



# 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. -- MARCH 27, 1990

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:  
2.1 Accept: Minutes of February 27, 1990
- (A) 3. PUBLIC COMMENT:  
Please restrict comments to non-agenda items at this time.
- (A) 4. APPROVE: New Liquor License - Flying J Travel Plaza
- (A) PUBLIC HEARING: Consider Amending the Zoning Map and Plan Map of the City of Troutdale for Residential Zoning Districts As Recommended by the Planning Commission.

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) 5. ORDINANCE: Amending the Zoning Map and Plan Map of the City of Troutdale for Residential Zoning Districts As Recommended by the Planning Commission. First Reading  
Cline

Call for Declarations, Challenges, Ex Parte Contact

- (A) PUBLIC HEARING: Consider Adoption of Public Works Department Report, Creating a Local Improvement District to be Known as the East Troutdale Sanitary Sewer Force Main and Gravity Sewer - LID NO. 90-001

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) 6. RESOLUTION: East Troutdale Sanitary Sewer and Authorize Construction Bid (LID 90-001) Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 7. ORDINANCE: Accepting Public Facilities Plan and Forwarding to DLCD for Review and Approval First Reading  
Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (I) 8. DISCUSSION: Ordinance Prohibiting Possession of a Loaded Firearm and Discharge of a Firearm in a Public Place, Regulating Possession of Assault Weapons in Public Places, Establishing a Firearms Safety Training Course and Imposing Fees. Collier  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 9. CONSIDERATION: Personal Services Positions Christian  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 10. COUNCIL CONCERNS AND INITIATIVES
- (A) 11. ADJOURNMENT.

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SAM K. COX, MAYOR

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. --- MARCH 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 Burgin to lead the Pledge of Allegiance.

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

PRESENT: Bui, Burgin, Cox, Jacobs (7:41 p.m.), Schmunk, Thalhofer  
Fowler - Absent

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

PRESS: Gresham Outlook - Dave Pinson

GUESTS: James C. Gardner, Fran Gardner, Robert Johnson, Sally  
Wakeman, James Wakeman, Walt Postlewait, Frank Honts,  
Marion Ronald, G.E. Lambert, Helen Otto, Glenn E. Otto,  
Jonathan D. Thom, Jeanne Solberg, Pat Patterson, Judy  
Hillend, Isabelle Grunst, Herb Roeser, Robert Parker,  
Warren, David Ripma, James Jensen, Bob Jossi

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

ITEM #2 - CONSENT AGENDA:

Mayor Cox read the Consent Agenda items -- 2.1 Accept: Minutes of  
February 27, 1990.

MOTION: Councilor Bui moved to approve the Consent Agenda.  
Councilor Burgin seconded the motion.

YEAS: 4  
NAYS: 0  
ABSTAINED: 0

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

ITEM #3 - PUBLIC COMMENT:

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

ITEM #4 - APPROVE: New Liquor License - Flying J Travel Plaza

Mayor Cox called this agenda item. Representatives from Flying J, Mike Walton, General Manager introduced himself and stated he was prepared to answer any questions of Council regarding the liquor license.

Councilor Burgin asked if it was strictly package liquor and when they anticipated opening? Mr. Walton stated yes, it was package only and they planned on opening April 16, 1990.

The Council welcomed the new business and thanked Mr. Walton for attending.

MOTION: Councilor Bui moved to approve the liquor license for Flying J. Councilor Schmunk seconded the motion. YEAS: 4  
NAYS: 0  
ABSTAINED: 0

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

PUBLIC HEARING: Consider Amending the Zoning Map and Plan Map of the City of Troutdale for Residential Zoning Districts as Recommended by the Planning Commission. [Tape 1, Side 1 3:19]

Mayor Cox opened the public hearing.

Cline gave background information to this item. He stated that this was the second of two ordinances amending the Zoning District Map of the City. The first ordinance had been approved by council on March 13 and changed the zoning of only non-residential properties as recommended by the Planning Commission.

Cline stated that this ordinance was the second part of the Planning commission recommendations and dealt with the residential zone changes recommended for approval by the Commission as part of periodic review.

The original recommended changes to Zoning District Map were presented to the CAC for their review. Their recommendations were forwarded to the Planning Commission for consideration. The Planning Commission held public hearings on these changes to the zoning the summer of 1989.

Cline stated that 5 parcels had been recommended for change in four areas. Area C contained two tracts of land. In area A [adjacent to Althaus Park with frontage along 257th 4.84 acres in 400 block of SW 257th] - Planning Commission recommendation was to change it from R4 to A2 and received positive recommendation from the CAC. Area B .8 acres located in 1000 Block of S. Buxton - currently zoned R10 recommended to change to A2 residential. This received positive recommendation from the CAC. Area C contained two parcels smaller area 1 acre and larger area 2.4 acres [1900-2200 block of SW 257th]

High School† Existing zoning R5 residential recommended change to A2 apartment residential. This also received positive recommendation from the CAC. Area D was 7.2 acres existing zoning R7 with recommended change from Planning Commission was to A2, apartment residential. This also received positive recommendation from CAC.

Cline stated that copies of minutes from the public hearings were contained in the packet materials. There was one parcel [Area A - 4.8 acres] on which a recommendation was overlooked during the public hearings by the Planning Commission. This had been brought to the attention of the Planning Commission to see if there was a consensus on what transpired during the meeting. During the hearing the adjacent parcels to the tract were also included as a discussion item. This tract [identified as #20 in the minutes] was included in the discussion as 19 A, B, and C for the public hearing. There were no comments received specifically on item #20. The Planning Commission recommendation was to deny this change in zoning for item 19 A, B, and C but no recommendation for action on item #20. There was a public hearing and it would not be inappropriate for Council to make a decision on this parcel at this meeting.

Councilor Bui asked if that particular parcel was in the ordinance before Council?

Cline stated yes, it was a part of the ordinance and included in this public hearing.

Councilor Thalsofer asked for clarification. Did the Planning Commission purposely failed to act or simply by omission?

Cline stated it was by omission. The meeting was lengthy and it was an oversight. It should have been taken back to the Planning Commission. It was taken back recently and the Planning Commission recommended that Cline take it to Council and explain the position and since there had been a public hearing, leave the decision to Council.

Christian stated because there was no public comment on that specific piece of land?

Cline, yes.

Christian stated the other parcels weren't before Council because the Planning Commission didn't recommend approval.

Proponents: None.

Opponents:

Jonathan D. Thom, 1138 SE BeaverCreek Lane. Thom stated that he spoke for residents that are in the Weedin Park area. He wanted to voice concern about the mass change of properties in the area leaning toward apartments. He stated that they would like to see Section "B" remain R7 and above or changed to R10. There was concern about

apartments and influx of large numbers of people, traffic, police, fire, schooling, kids, et cetera.

Lindey Ward, 1222 SE BeaverCreek Lane spoke to Section "B". He asked if one person owned the property or if the City owned it?

Christian stated that it was owned by a private individual who had requested the change to be zoned apartments. The property was adjacent to the apartments on Buxton now.

Ward stated that there were only 4 apartments there now. Christian stated 14 units with the church just beyond it.

Ward stated that he felt the same as the previous opponent. He worked in Tualatin but would like to remain living in Troutdale. He stated if it were changed from houses to apartments, it wouldn't be good.

Marion Ronald, 1653 SW 22nd. Mrs. Ronald stated she opposed any rezoning until Multnomah County committee assigned to that duty stated that there is a necessity for it. Why would we want to be known as an apartment house community. There was enough space for apartment houses without developers making a fast buck. She didn't think that Troutdale would benefit very much by that kind of real estate transaction. She opposed one little group of men being able to change all zoning complex that has already been studied and handled in different parts of the United States all over very successfully through their counties reasoning boards. She didn't know why Council would concern themselves with ...

Mayor Cox stated that it wasn't the County, it was the legislature that mandated this.

Ronald stated they weren't rushing us into it at all. You people are rushing it. You wanted to do it two months ago and you are going to keep pecking at it until you get your way.

Christian stated that the County had not jurisdiction over the City of Troutdale's zoning. That was totally the City's responsibility.

Ronald stated that it was proved by the opposing attorney of that development that it could wait until July when you would be notified if you needed more dense housing. It was good enough for every other place in the United States, she didn't know why Troutdale felt it had to be the exception. She stated it also showed there were members that had a conflict of interest and she felt they shouldn't be allowed to vote on this type of a serious consideration. She stated it was Mr. Fowler. The City was ready to railroad it in when she was at that meeting and it didn't give her a very good impression of her Council.

Christian stated that was LCDC not the County.

Staff recommendation. Cline stated a concern of the Planning Commission during periodic review process has been the Metropolitan



Cline stated the Metro Housing Rule, as it affects Troutdale must maintain an average density of 8 units net buildable acre. The other provision is 50% of all new residential units must be either single family attached or multi-family. That is calculated by modifying R4 and A2 to calculate the high density side of that equation. The concern about Metro housing rule is its exact application in Troutdale to do this.

Cline stated that Troutdale is a part of Portland, a part of the Urban Growth Boundary. We are on the edge of the National Scenic Area and there is limited development potential. When you are inside Troutdale or Gresham, it is all considered part of the metropolitan area. LCDC determined there is a need for needed housing and needed housing includes these attached types of products. Having exclusive suburbs that are all made up of single family detached, in order to make it fair throughout the Metro area, they created the Metro housing rule to make sure that everyone would have their fair share of these types of units. The A2 is specifically catered to multi-family dwellings and that is the brunt of what the Metro housing rule is requiring cities to provide within their city limits.

Dave Ripma asked why go all the way to A2. it sounds like R4 would satisfy the increased density requirements that we need. They tend to be owner occupied just less burdensome...the same issues these other opponents brought up.

Cline stated that A2 could also be owner occupied. That is a permitted use. The Metro housing rule deals specifically with the actual unit, the product developed within those areas and within the A2 area you can't have a rental that's true but, you could have owner occupied. You could have rental units within an R7 or R10 zones. You are looking at units and we have to provide 50% of all new construction within the City of Troutdale has to be a detached or multi-family type of unit. If you provide the opportunity for those type of units in order to meet the housing rule, that is what this is about. If there are "x" number of units that are required on the up end of the scale you either need more areas of the A2 zoning, or you can increase the density in the areas that are already existing. There is a desire not to maintain high rise or high density multi family within the City of Troutdale but to spread that density out onto smaller parcels because they would then be more compatible with the adjacent residential development that already exists in Troutdale.

Ripma asked if anyone was asking about the fairness of the 50% apartment construction in our city and if anyone considered opposing that kind of rule?

Christian stated that it had been challenged and opposed and there were several cities in the State that challenged it and have lost.

Ripma asked if there were three readings? Cox stated generally two. Ripma asked if since this public hearing was over would there be another opportunity to comment?



Christian stated that public testimony had been taken. The ordinance was now being considered which is also adopted at a public meeting. The Council always takes public comment but not in the formal sense of opponents/proponents. The next Council meeting the ordinance will be up for second reading. This Council takes comment before taking action.

Lindey Warren: Are apartments [one owner] and condominiums [several owners]...how can that be one in the same? He stated that the ownership sounded pretty vague.

Cline stated A2 is the only zone that the City has which would permit condo development use within the A2 zone.

Warren asked how many signatures would be required to block such a thing or could it be done?

Christian stated 60% of the registered voters would be required.

Cline stated that the State of Oregon mandates planning. They mandate a process called periodic review which requires that cities review all changes in zoning...the zoning map, all ordinances and that we are acknowledge by Land Conservation and Development. We have to have the State review our Plan. That is what we are in now. It requires that you step back and take a look at all factors of things that have changed. Troutdale has gone through a lot of changes. This is the third hearing on these particular changes. The Planning Commission and staff and now Council has taken a look at these factors that have changed the perception within this community and the needs and desires that are dictated by those changes and this is to reflect those.

Cline stated that yes, the change was from some of the properties that were originally apartment and are now commercial and some of the A2 zoning was displaced to a need in other areas. These are areas which have been deemed to have the least amount of impact on the adjacent single family developments and would be in compliance with some of the changes that are needed to accommodate.

Discussion ensued regarding the location of the parcel [R7] in relationship to Warren's residence. Christian stated it was .88 acres in parcel "B".

Councilor Thalsofer stated that Council appreciated the comments and concerns. If Mr. Warren wanted to take a petition around, he should do so, nothing would prevent him from doing so. He stated that the Council had certain requirements which were mandated to be performed. Sometimes it wasn't a pleasant task. He stated that the Council was elected by the citizenry and input was appreciated and Council did take comments into consideration and balance them against the requirements of the State. Sometimes there was no choice.

Councilor Burgin stated that this hasn't been the first opportunity to speak on this issue. The structure in the City had a Citizens

Advisory Committee and a Planning Commission. Those positions are appointed volunteers who consider all these issues prior to Council consideration. There was very little intention on the Council's part to change what those citizens had recommended. He stated that Council depended on those bodies to represent the citizens.

Councilor Burgin stated that he was sorry that Mr. Warren hadn't had the opportunity previously to hear about this issue but, through the public hearing process and those citizen representatives there had been opportunity for prior public comment. In terms of petitions, the State had set up the Planning Commission structure and citizens advisory committee. Through those committees there is a vehicle for citizen comment and input. Councilor Burgin stated that overruling those citizen input bodies would be a rough thing to do.

Warren stated that he worked a long way away and worked a lot of hours. This was the first he had heard about it and he was concerned.

Councilor Thalsofer stated that due to the size of the maps, it was difficult to determine what A, B, C, D, was and where it actually was located. He was concerned about whether pictures could be taken of the areas in question so people could relate to a street or landmark.

Christian stated that could be done in the future, however, for public notice purposes it wouldn't work.

Guy Bennett, 1227 SW 26th, Troutdale. Mr. Bennett spoke to the issue of Gresham's movement to put the expressway right up through 257th. Section "C" would be affected. He protested that meetings were all set on the same day of the week. He objected to spot planning that was occurring in the apartment issue. Has there been a letter of ruling from the State, an official ruling based on numbers. He had been at a meeting in Gresham and was very concerned about the impact of the expressway. He also expressed concerned about spot zoning.

Mayor Cox stated 8%. He also stated that the concern regarding Gresham's meeting on the expressway route, Troutdale has already passed an resolution stating their position on the location of an expressway.

Christian stated that when incorporating a City in the State of Oregon, the Charter states specific set meeting nights that aren't varied.

Councilor Burgin stated that one of the things the Planning Commission tried to do in response to earlier citizen input was to create areas for A2 where there wouldn't be hundreds of apartments in one place. That was in response to citizen input.

Councilor Schmunk called for Point of Order. Proponents and Opponents were already called and the staff recommendation has been given.

Mayor Cox stated that some had asked to ask a question.

Pat Patterson, 18625 E. Burnside #55, Portland. Talked to the zoning related to mobile parks. She would like to see that Troutdale not become another Gresham. Properties were set aside for mobile parks and designated for mobile parks [LCDC mandated]. She stated the City took the property away from them to make it a City Park which won't be developed for 4 or 5 years. She stated land couldn't be found within the City of Gresham. She would like the Troutdale Council to allow mobile parks within the City.

Cline responded. He stated that an ordinance had been approved by the City Council on manufactured dwelling parks as of the effective date of that ordinance would be a use permitted by right within all R4 and R5 zones.

Mayor Cox read the ordinance by title.  
Mayor Cox closed the Council meeting.

PUBLIC HEARING: Consider Adoption of Public Works Department Report, Creating a Local Improvement District to be known as the East Troutdale Sanitary Sewer Force Main and Gravity Sewer - LID No. 90-001

Mayor Cox opened the public hearing and read the resolution by title. Mayor Cox called for declarations, challenges, ex parte contact. There was none.

Staff summation. Wilder gave background information. He stated that this had been discussed at a number of previous Council meetings. During the last meeting a resolution was presented accepting the Public Works Department report. The property owners had all been notified individually and proper advertisements of the public hearing had been placed. The project totaled approximately \$121,000. It was initiated by Tad's Chicken and Dumplings on the east side of the river. Their request came as a result of mandates from both DEQ and the City of Portland [enforcement of septic tank problems in the area].

Wilder stated that the a number of possibilities had been reviewed for the best scale of economy and the potential long term service for properties on the east side of the river. The scope of the project had been reduced to serve Tad's and properties that the sewer line would pass by in getting to the Jackson Park sewer interceptor. The door had not been closed to future connections to that sewer. The Gorge Commission's involvement in this process had lengthened the process by two to three months. The pressure sewer main had been sized to adequately take care of the entire east side of the river in the future as zoned and currently configured. Wilder stated the project was divided into three schedules "A", "B", "C" in fairness to benefiting property owners.

Wilder stated that Windust [Tax Lot 169] didn't appear to be opposed and was not present. The City was a benefiting property owner and was not opposed. Glenn Otto [Tax Lot 57 and 152] Tax Lot 152 currently has a home on it and it was assumed that the density of that property would be applied across the entire parcel - 1 home for approximately

10,000 sq. ft. of property and determined then the ERU's to assess the property. If the property were to develop as a restaurant or more intensive use, additional assessments would be required - a latecomer's process would be done accordingly and everyone else's would be reduced accordingly. The same held true for Windust's property, if developed for some other use other than residential [actually it is zoned central business district] not knowing what would be done residential zoning was applied. Except in the case this side of the river where the commercial uses were known [City Park] which were measured and determined by ERU's. The costs were included in the report.

Wilder stated proposed assessments [Exhibit "E"] would be \$90,054 - Tad's; \$15,052 - Tax Lot 51 - Otto; \$1,672 Tax Lot 152 - Otto; \$10,535 - City; Tax Lot 159 - \$3,787 Windust property/Schedule C. Wilder stated that Otto's and City's would be a cumulative of Schedule "B" and "C" and Tad's could be a cumulative assessment based on Schedules "A", "B", "C". He stated this was the first time the City had done this type of spreading the assessments on a project of this size, however, it was certainly an acceptable method.

Councilor Thalhofer asked how he had computed the ERU's for the City - it was significantly less than the Otto property.

Wilder stated the City Park was a known and given and would probably remain that ad infinitum. The number of fixtures, restrooms, dishwasher, kitchen facilities were added up and compared to what would be a typical residential home - ERU's were then established accordingly, as well as a caretaker's cottage which was included. Even though Tax Lot 51 was currently undeveloped and Tax Lot 159 has a condemned home/unoccupied on it at this time. Considering a 10,000 sq. ft. lot it was calculated by about how many single family homes could be built - that was the only way to come up with a fair figure. That is zoned Central Business District and it is conceivable that some other use might be put on it [i.e., a motel or restaurant] which would substantially impact it and be more than the 10 ERU's figured. If the City Park changed we would also be a party to a latecomer's agreement.

Councilor Bui understood that the reason for this was an order from DEQ and the Gorge Commission not wanting the environment disturbed wasn't particularly supportive of the project. Wilder stated that their words were 'to serve the existing properties of record as currently zoned'. They didn't support the project that would allow re-development or lot line adjustments or partitioning of parcels to increase the density on that side of the river. They did allow the project to be constructed for the properties as currently configured and currently zoned.

Proponents: Wilder stated there were no written remonstrances either mailed or personally filed with the City. Verbal support from Tad's; Windust's lack of comments or appearance. The City needs to replace septic tanks, et cetera on the Park and the assumption would support of the City. Wilder did not know whether Glenn Otto supported or

opposed the project.

Opponents: Glenn Otto, 23680 NE Shannon Court, Wood Village. Owner of property in Troutdale. Otto stated he supported sewers. However, he felt that the assessments being proposed against his property - he opposed. The City Park had the same frontage exactly, there are public restrooms, a house, Great Hall, many restrooms, dishwasher. On his side a 5 room house, shower, bath, toilet - that's it. He didn't see the difference in assessments. He stated that you assess on what is on the property now, not what may happen. The City has 16 acres, he has 2.42 acres. His didn't see his assessment at \$16,000 and the City at \$9,000.

Otto stated that 11 years ago, regarding expanding the sewer treatment plan, they bought 12 sewer hookups totally \$6,900. All that time the City of Troutdale used his money, no interest but used the money. Otto stated that if he would have waited he could have bought in on one hookup basis for the same price as anyone else. He thought the method of assessment was wrong. Otto then discussed sewer hookups that he had purchased several years prior. [Tape 2, Side 3 19:30] He stated they weren't opposed to sewer but the method of assessment and opposed to the prepayment of sewers.

Otto stated that Helen and he were very willing to sit down and talk with the City/Council/Engineer to come to some kind of settlement. If it was preferred, he could arrangements for his attorney to discuss the issue with Council and/or staff. He stated he would assure one thing...they were not going to pay \$16,000 to hook up his property to a sewer. The reason they had 12 sewer hookups was that they had considered the possibility of selling the property for a 100 person restaurant with a bar. He was also concerned that if he asked for a building permit next to BeaverCreek he wouldn't get it because it was in the flood plain.

Mayor Cox called for Council questions.

Councilor Thalhofer asked what type of assessment Mr. Otto felt would be more fair than this one?

Otto stated that he felt the City had used his money for several years and if any assessment was written off, it would be satisfactory with the Otto's and he thought it would be fair.

Councilor Thalhofer asked other than writing it off, what type assessment did Otto feel would be fair, assuming for the moment that there would be some assessment?

Otto stated there was one dwelling on the property, he would be tearing down the shack on the property this summer. Assess him for one house. He didn't know what his plans would be or what a potential buyer's plans would be for the property if it were sold.

Mayor Cox stated that the park property would remain as it is. Glenn Otto asked the Mayor if the City were offered \$1 million dollars,

would the City sell it? Mayor Cox replied, no - he wouldn't. Someone else might but, he wouldn't. Otto then stated that he might not not do anything with his property either. It should be assessed for the current use.

Mayor Cox asked Wilder to discuss the reasons why the ERU's were figured as they were?

Wilder stated that the park was being assessed at 6.3 ERU's - the amount is based on the known, given use. The system is designed as Glenn Otto referred to. It is a pressure system, not a gravity system. Exactly what the engineer suggested 10-15 years ago. Wilder felt there was a misconception as to what the system is like. He stated that it was very difficult, as with any LID, to determine the zoning and most likely use of property. Wilder stated that Tax Lot 51 was also included, not just Tax Lot 159. Wilder stated he had no idea as to the park would be sold, re-developed or if the City would eventually put some more intense use to it. But, the ordinance spreading the assessment roll would contain latecomer language agreement which would take care of those situations. The same as it would do for the Otto property.

Wilder stated that Council could direct staff to convert all the assessments on this side of the river to square footage basis. That would mean that the City Park would pay considerably more, even proportionately more than the amount than it would currently contribute based on a known use. The Otto's would pay considerably less. However, in the long run if they decided to put in a restaurant they would have to, through the latecomers agreement re pay the rest of the property owners for the differential monies because of the increased benefit. The knowns that are there are the City's use and Tad's use. The rest is subject to a lot of judgment calls, conjecture and a lot of arguing.

Councilor Schmunk asked if in the past the LID's have been based on ERU's? Wilder stated that front footage, square footage, zone of benefit, ERU's - all different ways. This was different because there were knowns and unknowns.

Otto stated that the City had chosen the highest and best use. Wilder stated no. Otto had stated himself that he had prepaid 12 hookups for a future restaurant, this project assumes 10, 2 less than Otto's own assumption for the piece of property.

Otto continued to disagree. He stated the best thing to do would be for Council to make the decision. Otto was willing to cooperate in anyway they could but they didn't want to be the rabbit taken out to slaughter. They would sit down and discuss it with the engineer, or his attorney and the engineer, or all three.

Wilder stated that everyone was aware of the timeframe concerns to finish the project. If Council directed that this side of the river be on a square foot basis, there would be no argument about use or potential use of the property. That argument would come later. The

City would pay considerably more but there would be no argument of equitability. However, there is no way that the issue of sewer reserves could come into the discussion. That was a private, personal decision made at the time the Plant was expanded when people were concerned about the availability of access to the Plant when the City was being developed. That was a conscious decision on the part of everyone that invested in that facility. Everyone has to pay system development charges and that is a down payment on the system development charge. It simply cannot be discussed as part of any agreement or settlement on participation in an LID.

Councilor Thalhofer asked if the existing use on the Otto property was for one house. Isn't there a way that the current use could be assessed and a latecomer agreement in the future if the use changed?

Wilder stated it could be put together in any equitable fashion Council wanted. He thought that it would be challenged by more than just Tad's, who would then be bearing the brunt of the increased costs. Wilder stated that it would be likened to forming a LID in the industrial area where there was no development and assessing everyone nothing until they did the development and then assess it based on what the development was. The City would have to have pretty deep pockets to do LID's in that manner. LID's are based on potential benefit as much as they are on real benefit and real conditions. That property is undevelopable at this time and simply would not have any approvals at all without sewer service. With the sewer service, it becomes developable property - it is benefited.

Councilor Bui asked if Otto wanted to sell back the reserves that he is holding in lieu of paying - towards the payment?

Wilder stated there was a policy and procedure that Council agreed to which says if you want to sell them, you put them in a pot and first come-first serve [there was quite a list] they would be sold in order of need. Council could change that policy in that direction but there are a number of people that would want the City to buy theirs back as well. When the property develops, with the 12 reserves he has, instead of paying \$1,250 for a sewer SDC, he pays that much less - \$575.00 his deposit is subtracted from the \$1,250.

Otto stated that the previous City Administrator at the time stated that if you buy in there wouldn't be any increase in the sewer hookups.

Wilder stated that there had, in fact, been a decrease. What Otto paid was a deposit for reserve space at the Treatment Plant. The City cost...Otto stated they paid \$575. per unit, there were suppose to be 12 units out there.

Wilder stated that was a reserve payment, a down payment. That was very clear in City records that amount was a reserve, a pre payment, the balance payment would be made at the time you wanted to connect. The SDC's were close to \$1,800 per ERU and they are now \$1,250 so the balance payment is considerably less than it would have been if done

then. In addition, the Council has passed an ordinance that allows taking all the reserves, combine them in a single financial package and consider them fully pre-paid system development charges. So the 12 times \$575 = and come up with either 5 or 6 fully paid system development charges.

Councilor Thalhoffer asked what the timeline was? Wilder stated the schedule barely meets DEQ's mandated requirements for connection for the system to be operational. Opening and awarding bids would have to take place at the next Council meeting [April 10, 1990]. The assessment rolls aren't finally spread until the project is finished. There is more time to work out how to spread the assessment roll. Wilder stated that there were other affected benefiting properties to consider also.

Councilor Thalhoffer stated that he would like to pass the resolution as it stands but wanted to direct staff to work with the only objecting party [Otto] to see if something could be worked out in the interim before the LID assessments are spread. If not, then take it as it comes at that time.

Christian stated in that case #3 would have to be taken out of the resolution and other language inserted.

Councilor Burgin stated that it was like a pie, if one was reduced the others would have to increase so not just Otto would have to be included in the discussions but the others also.

Otto asked if there was a remonstrance sheet available. Wilder stated that his testimony was his remonstrance. His remonstrance accounted for 13% of the total project costs as they are currently allocated - 75% Tad's; 9% City of Troutdale; 3% Frank Windust Jr. To stay the project the ordinance required 60% remonstrance.

Otto thanked the Council.

Mayor Cox called for other opponents. There were none.

Staff recommendation was as discussed.

Mayor Cox closed the public hearing.

ITEM #6 RESOLUTION: East Troutdale Sanitary Sewer and Authorize Construction Bid (LID 90-001)

Mayor Cox read the resolution by title.

Wilder stated that Council had full authority to direct staff to prepare the roll in a different fashion. If a square foot basis is more to the pleasure of the Council then that could be figured, as well as any of the other methods discussed.

Christian stated Council had the right and authority to set the method of assessment. To be fair, however, Council needs to consider



the effect of each assessment method. If following Councilor Thalsofer's suggestion, item #3 would need to be deleted or changed to reflect Council direction. [3. The proposed assessment roll represents a fair and equitable distribution of costs and at the final assessment roll will be prepared at the completion of the project.]

Christian stated her concern of changing the method and whether or not it would be equally challengeable if this wasn't done in a public process. The assessment figures, negotiations or whatever the numbers and/or result of a discussion must be a part of a public hearing and it must be fairly disclosed publicly or Council would be at much greater risk to challenge by any or all of the other property owners included in this LID. She stated her concern that the risk the City could be in if the deliberation of the assessment isn't open to public.

Councilor Schmunk stated that there had been considerable discussion regarding the "A", "B", "C" schedule.

Wilder stated that there were two schedules at that point in time because it was pressure line all the way to the Jackson Park interceptor. Now there was a pressure line all the way across the bridge which takes Tad's to that point, then the City and its benefit and Glenn Otto and his benefit to the BeaverCreek Bridge; then there is a gravity sewer line that benefits Frank Windust on the other side. There was one more schedule added to the original two and yes, this method had been discussed at length.

Councilor Schmunk stated yes, and staff was directed to use this method, because it was the most economical.

Mayor Cox asked if the spreading of the assessment could be done any time during the...Wilder stated that the final assessment roll, by ordinance, has to reflect a fair and equitable distribution. Typically it is based on the report that Council accepts now. The other benefiting property owners now assume that this is the method that would be used. If it is different, they need the opportunity to address that difference.

Gazewood clarified the process of final assessment. He stated that upon completion of the project and all the related costs are known, including the projected bonding costs, a preliminary assessment roll is established at that time. The City has to give ten days public notice to the property owners. At that time setting a date certain for a public hearing of that particular assessment roll. This will again occur at that time when all costs are in. The property owner has another opportunity to address the issue of what that total cost is and the method of assessment at that time. Following the public notice the City goes to spreading of the final assessment.

Wilder stated that a guideline as to when bonds would be sold - quarterly - and it would come up at the time the bond sale was prosecuted. Wilder had only shown up to the end of construction to

make certain that DEQ was comfortable with the schedule.

Councilor Burgin asked Wilder hypothetically, if this project wasn't in the works at all and one of Otto's three historically potential uses [multiple dwelling/mobile home park/restaurant] and require an LID would it be more or less expensive to extend service to the bridge than it would be as part of this project? Wilder stated about the same. The schedule had been divided up so that each benefiting property is only being affected by their portion of the schedule.

Councilor Burgin stated that the assessment seemed fair to him. It wasn't one house. It was one house on one lot and then another developable piece of property - developable with a sewer. The three potential uses he mentioned are all in excess of 10 ERU's of use. The assessment would be as if 10 single family dwellings were there as compared to the other uses. He didn't understand the complaint. Whether or not it were assessed on a square footage basis, with a latecomer's agreement - whatever future development there was would either pay through a latecomer's agreement or would assume the bond debt. The impact on the present owner seems not that relevant because the bond debt will be assumed by whoever develops it.

Glenn Otto stated that the reason there were two lots was [when he purchased it there it was one parcel] in 1956 a Veteran's loan was taken out the Otto's didn't want to encumber the entire property just the existing building which was a restaurant. They converted it into a home. That's why it is two parcels. If the lower parcel was developed, he didn't feel that the City would issue a building permit to build a structure in the lower area - it is considered to be in a flood plain by the Army Corps of Engineers. He thought this was a public hearing where concerns could be raised. All he was hearing was 'its already been decided, we are under pressure timeline by DEQ and we can't change it'. He stated that was only ratifying what was already presented.

Wilder stated that if the discussion was whether or not a piece of property was developable or not, maybe it should be removed from the possibility of being developed at all, then assess based on the remaining parcel.

Councilor Thalsofer asked if that was something that Otto would consider to lower the cost?

Otto again stated what he was suggesting was sitting down together, discuss it, come up with some figures and come up with a decision. He wasn't going to make a snap decision tonight on that.

Mayor Cox stated that a decision didn't have to be made until the time when spreading the assessment roll was done, after the project is completed.

Christian stated that the issue was whether the Council intended to action on the resolution now, excluding the reference to the assessment rolls or table the entire issue until the issue is

resolved.

Councilor Burgin stated that he didn't think Council had ever adopted a resolution forming an LID without approving the concept of the preliminary assessment roll. He wasn't comfortable starting a project like this without general theoretical agreement by all parties to the assessment.

Councilor Thalhofer stated that he understood the process which would take place if Otto wanted to remove a parcel from consideration for development. He stated it appeared Otto didn't want to do that at this time and he would support the resolution as it stood.

Otto stated 'one more time, I think it is grossly unfair that 16 acres to the south of the highway is assessed at \$9,000 and 2.4 acres on the north side is assessed at \$16,000 and if that assessment stands, be prepared to see our lawyer'.

Mayor Cox read the resolution by title.

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

YEAS: 4

NAYS: 1

ABSTAINED: 0

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

ITEM #7 ORDINANCE: Accepting Public Facilities Plan and Forwarding to DLCD for Review and Approval [Tape 3, Side 5 4:52]  
First Reading

Mayor Cox read the ordinance by title. He called for declarations, challenges, ex parte contact. There were none.

Wilder stated that there had been a public hearing at the previous Council meeting [3/13/90] on this issue. The ordinance was not prepared and in the packet at that time. The ordinance was now before Council for consideration.

MOTION: Councilor Burgin moved to passage the ordinance as written. Councilor Bui seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM #8 DISCUSSION: Ordinance Prohibiting Possession of a Loaded Firearm and Discharge of a Firearm in a Public Place, Regulating Possession of Assault Weapons in Public Places, Establishing a Firearms Safety Training Course and Imposing Fees. [Tape 3, Side 5 [6:24]

Councilor Bui stated that he had questions and comments. He stated that before Council was a request from Vera Katz to the Attorney General requesting information regarding the legality of the County

gun ordinance. He stated that whether or not it was legal, he didn't think the City had to pass it. He stated that the County ordinance would prevail and the City would have to enforce it. Passing an ordinance to go along with it only showed a blind faith. By the fact that the County passed the ordinance and we enforce it, the blind faith is still being shown. He recommended that this be removed from the calendar until there is an opinion from the Attorney General.

CONSENSUS to table until there is a response from the Attorney General.

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

Thalsofer stated that once there is an opinion and if it supports the legality of the issue, he wanted to see a lot more information that what he currently had [pros/cons/State law passed by legislature, et cetera].

ITEM #9 CONSIDERATION: Personal Services Positions

Mayor Cox called this agenda item.

Christian stated that there was a request for a total of 3.5 people in the budget [2 in Enterprise Fund (1 STP; 1 PW)]. These positions have been working for several months in the City and were subsidized by Worker's Compensation Rehabilitation programs. If we want to keep them working for the City, there will be additional costs to incur for salaries. They began as fully subsidized and we would need to assume the cost in the upcoming budget. Considering the level of activity and the increasing demand on crews, Christian requested Council authorization to continue their employment through the FY and they are included in the proposed budget for 90-91.

Christian stated that there was also a request for 1.5 additional officer positions. There was an officer out on Worker's Compensation that was expected to be out for a considerable amount of time before being able to assume the full functions of the position. That has created a considerable shortage in patrol services of the City staff. That position was authorized and is being filled. Since the injured employee has a right to make demand for his position once there is a full release to return to all functions of the position, and if Council doesn't authorize the .5 position, the person taking that position in the interim would have to be terminated upon/if the injured worker returned to his position. Christian stated that the position was included in the budget, if the budget was approved.

Christian stated that the City currently had two slots in the BPST academy in May. Due to the staffing up of other agencies, it could be a considerable length of time before the City would be assured of getting new hires into the academy for training.

MOTION: Councilor Thalsofer moved to approve the request. Councilor Bui seconded the motion.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

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

Christian stated that these positions will again be considered in the budget.

Thalhofer stated that this had been previously considered earlier in 1989. It would provide more officer safety with more backup.

#### ITEM #10. COUNCIL CONCERNS AND INITIATIVES

Councilor Schmunk - Nothing to add.

Councilor Burgin raised the issue of the Edgefield property and the potential sale of the property. He wanted Troutdale on the record encouraging development and wanted a consensus or motion for Council to direct staff to prepare a comprehensive plan amendment allowing for retail use on that property for the consideration of the CAC, Planning Commission and back to Council. If staff would prepare the language necessary to allow that specific classification.

Councilor Thalhofer stated he would be in favor of that. He wouldn't necessary want it re-zoned until the City had something in hand. But, he wanted to start the procedures. He stated that there had been lots of press regarding the 'mall thing'. He wanted to emphasize that 'there seemed to be a war being waged between Gresham and Troutdale in the newspapers' and behind the scenes activity, as well as accusations hurling around. It was like children. Troutdale didn't solicit a mall and was the last thing envisioned on that property. The interest that may result in a mall, which would be a boon to Troutdale if it happened. Troutdale didn't go out with any animosity to Gresham. That wasn't being done at all. There was someone apparently interested in building a mall, Gresham had someone interested in the Winmar property in conjunction with Tri Met. It isn't Troutdale against Gresham. It's what the market will seek out and obtain.

Councilor Thalhofer stated, in that connection Tri Met getting into the picture and trying to stop Multnomah County Commission from voting to accept certain offers and voting not to accept certain offers and accept certain other offers and he thought it was unfair and unethical if the County did that. They should take first in line and a good offer as it is presented to them. He wanted to say that Tri Met should 'butt out'. In being perfectly blunt about it, Tri Met was trying to do something that he thought was utterly impossible. They were trying to make a silk purse out of a sow's ear.

Council Thalhofer stated that the Winmar property wasn't being developed by any drive in the market, it was being developed by subsidies to the property, government subsidies, taxpayer money ...over \$14 million ...to build a mall that even then might not work. They were counting on light rail to bring shoppers to the mall and he didn't see how that would happen. They would primarily be Gresham residents. The choo choo train would take them the other way, to the enhanced Lloyd Center.

In an article, Guest Opinion, February 28, 1990, Gresham Outlook - Martin Stone stated that 'if this is a place for a mall, why do they need federal subsidies, why do they need \$15 million tax dollars to build it.'

Councilor Thalsofer stated that if the County Commissioners fell into the trap and start supporting mass transit, he thought they would be better off to ask for the \$15 million to be spent on light rail to carry passengers to create revenue. Project Break Even is Project Break Up. If the mall is not market driven and they expect light rail to bring enough people to the mall to support it they aren't in the real world. If it doesn't work, not only will Tri Met have more problems to go to taxpayers for but the mall will have problems and vacancies. A mall, no matter where it is, has to be market driven to be successful and if not, it won't be successful. [Tape 3, Side 5 22:12]

Mayor Cox stated that the main reason the Troutdale Council, Planning Commission is supportive of this is that it would drop the tax base tremendously. The hearing will be at the Multnomah County Courthouse with the County Commissioners on Thursday at 8:00 a.m., March 29, 1990.

Mayor Cox read a letter that would be delivered to County Chair McCoy at the hearing.

Councilor Schmunk stated that she wanted the last sentence of paragraph 3 dropped from the letter.

Councilor Jacobs had nothing to add.

Councilor Thalsofer wanted to know Troutdale had suffered in silence for a considerable amount of time with the Jail, Animal Control Shelter facility, County Farm off the tax roll for years - County Poor Farm. It was Troutdale's turn.

Councilor Bui discussed the Fire Task Force meeting result. The three cities are being asked to provide the Task Force with a resolution stating that the three cities will stay together in the continuing study of what to do about fire services as it relates to the three cities in east Multnomah County. The staff had worked very hard and done a considerable amount of work. The staffs have been asked to continue but on a three city basis. Should we contract on tax situations both Wood Village and Fairview would pay approximately \$2.72/1,000 but Troutdale, due to the size/firestation/alleged assets would be approximately \$6.21/1,000. On that basis it isn't fair. It was determined that the entire issue should be reviewed as a conglomerate. By doing a shared tax it would be approximately \$3.43/1,000. The fire district is currently proposing \$4.35/1,000.

MOTION: Councilor Burgin moved that it was the City of Troutdale Council's intention that the three cities remain together as a unit for consideration of fire services. Councilor Bui

seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM #11. ADJOURNMENT.

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

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

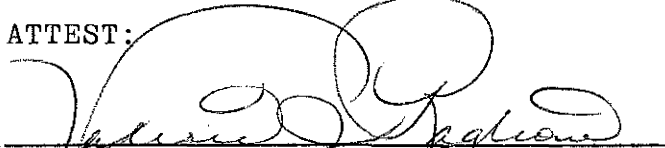
The meeting was adjourned at 9:40 p.m.



Sam K. Cox, Mayor

Dated: 4/11/90

ATTEST:

  
Valerie J. Raglione, CMC  
City Recorder

CC8[2]

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

EASE PRINT NAME	ADDRESS	TELEPHONE
GREG WILDER	CITY HALL / TROUTDALE	665-5175
C. Scott Cline	CITY HALL / TROUTDALE	665-5175
Bob Graewood	City Hall / Troutdale	665-5175
Brest Couier	Troutdale Police Dept	665-5175
NAMES C GARDNER	2611 SW LAURALT TROUTDALE	666-7291
FRAN C GARDNER	SAME AS ABOVE	"
ROBERT JOHNSON	1933 S.W. LAURA CT	665-4449
<del>James Wakeman</del>	<del>1209 S.W. 26th</del>	<del>667-5937</del>
James C. Wakeman	1209 S.W. 26th	667-5937
Walt Postewart	1624 SE 28th Cir	666-1390
FRANK HONTS	1212 S.W. HEWITT	669-7798
Marianne Rind	1633 S.W. 22nd St.	665-1052
E Lambert	1076 SE Ocean Pt Hi	665-2909
Helen O'Leary	2365 ONE Shannon Ct	665-6291



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EASE PRINT NAME	ADDRESS	TELEPHONE
LENN E. OTTO	7368 ONE STAR WOOD CT	665-6891
JONATHAN D. THOR	1138 SE BALSBERGER LN OR 97066	669-8185
Jeanne A. Solberg	18625 E Burnside #37, Portland 0197233	666-8251
PAT PATTERSON	18625 E BURNSIDE #55 PDX	661-6104
Judy Hillend	16745 SE DIVISION #153 PORTLAND	760-8766
Isabelle C. Grunst	18556 N.E. Wasco Portland	665-8266
HERB ROESER	38890 S.E. LUSTED RD	663-1501
Robert. Parker	2020 NW 3 <sup>rd</sup> Grand Ave	665-8779
Lindy Warren	1222 SE BASHIST CREEK LN Troutdale	667-0767
DAVID R. AMN	4220 SE Troutdale Rd	666-8952
JAMES R JENSEN	2726 SE HICKLIN CT, TROUTDALE	665-6432
BOB JOSSI	1125 SW HARVEST PL	669-1943