayor Cox called for Council questions.

Councilor Fowler asked if it was an R4 now? Tehran stated yes on the F parcel. Councilor Fowler stated that it would be an ideal location for manufactured homes and would also cut down on the amount of stop light traffic on the hill there.

Tahran stated that if it did remain that zone that would probably be the only housing choice that would be appropriate there.

Mayor Cox asked if it was level or sloped? Tehran stated that it was all sloped, more a matter of degree of slope along the frontage. There were only a couple of places that an access point could be done from a vision clearance and slope standpoint.

Public Testimony: Opponents [Tape 1, Side 2 3:44]

Jim Wakeman, 1209 SW 26th, Troutdale. Spoke to "D" and "F" there being a question of whether or not there is currently enough high density residential in Troutdale. "E" is zoned A2 [high density residential] right now, then the R4 for the mobile home type park. He stated it was an inappropriate time to change that simply because there is a question of whether or not there are proper amounts of the zoning and in the different types of zoning particularly the high density residential. One gentlemen stated that the correctional institute is in the area and that wasn't appropriate for homes and such as that but there are already apartments in the general area and that has never been a problem.

Wakeman suggested that the City try to get rid of the correctional institute before we rid of the dwellings for families.

Frank Windust, Corbett, OR owner of property along 257th to the north of "E" and "F". He stated he had 6 commercial properties in the CBD for sale that have been on the market for 4 years. They didn't receive any phone calls on them. He stated there was little demand for the commercial property that is there now. Commercial property is going begging, there is a vacant City here and he didn't know why the City kept adding commercial property. This is strip zoning, steep area, on a bad street - planners haven't looked at this in the past as being a good commercial location. Windust stated that the CAC was against this proposal also. He felt it was poor planning to make these commercial properties.

Recommendation by Staff: Cline pointed out on the spreadsheet that the CAC and PC both recommended approval on all the changes with the exception of the "E" and "F" tracts. There was consideration by the Planning Commission and it understood that the change in zoning on parcel "F" was a concern regarding strip zoning. It was discussed and determined by staff that it would not be strip zoning because it is in one central and one large tract rather than being rectangular or

linear along the length of the street. It was recommended by the Planning Commission that these be approved and that is the recommendation made by the ordinance.

Cline pointed out a change that should be made to the ordinance prior to action being taken - on page 1, the 5th Whereas clause was written prior to the separation of the residential and commercial uses being brought to Council as one since there are two separate ordinances. That section would not apply and Cline recommended that it be stricken from the ordinance language.

Council Questions/Comments:

Councilor Burgin asked about making a change to CD wouldn't it minimize traffic since it would go in the opposite direction?

Cline stated that it depended on the actual use and how the property would be developed. It could reduce the amount of trips that would be generated as opposed to its development as the A-2.

Councilor Burgin asked for an example. Cline stated there would be a number of associated even some retail uses/storage or warehousing operations which wouldn't generate traffic that multi family use would.

Councilor Schmunk stated that both requests were by the owner. These weren't recommended by staff, it was the owners request that they be initiated. She stated that she couldn't recall how much input there was from staff, CAC and Planning Commission had the first time these were looked at. 257th was way out at that point in time and when they did the existing zoning - 257th has a large, strong bearing on it and it should be considered.

Councilor Thalsofer stated that there had recently been through a meeting where apartments were proposed and it appeared that these parcels would lead themselves to manufactured housing, which needs planning and lead itself to high density residential since it fronts on Halsey and 257th. With regard to "F" we are stretching out commercial area when we should be trying to condense it downtown instead of creating more commercial area in other places - it should be concentrated downtown or Troutdale Road where there is already a Plaza. He didn't know if he was in favor of changing these unless it went to A2 on "E" and leave R4 where it is with some manufactured housing.

Councilor Schmunk stated "E" was already A2. Councilor Thalsofer stated then leave it that way.

Councilor Fowler stated that he on the same property he had a problem with. There is 10,000-12,000 cars count on 257th A on the Columbia Crossing Project on 14 acres - the numbers were 6,680 per day. If this large a parcel of land as that was developed, using the same basic figures of 18,000 cars per day on 257th - 6,000 cars would be turning in and out of there if the land is as large as it is and

developed as large as the other parcel of land, you are looking at a tremendous traffic problem in that area. The section below it would be two left turn lanes two lanes of traffic both directions, a bike lane and sidewalks which is making a total of 6 lanes wide and bike lanes and sidewalks...257th would have to be totally rebuilt. That whole stretch for that to accommodate this present thing you have two lanes down and two lanes up with a left turn making short - the middle of the hill with left turn lanes on two of those you will create a single lane of traffic up each side. We are now getting trucks and heavy freight loads going up that hill and stop right in the middle of it. You are going to stop that if you develop something large enough to bring in 5,000-6,000 cars per day. On that basis, it is totally wrong for a commercial - take it down Halsey.

Councilor Burgin. Mr Mayor, I want to state for the record that I strongly object to Mr. Fowler's participation in the discussion as a representative of a competing property owner along 257th.

Councilor Fowler, I stated that.

Councilor Burgin. I realize that you stated that and now I take strong exception to your participation in the discussion. [Tape 1, Side 2 14:52]

Councilor Schmunk asked Councilor Thalsofer if both "E" and "F" if Thalsofer wanted to see "F" to be A2 also?

Councilor Thalsofer stated no, he thought R4 would be good because we need some manufactured housing land that might be an ideal place for it. Being a person who was not in favor - although it wasn't voted on - he felt that to be responsible when there was land appropriate for high density, he thought he should speak up for it and try to hold it high density so some apartments could be build in Troutdale. He stated that he wasn't just a NIMBY or against apartments period, he just thought they should be in the right place and he thought "E" was a good place for apartments.

Councilor Schmunk stated that some were right next to it right now and it was adjoining properties and were A2 now.

Public Hearing Closed: 7:48 P.M. [Tape 1, Side 2 16:22

ITEM #4. ORDINANCE: Amending the Zoning Map of the City of Troutdale for Non-Residential (Commercial/Industrial) Zoning Districts as Recommended by the Planning Commission F i r s t Reading

Mayor Cox called this agenda item and read the title of the ordinance and stated this was a First Reading with the amendment.

ITEM #5. REPORT: LID Procedures Update Call for Declarations, Challenges, Ex Parte Contact

Mayor Cox called this agenda item.

Wilder stated that this item was as a result of the basic outlined policy discussed at a recent Council workshop. He asked for clarification to ensure that this was the direction Council desired before proceeding with a final ordinance document.

Wilder reviewed for a consensus of 4 items outlined in the memorandum for future ordinance language to be based on. For the record, Wilder reviewed. 1) The City will allow all LID's [without prejudice] up to an amount not to exceed the statutory .03 of the City's entire assessed valuation. 2) No LID request will be considered for subdivisions until the developer completes the preliminary plat process and receives approval from the Troutdale Planning Commission accordingly. 3) Twenty-five percent of the City's .03 statutory limitation will be reserved for LID's of "demand", for LID's that are required to meet public health and safety, and those used to match grants. 4) As mentioned in #1 above, no particular preference will be given to residential, industrial, commercial or other development requests for LID funding. However, also as mentioned previously, preference and priority will be given to LID's mandated by issues of public safety and health and/or to meet State or Federal statutory requirements.

Christian stated she would like Council to consider for discussion, acceptance, rejection or direction to look at this policy as a general policy. The Council can, at any time, find an exception to the policy and override the policy since it is not a piece of legislation in terms of its law. One of the consideration she wished Council to include was a recognition of timelines for bond sales. Bi annually or trimester basis. This would allow, if the economy continues, to continually be in a bond sale mode. That is extremely time consuming of staff time which is partially paid for in the costs of the LID. Times to consider for cut off dates March 30, June 30, October 30 in terms of setting construction and bonding periods. If all LID's from November through February 28 would be sold in a lump as one bond sale. Those in early construction season would be sold June 30. The last part of the construction season would include in one bond sale the projects that are completed.

Christian stated that the desire to override could be determined by one project that may take longer than a 4 month period and it could be considered on its own merits as a single bond issue. That would still allow the Council the discretion. She was concerned about the additional costs to projects being proposed. The City is continually using time that is allocated for normal and routine tasks in order to do bond sales plus the hiring of bond counsel, attorney fees that are required under statute. Christian stated this was for discussion.

Councilor Fowler supported the idea but asked if the year could be divided into four months. Christian stated it was always up to Council when establishing policy and as long as it is done in a open fashion there is nothing illegal about it.

Mayor Cox called for other comments.

Council Thalsofer stated it sounded reasonable and would save staff time and costs. He asked if there was a down side they weren't aware of if the policy were overridden?

Christian stated that a project may be completed in the very beginning of a cycle and until the end of the period there would be a cost of interest on the warrants that are issued when an LID is formed. The City actually borrows money called construction warrants. That additional interest could accrue to the project that finished in the beginning of one period. On the other hand, the same people in the same 4 month period could actually be held up because one project was expected and promised to be completed in a 4 month period and gets drawn out. We could actually be penalizing those people grouped into that one 4 month period. If we kept waiting for a project to finish to do a bond sale.

Mayor Cox asked Councilor Jacobs, Councilor Burgin, Councilor Schmunk who all agreed that this would be the best route and to proceed with it.

COUNCIL CONSENSUS was reached with the comment that all 4 points Wilder read for the record be restated. This item will be back before Council at a later date.

Councilor Thalsofer addressed pg. 2, role is prepared should read roll is prepared.

ITEM #6. REPORT: Procedural Guidelines and Policy for Local Implementation of Certain State Development Requirements. Call for Declarations, Challenges, Ex Parte Contact

Mayor Cox called this agenda item.

Wilder gave a brief report stating that a response had not be received from ODOT regarding this matter. The legal counsel in Salem still has the information. Wilder met with Dennis Carlson on this issue and specifically connections and permits or access to Columbia Crossing. Language was discussed that still involves the City of Troutdale. After discussion language was arrived at that deals with occupancy but they do not deal with permits, that would be dealt with between ODOT and the developer and what they consider to be occupancy and not tied to the City process for occupancy permits.

Wilder stated that if the project is finished to City standards, building code standards and site and development standards, we would issue a certificate of occupancy whether the State would consider that occupancy by their definition was up to them to work out. He expected that permits would be issued to Columbia Crossing at the end of the week.

Christian asked if this could be removed from future agendas. Council had asked that this be put on the agenda for a period of time to see its conclusion. She preferred that it be on the agenda either 1) once

ODOT responded or 2) when Council asks for an update. Continuing it with no response and including it on the Public Notice with nothing to report is misleading.

COUNCIL CONSENSUS unanimous.

ITEM #7. ORDINANCE: Authorizing the Issuance of General Obligation Improvement Bonds and Providing for Public Notice of Bond Sale 537-0 [Tape 2, Side 3]]

Mayor Cox called for this agenda item.

Gazewood responded and gave background information. The first payment date for the bond would occur March 1, 1991. The first interest payment would occur on September 1, 1990. This issue has a redemption feature on the calling of the bonds effective March 1, 1997. By law we are now required to have the bond registered rather than having coupon bonds. Therefore these are designated as paying agent type bond structure. He stated that the Notice of Bond Sale was incorporated into the ordinance as Exhibit A. The bid opening date is March 20, 1990 at 10:00 a.m. Publications of the Notice would be in the Gresham Outlook and the Daily Journal of Commerce on February 28, 1990. Lindsay, Hart, Neil and Weigler, Bond Counsel had prepared the ordinance and notice of bond sale.

Gazewood stated there were two other major items with this issue. 1) structured such that the maximum rate of interest on these bonds will not exceed 8%. The City may charge an additional 1% on that for administration. 2) This is an emergency ordinance.

Councilor Burgin Mr. Mayor, point of order. What response was there when you asked for declarations, challenges, ex parte contact?

Mayor Cox, there were no responses.

Councilor Thalsofer asked if this truly was an emergency.

Section 11 provided that this was an emergency ordinance and to take effect immediately to enable the City to sell its bonds as soon as possible in the best interest of the City.

Gazewood stated that the cost of interest would be approximately \$3,000 to wait.

Christian stated this would require a special meeting of the Troutdale City Council on March 20, 1990 at 1:00 p.m. at City Hall. Christian asked for Councilors that would be able to attend to ensure a quorum be present. Mayor Cox, Councilors Thalsofer, Bui and Fowler stated that they would be able to attend.

MOTION: Councilor Thalsofer moved to adopt the ordinance as written. Councilor Burgin seconded the motion. YEAS: 5
NAYS: 0
ABSTAINED: 0

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

ITEM #8. SALE OF PROPERTY - Tax Lots 1, 8, 9, 14, 15, 16, & 17 - Sunridge Subdivision, Section 35, T1N, R3E, W.M. [Tape 2, Side 3 6:16]

Mayor Cox called for this agenda item. He then called for any Declarations, Challenges, Ex Parte Contact. There were none.

Gazewood stated that the bid opening for the sale of the Sunridge lots was at 4:00 p.m., February 27, 1990 at Troutdale City Council Chambers.

Gazewood relayed the events of the bid opening. Floyd Sanger was involved in a discussion prior to the bids beginning in which he stated he was the owner of the other 14 lots in the subdivision. He stated that any other bidder that had a higher bid would have to work as a partner with him and he had no timetable as to when he would be continuing with development of the property and it could be a long wait.

Gazewood was concerned that the sale was prejudiced from that standpoint. He stated that as it turned out, Mr. Sanger was the only bidder with a bid \$84,000 and submitted a cashier check for \$8,400 following the bid.

Councilor Thalsofer stated that the process stinks to him. Councilor Burgin seconded that. Councilor Thalsofer stated for a bidder to intimidate the other two prospective bidders by stating that there might be problems dealing with him smacks of unfair play and almost to the point that the whole thing might be thrown out.

Mayor Cox stated that this wouldn't have happened on a sealed bid and we were asked what we wanted.

Councilor Thalsofer stated that he was infuriated and then we get the minimum bid. Councilor Schmunk stated that was how we set it. Councilor Thalsofer stated he didn't have any idea someone would go in there and jog the other people out of bidding or try to intimidate them by telling them they would have to work with him..blah, blah, blah. That stinks! He stated he didn't know what he could do about it.

Councilor Fowler stated that there were a couple other items on that. This man came into the City prior to the decision of sales, secondly he bought those lots when he knew those lots were going on, he paid \$14,000 a piece for the 14 lots = \$2,000 greater than this price and brought them right at the first of the month so he paid \$2,000 for twice as many as he paid for these.

Mayor Cox stated that there are no improvements, no infra structure at all on this property. That was one reason why it was lower. Otherwise, if water, streets, etc. it would have been more.

Councilor Thalsofer stated that if there had been three people

bidding it would have been more too.

Councilor Burgin asked if Council was bound to accept the bid if they...

Councilor Schmunk stated that's like going back on your word.

Christian stated that without the attorney, the issue staff was faced with was we can't sell under the law, as buildable lots to individuals. That was the number one reason why we brought up selling them as a unit. The second issue was the City has never been in the development business and able to front the improvements to the subdivision in order to be able to sell them. When Mr. Sanger came into the City and wanted to know about available property, we always talk about Sunridge because it is available.

Christian stated Mr. Sanger was told who the owners were. He negotiated with Mr. Nelson, the other owner, assuming he did since it closed. [Councilor Fowler stated right after the first of February] Council called for the sale in late December, early January. At the time Mr. Sanger was in City Hall, Christian told him she couldn't guarantee that the City would sell them if he bought them from Mr. Nelson or not - due to the specificity of the State law in terms of what the City has to do to sell property. [Public Hearing, Public Notice, Open Bidding process] That was the way it was left. It can be put before Council and they can make the decision. But, there are no guarantees as to who ends up buying the property. That was how it was presented to Council.

Raglione stated that Mr. Sanger offered to be at the meeting this evening and when he asked if it was necessary, she said it wasn't.

Councilor Fowler stated that it sold legally but he did feel the City got snookered. Councilor Thalsofer agreed.

Councilor Thalsofer stated he would like to see a safeguard so the City didn't have to go through this again.

Christian explained that there had been changes in the law since the last attempt to sell the lots. The State didn't change the law on the appraisal requirement of 60 days prior to sale. There is a section in the packet that cites the ORS - If the jurisdiction has an accepted and adopted a plan for disposal of real property, the City can set its own rule by how to sell the real estate. That allows negotiation of sales. Christian stated that the City didn't have an ordinance that specifically addressed disposal of real estate.

Mayor Cox stated that the City didn't really have that much real estate. Councilor Schmunk stated the City wasn't suppose to be in the real estate business. Mayor Cox didn't know what could be done about this. He asked about calling the City Attorney.

Councilor Thalsofer stated that he would like to have the City Attorney called to see if there is anything that could be done. If

there is anything legally then fine, if not the City will have to eat it but he felt it was a crummy way to do business.

5 MINUTE BREAK CALLED BY MAYOR COX

Mayor Cox asked Christian what she found out.

Christian stated Councilors Burgin and Thalhofer were in the room when they spoke on a conference call to Jennings.

Councilor Burgin stated that if they met the requirements, there is no alternative but to accept the bid as has been played out. It does not invalidate the sale, the actions that he might have taken at the time of the sale.

Christian stated she would like Council approval on staff gathering some plans for sale of real property from other jurisdictions that have gone through the process of having this tested legally and consider an ordinance at a future date which would set down a process that could actually allow the City to negotiate the sale of property. In that manner, you wouldn't be tied to the state law that requires a public bid and an acceptance of the bid regardless.

Mayor Cox polled the Council regarding that request. Councilor Thalhofer - yes, Councilor Jacobs - Yea

Councilor Fowler wasn't in favor of a negotiated bid, it felt it would even be stickier. Christian stated Council could set who negotiates. Councilor Fowler asked if the City negotiates, staff, or ? Christian stated whoever, it would be up to Council. Councilor Fowler stated that the process was fair but there are a few items missed in the bidding process. He felt that the assessor should have made an update just prior to the sale to pick up the \$2,000 differences.

Councilor Schmunk stated that the City would have lost the \$2,000 by having an appraisal redone. Councilor Fowler stated for \$2,000 a lot? He should have updated the appraisal.

Christian asked Gazewood what the date was of the appraisal. Gazewood stated January 27.

Councilor Thalhofer was in favor of the bidding process but did want to look at some of the other processes/ordinances to ensure that this didn't happen again. Councilor Fowler said he agreed with that.

Christian stated she wasn't proposing a plan, just look into it for possible options.

Christian stated that a motion to accept the bid is required.

MOTION: Councilor Schmunk moved to approve the bid. Councilor Jacobs seconded the motion.
YEAS: 5
NAYS: 1

ABSTAINED: 0

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

ITEM #9. FINAL REPORT: Marketing Final Report - Review of Contractual Services

See Agenda Update. This item removed from February 27, 1990 meeting.

ITEM #10. RESOLUTION: Award Well #7 Construction Contract (802-R) [Tape 2, Side 3 18:28]

Mayor Cox called for this agenda item. He then called for Declarations, Challenges, Ex Parte Contact

Wilder stated that bids were opened on Monday, February 26 at 1:00 p.m. There were 3 qualified bidders. City estimate was \$75,000, Engineer's estimate \$74,000. There were two bidders [Burge' of West Linn, Oregon 79,073; and Fuiten's Plumbing of Forest Grove 90,805] below 10% and both of those were responsible bidders.

Wilder stated that it was staff recommendation that the bid be awarded to Schneider Equipment of St. Paul, Oregon for \$75,730. The well #7 project, well house and associated facilities were constructed last budget year.

Mayor Cox called for questions. There were none.

MOTION: Councilor Burgin moved to adopt the resolution. Councilor Thalhofer seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM #11. REPORT: Sewage Treatment Plan Pre-Design Study Filing With DEQ [Tape 2, Side 3 20:24]

Mayor Cox called for this agenda item. He then call for Declarations, Challenges, Ex Parte Contact.

Wilder began by introducing Dick Riley, Engineer of Record on this project. He was hired to do a pre-design study of the Wastewater Treatment Plant.

Wilder stated that the pre-design study was intended to serve as the basis from which final design and construction documents would be assembled in the future. It was a document that analyzed a number of different treatment alternatives, identifies costs, processes and procedures and gives a number of operational guidelines and costs. This was not an action item at this time. Wilder stated that the second page from the end there was a schedule. The schedule included review by the City and incorporation of comments into the final draft report. Staff review has already taken place and Mr. Riley has

included staff comments into the report.

Wilder stated that a final draft report would be submitted to DEQ which would take them about 30 days to review, incorporate DEQ comments into the final design report. It would then be before Council again for adoption by resolution and then making arrangements for funding. Wilder thanked Mr. Riley for his time and an excellent job on an in-depth, very technical report. Wilder also expressed his appreciation to Mike Sorensen for all the research that was required for this project to be where it is.

Dick Riley then reviewed the materials for Council and responded to questions.

ITEM #12. RESOLUTION: Authorizing the Formation of LID for Cereghino Farms Development and Authorizing the Mayor to Execute an Agreement.

Cox called for declarations, challenges, ex parte contact. There was none.

Wilder reviewed staff materials stated that a request had been received from the developer of Cereghino Acres for the formation of an LID to construct public facilities.

Wilder stated that the project estimate for this project was between \$350,000 - \$400,000. If approved by the resolution attached, the developer would be required to execute the single party agreement. That would leave the City, including all the projects on the books East Troutdale Sanitary Sewer - \$250,000; Downtown Improvement - \$750,000; Sandee Palisades - \$650,000 excluding the 18 unit subdivision it would leave between \$500,000-\$750,000 of yet available revolving LID funds if the resolution is approved.

Mayor Cox read the resolution by title.

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

YEAS: 5
NAYS: 0
ABSTAINED: 0

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

ITEM #13. COUNCIL CONCERNS AND INITIATIVES

Councilor Schmunk discussed the ODOT's annual 6 year update hearings. She was scheduled to speak with them regarding improvements to Graham Rd. which is in the 6 year plan. She asked the Council if she should mention the Historic Columbia River Highway on the LID, improvements or take over the road or what Council wanted her to pursue.

CONSENSUS: Council decided that matching funds to the LID and

discussions should proceed to take over the road.

Councilor Burgin asked if in referring back to LID's - wasn't it correct that Council always had the option of not accepting them?

Mayor Cox, that is correct.

Mayor Cox asked Wilder what the highway was doing on the Graham overpass. Wilder stated that they are drilling and testing the structure and soil foundation for future widening. This was actually some of the preliminary design work.

Councilor Thalhofer asked about the Wastewater Management letter. Wilder stated it would be presented at the 3/13/90 meeting in detail. Councilor Thalhofer stated he would wait until then to discuss the matter then.

ITEM #14. ADJOURNMENT.

MOTION: Councilor Burgin moved to adjourn. Councilor Thalhofer seconded.

YEAS: 5
NAYS: 0
ABSTAINED: 0

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

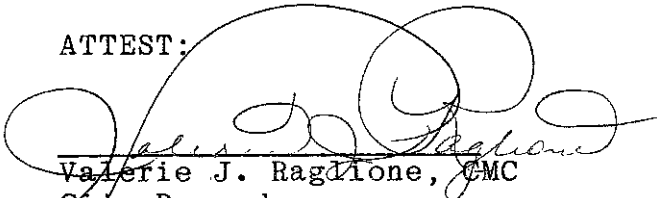
The meeting was adjourned at 9:30 p.m.



SAM K. COX, MAYOR

Dated: March 28, 1990

ATTEST:



Valerie J. Raglione, CMC
City Recorder

CC7[6]

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JAMES A. WAKEMAN	1209 S.W. 26 TH	667-5937
SALLY WAKEMAN	1209 S.W. 26th	667-5937
SHIRLEY PRICKETT	2617 SW INDIAN TOWN PL	667-5412
Ted Gathe	1265 SE Polaris, Gresham	666-1859
RALPH TAHRAN	17355 SW. POONES FY. RD. LAKE OSWEGO	635-3618
Carol Chace	2701 SW Abbott Ct	661-6229
Susan McKims	2634 SW Abbott Ct	661-2319
RANK PRZYBYLO	1820 N.E. ELLIOT PL GRESHAM	661-5903
Rice Stannard	807 SE 40 th Troutdale	665-1955
Ray Kuhns	2451 SW McGinnis " "	666-6843
Dean Bramon	761 N E Fleming Ave Gresham	665-7616
Dick Johnson	19708 NW Hillside Rd. Portland	621-3086

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