



# 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. -- APRIL 10, 1990

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept: Minutes of March 13 & 27, 1990
  - 2.2 Accept: Bills Month of March, 1990
  - 2.3 Accept: Business Licenses Month of March, 1990
- (A) 3. PUBLIC COMMENT:  
Please restrict comments to non-agenda items at this time.
- (A) 4. REPORT: Marketing Strategy - Real Estate Strategists  
John Hall  
Call for Declarations, Challenges, Ex Parte Contact
- (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. Second Reading  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 6. RESOLUTION: Award Construction Bid/East Troutdale Sanitary Sewer [LID 90-001] Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (I) 7. REPORT: Master Drainage Plan for Review and Comment Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 8. RESOLUTION: Authorizing City of Troutdale Application for Lottery Funded Community Facility Grant Program to Complete the Community Building HVAC/Ceiling Project Lantz/Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 9. RESOLUTION: Accepting Deed for Park Property [Tax Lot 193, Sec. 25, T1N, R3E, W.M.(Kriepe)] Lantz/Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 10. RESOLUTION: Awarding Construction Bid (Contract) for Sandee Palisades IV Public Facilities [LID 90-003] Wilder  
Call for Declarations, Challenges, Ex Parte Contact
- (A) 11. RESOLUTION: Authorizing a Local Improvement District Agreement for "Archer's Sweetbriar" Subdivision Public Facilities Wilder

Call for Declarations, Challenges, Ex Parte Contact

(A) 12. ORDINANCE: Accepting Public Facilities Plan and Forwarding to DLCD for Review and Approval. Wilder

Call for Declarations, Challenges, Ex Parte Contact

(A) 13. RESOLUTION: Endorsing the Recommendation of the Three Cities Fire Task Force to Cooperatively Pursue Alternative Means for Providing Fire Service Christian

(A) 14. DEPARTMENT REPORTS:

- o Public Safety
- o Finance
- o Community Development
- o Public Works
- o City Attorney
- o Executive

(A) 15. COUNCIL CONCERNS AND INITIATIVES

(A) 16. ADJOURNMENT.

  
SAM K.

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. --- APRIL 10, 1990

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

Mayor Cox called the meeting to order at 7:00 p.m. Mayor Cox called on Councilor Schmunk to lead the Pledge of Allegiance.

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

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

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

PRESS: Gresham Outlook - Dave Pinson  
Oregonian - Web Reubal

GUESTS: John Hall, Real Estate Strategies, Robert Johnson, Tim Hayford, Barry McMnamin, Gerald Stomps, Robert Parker, Hal Broughton, Donna Haines, Dennis Haines

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 March 13 & 27, 1990; 2.2 Bills for March, 1990; 2.3 Business Licenses for March, 1990.

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

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM #3 - PUBLIC COMMENT: [Tape 1, Side 1 1:57-9:47]

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

Robert Johnson, 1933 SW Laura Ct., Troutdale stated that he saw a photo in the local newspaper of the new express route through Troutdale and wanted to know what happened? Johnson asked if Wilder was directed by Council to come up with a route or had he taken it upon himself? He also stated that he thought Council should direct staff before staff pursues it.

Wilder stated that there was an error in what was reported. The purpose of the new route was only to create an option for Gresham and minimize the impact on Troutdale. At a previous Council meeting two Gresham residents asked City Council to consider 257th. Wilder was a member of the Technical Advisory Committee and ultimately Citizens Advisory Committee would consider the route. Troutdale had taken a pro-active stance rather than reactive.

Christian stated that if it was Council's desire, they could revisit the resolution that Troutdale had passed earlier regarding the route.

ITEM #4 - MARKETING STRATEGY - JOHN HALL [Tape 1, Side 1 9:55]

John Hall reviewed the final report of the marketing strategy. He discussed concerns that the Council voiced at his last presentation of the draft study. Those concerns had been addressed and were included in the final report.

The report was in five general sections which included: Section I - Statement of Purpose, Goals, and Objectives; Section II - Economic Development Overview; Section III - Market Opportunities and Constraints Analysis; Section IV - Troutdale Target Industries Analysis; Section V - Marketing Plan and Strategy.

Hall stated that there were 45 new single family homes per year and that was projected to double through 1995, this also held true for multi-family dwellings. Troutdale should be selective of development activities.

Hall stated that a comment from Council at the review of the draft study was that the report wasn't specific enough. He stated it had been re-organized and specific references to geographic areas of the City, Port of Portland and Portland Development Commission activities were included. Land sales were up more than expected. Hall stated that there was no reason for Troutdale to market nationally.

Hall suggested Troutdale take an active stance - to anticipate questions and provide information to readily hand to interested persons. The Main Street area was a concern expressed on review of the draft study. Hall stated that regarding the impact of a factory outlet in close proximity to Main Street - Main Street so be improved so that people would want to find out what it is all about. Hall recommended that infra structure and aesthetics improvements to make people coming out for a factory outlet store want to go into the Main Street area. Suggestions Hall had were: to develop a thorough understanding of resources (land and financial); develop a permitting process as streamlined as possible; be ready to work with other

developments/agencies/businesses/firms/organizations [i.e., I-84 Corridor Association.]

Councilor Fowler stated that Hall had covered the concerns very well and honestly.

Councilor Thalsofer discussed visions of the main street.

Hall stated that the best thing the City could do was to implement the Downtown Plan asap! [Tape 1, Side 1 28:29]

ITEM #5. ORDINANCE: AMENDING THE ZONING MAP AND PLAN MAP OF THE CITY OF TROUTDALE FOR RESIDENTIAL ZONING DISTRICTS AS RECOMMENDED BY THE PLANNING COMMISSION. [542-0] [Tape 1, Side 1 28:55-Tape 1, Side 2 13:02]

Mayor Cox called this agenda item and asked for declarations, challenges, ex parte contact. There was none.

Cline reviewed packet materials. He had also prepared large individual maps for the ease of determining the areas to be amended. This had been requested at the prior meeting. The maps were made available to the public.

Cline stated that a public hearing was held at the first reading of the ordinance, March 27. Zoning of five tracts of land would be changed by the ordinance. (1) Area A 4.84 acres in the 400 block of SW 257th Avenue; (2) Area B 0.88 acres at 1001 S. Buxton; Area C 1.00 acres 1901-2200 SW 257th Avenue; Area C 2.84 acres 1901-2200 SW 257th Avenue; and Area D 7.72 acres 26201-26701 SE Stark Street. The changes were recommended for approval by the Planning Commission as a part of the periodic review process. The recommended zone change was to A-2 residential with the potential for development of approximately 300 +/- dwelling units.

Cline stated that there were no inquiries concerning the recommendation received since the March 27, public hearing. Due to the need to complete the periodic review process and the changes received a favorable recommendation from the Planning Commission, after review by the CAC, staff was recommending the Council approve the changes in zoning.

Councilor Burgin expressed his appreciation of the photos and mapping enlargements that Cline had provided. Councilor Thalsofer agreed with Councilor Burgin.

MOTION: Councilor Burgin moved to pass the ordinance, as written.  
Councilor Jacobs seconded the motion. YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM #6: RESOLUTION: AWARD CONSTRUCTION BID/EAST TROUTDALE SANITARY SEWER [LID 90-001]. 805-R Tape 1, Side 2 13:03

Mayor Cox called this agenda item and asked for declarations, challenges or ex parte contact. There were none.

Wilder stated that on April 9th, the City had opened and read the three bids received for the East Troutdale Sanitary Sewer LID project. The apparent low bidder was Clearwater Construction.

Bids received were: C & M Construction - \$158,420.40; Clifford Fullman - \$154,156.00; Clearwater Construction - \$109,650.00. The engineer's estimate was \$112,839.00 and the City's estimate was \$95,000.00

Wilder stated it was the recommendation of the project engineer and City staff that the Mayor be authorized to enter into an agreement with Clearwater Construction for \$109,650.

MOTION: Councilor Fowler moved to adopt the resolution as written.  
Councilor Burgin seconded the motion. YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM #7: REPORT: MASTER DRAINAGE PLAN FOR REVIEW AND COMMENT Tape 1, Side 2 15:33 - Tape 2, Side 3 25:53]

Mayor Cox called this agenda item and asked for declarations, challenges or ex parte contact. There were none.

Wilder reviewed materials. The consulting engineer, David J. Newton, had completed the draft of the Master Drainage Plan. The project, with financial participation from Multnomah County, Sandy Drainage District [including the Port of Portland], City of Wood Village and the City of Troutdale, was budgeted and approved by Council for completion during FY 89-90.

Wilder stated that the report contained considerable technical material which was important to the growth and development of Troutdale. There were multi-jurisdictional requirements for cooperation, funding and impacts. The report addressed needs and requirements as well as making recommendations regarding the formation of a drainage utility.

Staff had been discussion the concept of a drainage utility with Council for the past 5-6 years. In an attempt to keep Council aware of changing regulations and compliance requirements staff was ready to present a plan that contained the specific policy recommendations with precise infrastructure requirements.

Wilder stated that Don Oakley; Technical Advisory Committee members; Tim Hayford, Sandy Drainage District; Sebastian Degens, Jill Krenen,

Port of Portland; Ron Wong, Multnomah County; Jerry Anderson, City of Wood Village; ODOT staff should all be complimented for the participation and contributions to the report.

Wilder introduced Don Oakley, David J. Newton Associates who then discussed the report, summarized and made recommendations to Council.

Oakley stated that the system as it exists today would need few minor improvements that are necessary. It does have a safe floodplain for development as it exists today. The question is what is generated by future development and the impact from that development and how it is taken care of.

MOTION: Councilor Bui moved to accept the initial report and allow the report to be part of the City's Capital Improvement Plan. Councilor Burgin seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #8 - RESOLUTION: Authorizing City of Troutdale Application for Lottery Funded Community Facility Grant Program to Complete the Community Building HVAC/Ceiling Project (806-R) Tape 2, Side 3 26:38]

Mayor Cox called this agenda item and asked for declarations, challenges, ex parte contact. There were none.

Mayor Cox closed the Council meeting to open the Public Hearing.  
Open Public Hearing: 8:30 p.m.

Staff Summary: Valerie Lantz, Facilities Maintenance Superintendent was introduced and presented information regarding the LFCF Grant Program.

She stated that the Oregon Economic Development Department started a new grant funded by the lottery for community facilities. She explained the grant application process. She stated that the Grant appeared to be set up for jurisdictions that could move quickly for the first round - Critical Need Project. The Community Building HVAC/ceiling project met that criteria. A public hearing was required so comments could be received on establishing this as the highest priority project in the City. The Community Building project appeared to be made for this grant. She was recommending that the City apply for the grant.

Lantz stated that the project was identified as a need in the City Budget during the previous year. It was based on anticipated revenues for the project. The revenues so far were donations from service clubs in the City. Installation of a new gas furnace in the Community Building, as well as a ceiling/insulation. In order to do these tasks, re-wiring/duct work and general mechanical structure repairs/replacements needed to be done. By applying for the Grant it would mean that the project could be done this fiscal year.

Cox stated that the service clubs, as well as the Parks Advisory Board had donated money to make some improvements. He stated that part of the framework for the ceiling was already done.

Opponents: Bob Johnson, 1933 SW Laura Ct., Troutdale. Mr. Johnson stated that he was in favor of it but, objected in a way. He used the building occasionally for vertical practice and wondered if they could get access to the rafters above the ceiling - maybe a removable panel would work in the highest area of the building. Eye bolts might work. He was with the Willamette Valley Grotto - a vertical caving group and they practiced during the winter months/raining season in the Community Park Building.

Johnson stated if it was too much trouble that was fine. He just thought he would try.

Councilor Schmunk stated when, and if, the grant was accepted Council could review the request.

Proponents: City staff, as presented.

Mayor Cox closed the public hearing at 8:36 p.m.

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #9: RESOLUTION: ACCEPTING DEED FOR PARK PROPERTY [TAX LOT 193, SEC. 25, T1N, R3E, W.M. (Kriepe)] Tape 2, Side 4 3:40

This item was held over until the title company completes the deed and property assurances.

RECESS: 8:35 - 8:45 P.M.

ITEM #10. RESOLUTION: AWARDING CONSTRUCTION BID (CONTRACT) FOR SANDEE PALISADES IV PUBLIC FACILITIES [LID 90-003] 807-R [Tape 3, Side 4 4:16]

Mayor Cox called this agenda item and asked for declarations, challenges, ex parte contact. There were none.

Wilder stated that bids were opened and read aloud for the Sandee Palisades Public Facilities LID on April 9, 1990. There were 13 proposals received ranging from \$463,173 to \$811,158.

Most of the bids were below both the City's and engineer's estimate with the low bid from Wayne Jeskey Construction. A thorough background check and bid proposal analysis was completed and it was staff recommendation that the contract be awarded to Wayne Jeskey



Construction for \$463,173. Additional bonding or surety to protect the City against potential default may be required.

Wilder stated that the City would be invoking some of the payment changes recently made in the contract since the last default. That would allow the City to pay directly to subcontractors and suppliers rather than the contractor directly to protect the City from non-payment and attachments to the surety bond. The contractor was ready to proceed. Kent Cox was the project engineer, Gresham.

Mayor Cox read the resolution by title.

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #11: RESOLUTION: AUTHORIZING A LOCAL IMPROVEMENT DISTRICT AGREEMENT FOR "ARCHER'S SWEETBRIAR" SUBDIVISION PUBLIC FACILITIES 808-R [Tape 2, Side 4 7;23]

Mayor Cox called this agenda item and asked for declarations, challenges, or ex parte contact. There were none.

Mayor Cox read the resolution by title.

Wilder stated that a graph had been included to address the Council's concerns regarding the LID funding status. The graph indicated the status to date and indicated that there was 37% available resource which included the 25% for projects of demand or projects which may be initiated by Council.

Wilder stated that the City received a request to form a local improvement district to construct the public facilities within Archer's Sweetbriar subdivision, 39 lots in the Sweetbriar area. The project would include a roadway, waterline, sanitary sewer, storm sewer, and possibly street lighting.

Councilor Fowler complimented Wilder on the chart stating that it was easy to understand.

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #12: ORDINANCE: ACCEPTING PUBLIC FACILITIES PLAN AND FORWARDING TO DLCD FOR REVIEW AND APPROVAL. 543-0 [Tape 2, Side 4 9:59]

Mayor Cox called this agenda item and asked for declarations,

challenges or ex parte contact. There were none.

Mayor Cox read the ordinance by title.

Christian stated this was the second reading and the hearing process had already taken place. Wilder was available if Council had additional questions or concerns.

Councilor Fowler stated that Wilder mentioned the drainage issue being added to this...would that be at a later date?

Wilder stated that it would be submitted along with the Public Facilities Plan, it doesn't need to be included in the ordinance. The ordinance would transmit that.

MOTION: Councilor Fowler moved to pass the ordinance as written.  
Councilor Burgin seconded the motion. YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM #13: RESOLUTION Endorsing the Recommendation of the Three Cities Fire Task Force to Cooperatively Pursue Alternative Means for Providing Fire Services 809-R [Tape 2, Side 4 11:01]

Mayor Cox called this agenda item and asked for declarations, challenges, ex parte contact. There were none.

Christian stated Council had requested this at the last meeting after the report was given by Councilor Bui on the Fire Task Force meeting and recommendation. She stated that Wood Village prepared the resolution, Fairview passed the same resolution at their meeting, Wood Village Council will have it before them at their next meeting.

Mayor Cox read the title of the resolution and called for questions. There were none.

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

Discussion.

Councilor Bui stated that the theme of the resolution was due to fire costs to individual cities. It was decided that it was appropriate to look at alternatives and anything done should be done together.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM #14: DEPARTMENT REPORTS [Tape 2, Side 4 12:57]

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

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

Community Dev: Cline had nothing to add. Councilor Schmunk stated that she liked the report.

Public Works: Wilder drew Council attention to impact of development that was going on to the water system/sewer system SDC charts in the original budget and compare to the original budget to after collections.

City Attorney: Jennings had nothing to report. There were no questions.

Executive: Christian drew attention to the Gresham Area Chamber of Commerce I-84 Corridor Association framework. Mayor Cox had appointed Janet Renfro as representative to the beginning of the formation of the Corridor Association. There had been only one meeting - to discuss the parameters and mission statement. Renfro would be before Council to report after they begin meeting on a regular basis.

Christian stated there was need for discussion regarding sale of City property [memorandum was included in Council packet]. Two pieces of property had been sold during the past FY. Christian requested approval of two departures of where funds would normally go.

Sunridge was a general fund item. The bulk of the lawsuit settlement was paid for out of this fund. A Parks Bond Fund was passed in 1979-80. From Bond proceeds, the City paid some costs during the lawsuit and while they were directed to Sunridge [now Sunrise Park] they were not directly related to park development.

Christian asked that, since the Park Bond Fund was now paid off, the Park's Development Fund be refunded \$15,000 that was taken from the Parks Bond Fund at the time. That would give some capital for projects over the next fiscal year.

Christian stated that the second part would be to allow general fund to charge the sewer improvement fund a 10% administrative fee for advertising and selling the property sold to Columbia Crossing. The property was originally bought with bond proceeds for the sewer plant in 1967-68. Christian stated that considerable expense in tracking expenditures, advertising, appraisal costs.

Councilor Fowler asked since the insurance company paid part of the settlement for the Sunridge lots was there any liability to the insurance company for any portion? Christian stated no.

**MOTION:** Councilor Fowler moved to approve distribution of proceeds

as requested. Councilor Bui seconded the motion. YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM #15. COUNCIL CONCERNS AND INITIATIVES [Tape 2, Side 4 20:45]

Mayor Cox brought up the County Farm property issue for discussion.

Councilor Thalhofer stated that he hadn't received the material related to this item.

Councilor Schmunk stated that the County Farm property, Edgefield Manor/all adjoining buildings/jail - has been studied. She had been one that had studied most of it. She walked all the property/looked in all the buildings. The County feels free to use some things suggested in past reports but not free to use other things suggested. The one thing they feel would be good is another study group. She did not feel it was a good idea. She thought the County should go through the legal way/sell it through the bid process and otherwise 'sell the farm'.

Councilor Schmunk stated that the report she had 'Land Use and Development Plan for Multnomah County Farm' in which there were very good recommendations for what to do with the residential property. Talks about commercial property; what could co-exist with the Jail. She didn't feel that the Commissioners had even read the report. She spoke to one that had not read it.

Councilor Burgin agreed with Councilor Schmunk for two reasons. 1) Another study appeared to be an obvious delay in the sale of the property. The City had waited so long for the property to be sold and developed and back on the tax rolls that the sudden interest in a study coming as it had with other events appeared to be an obvious ploy to stall the process. That would allow other projects in the region to continue also. 2) If any member or sub-group of the City council agreed to be part of a task force like that, he stated it would be going around our own established policy. We have a planning process in the City of Troutdale; a Citizen's Advisory Committee; Planning Commission and a City Council. If any of those members participate in that as part of a planning process with that property would circumvent the City's own process.

Mayor Cox agreed.

Councilor Jacobs agreed with Councilors Burgin and Schmunk.

Councilor Fowler stated that he was always in favor of studies - they should be dumped in the ash can.

Councilor Thalhofer read the memo. He was not in favor of selling the property to the highest bidder - that would be Winmar. He stated that

the reason Winmar bid was to put the property on ice and he didn't want to see that happen. He had previously made the comment that Tri Met and Winmar shouldn't even be a part of the process, they shouldn't be involved in it. He resented their being involved to persuade the Board of County Commissioners to put it on ice. However, looking at it from other view points - it was the County's farm, their land which happens to be in the City of Troutdale. The County had a duty to see that they get the maximum amount of money for their land [being the landowner] and hoped that they wouldn't award it to the highest bidder to this point - Winmar. Having a study with time parameters on it [as listed] wasn't altogether repugnant. Having the County and Troutdale work together made sense, instead of battling each other.

Councilor Thalhofer stated that the County Farm had been studied with many recommendations not in yet. One of the reasons it hasn't was the County Property Management had done a lousy job of 'marketing' the Edgefield Farm property. In fact, he stated that they hadn't done anything until the past year or two and even then hadn't been a very good job of that. There could be more interested parties that would raise the prices, to the benefit of County taxpayers. He thought a study made some sense.

Councilor Thalhofer stated that the County had some public policy things they wanted to consider. If the other Council members felt that it was only a ploy to stall off Price [128 acres] then, welcome to that opinion. He disagreed and hoped that it wasn't the reason. He stated that the County Commissioners were more responsible than that.

[Tape 3, Side 5 00:00]

Councilor Thalhofer favored a study with time parameters.

Councilor Burgin stated that the Task Force was to report back the end of May; time to write an RFP - a professional to do a national marketing effort [however long that would take]; then after that - some point in the future - the property would be sold. Burgin was concerned about why did this surface so suddenly?

Councilor Thalhofer stated because Property Management Department for Multnomah County had done such a lousy job of marketing the property. Now that there is a lot of interest in the property, the Property Management people are moving. But, they haven't been doing their job. At a previous Council meeting when Thalhofer asked a member of the Property Management Department 'what have you done to market this property'? Nothing. They had responded to some inquiries over a period of time, that's all. An auction thing was developed after that meeting. Apparently there were no international respondents to the idea. Very little has been done, and that's why we're in the situation we are in now.

Councilor Fowler stated that right now the property was hot for sale. Let them sell it now.

CONSENSUS:

Bui - The study would be fine. He understood where there could be conflicts. The Troutdale Area Business Association seems to think that the issue should be looked at a little longer. He stated Thalsofer's comments about changing the draft resolution to make it more amenable and to tie them down with good, quick dates to have it done was appropriate.

Fowler - In other words, it isn't acceptable the way it is.

Schmunk - in favor of selling it. The legal bid process

City Attorney, Jim Jennings - Viewed the video tape of the hearing. Mr. Ragsdale's proposal that this be marketed without respect to the bid process is not appropriate. The County must sell the land subject to the bid process. The County realizes that they have to withdraw from the process they have been using, which has solicited these two offers, and re-submit following the particular legal process. Will they impose conditions on accepting bids? Will they condition the sale of the property?

Christian stated at the informal hearing [April 10] the County's attorney, they were using terms he asked them to define and they agreed that an RFP would identify the conditions they would attach to the sale of the property. While they would solicit bids, the bids would be evaluated on how well they respond to the conditions for uses and conditions that the County would put on the advertising for bid.

Jennings stated that he didn't mean to suggest that the County had to sell to the highest dollar bid. They could put conditions 1-4 and evaluate it on all 4 conditions; only one of which may actually be the dollar amount bid.

Christian stated that was in the resolution which was a weighted evaluation.

Councilor Fowler asked if there was a problem here with the County dictating what the property could be used for?

Jennings, we think they do.

Councilor Fowler, could they over ride the zoning?

Jennings, we don't think so. Jennings stated that staff needed direction from Council as to how to respond at the hearing on Thursday. Are we to submit written testimony and written evidence and oral presentation? And, if we are, what direction are we to take? For instance, should we agree that there should be further studies? Should we raise objections to the process being followed at all and assert the position that Troutdale is paramount in zoning and we think the sale should go forward immediately? What range should staff take? We need direction from Council.

Christian stated that this was not an agenda item and Council couldn't take a vote [without being easily challenged]. What staff needs is a consensus of opinion on how to approach this on Thursday. Does Council want staff there? Should they make the City's case in terms of what Councilors Schmunk, Fowler, Burgin, Jacobs, and the Mayor have stated? Is there another path Council wants staff to follow in terms of taking their offer to sit down with a task force and determining the higher public purposes and uses of the property, as stated today?

Councilor Fowler asked if this was delegating staff to go out and negotiate this type of thing?

Mayor Cox stated that Council members have already been attending and those that haven't are planning on attending on Thursday. If Fowler wanted to attend, he was welcome to also.

Councilor Fowler stated that the City will cooperate with anybody within reason through the Planning Commission, Citizen's Advisory Committee and members of Council for the best and highest use of that property. Then we don't need the study any more. If the shopping center is the what seems to be the one, has the bucks and wants to build the shopping center. If there is something else along the line then fine. Let's get the thing on the tax rolls somehow or the other.

Christian stated that the case had to made that is was Troutdale's jurisdiction, and Troutdale's right as an incorporated City to do the Planning and Zoning, the Public Hearings, and all that process in terms of using that land in its highest and best use. That's what the consensus of Council needs to be based on. Christian asked if that was the majority opinion that that was how the Council felt? Staff doesn't want to make a presentation to the technical issues and all of a sudden the Council has a different opinion.

Councilor Burgin stated that to not make that case and join into a study, yields the point without even arguing that we have jurisdiction over property within the City limits. That would be a tremendously weak position to take.

Councilor Fowler agreed. Councilor Burgin agreed. Councilor Schmunk agreed.

Councilor Thalsofer stated that Multnomah County owns the property and they are in the drivers seat. They could award the property right now to Winmar. Let's assume they are the highest bidder. Let's get real.

Councilor Fowler stated that the County doesn't have the right to dictate the planning and zoning on that property.

Councilor Burgin stated they have the right to go before the Planning Commission and request a zone change but they don't have a right to zone it.

Councilor Thalsofer stated that they were living in a dream world because the owner of the land has a lot to say about who they are going to sell to. We have requirements because the County is a public body. The City, because the County Farm is in the City limits, does the zoning. There is no question about that. But, if we get into a push and shove match with the County, we could lose. Thalsofer stated that he didn't want to lose the property to Winmar, because they would just sit on it and everything would go down the tube.

Mayor Cox agreed.

Councilor Thalsofer stated, as he stated earlier, he was completely opposed to Tri Met or Winmar being involved in the process so far as the County Farm in Troutdale. He resented the fact that they were involved. He saw nothing wrong with the City and County getting together and ironing out their differences on this and perhaps moving up the timeframe so it makes sense and can be completed very soon.

Councilor Burgin stated that in their Request for Proposals the County would, in essence, write the zoning overlay on that property and fully entertain bids to use the property and in that way they would have 'de facto' zoned the property and taking whatever portions of the task force report they buy into, they would incorporate that. The end result would be the County Commission alone would make the decision on how the property would be zoned in perpetuity, because they would probably write it in that way [deed covenants or some other way to guarantee the future use of the property].

Discussion continued.

Jennings asked whether or not the Council would endorse a bid process which was purely market driven? You put the property up for sale and sell it to the highest bidder, is that the process Council would like to see the County Farm? Or, would Council prefer a condition bid process where there are certain conditions attached to the sale of property?

Councilor Thalsofer stated that Winmar might be the highest bidder but that wouldn't be market driven. He thought there should be conditions on the sale, that it be a bona fide sale and that any development of the property be done soon after the sale. That would prevent Winmar from getting it and putting it on ice for a long time.

Jennings asked if there should be any conditions on the use of the property, other than those which presently exist by Troutdale's zoning ordinance? Does Troutdale want to see any other conditions attached to the property regarding the use of the property or are you opposed to that?

Jennings asked if council opposed any restrictions to use of the property?

Councilor Thalsofer, no.



Jennings stated that it has been suggested to the County that there be restrictions on the use of the property, specifically that the County not sell the property to another regional mall developer until the Winmar project runs its natural life.

Councilor Thalhofer stated that he opposed that condition.

Jennings asked if Council was against forces prohibiting a particular use of a piece of property in the City of Troutdale? If you are, we can raise the objection to having uses dictated to the City of Troutdale by outside forces.

Jennings stated that the City was in an interesting position in that unlike other people/players in the game, we were airing dirty laundry in public and making philosophic decisions for all the world to see. Something that we don't have the benefit in terms of Winmar, Tri Met and Metro.

Councilor Fowler stated that Council didn't have the right to prohibit any individual from buying if they are bona fide.

Councilor Schmunk was against the County setting specific conditions or uses to the land.

Councilor Fowler was open to any choices or uses put forth by the City of Troutdale.

Councilor Burgin no use conditions. Although he agreed with Councilor Thalhofer on the other kind of conditions, such things as substantial earnest money agreements so that only buyable players would bid on it.

Jennings stated that Councilor Thalhofer's points were well taken on essentially qualifying the bidders.

Mayor Cox stated that the City had its own Comprehensive Plan and zoning, that's what it was for and that is what he wanted.

Councilor Jacobs agreed.

Councilor Thalhofer agreed that there shouldn't be restrictions on the uses of the land. He wasn't in favor of changing the zoning to commercial now and then forcing it to be commercial and maybe that isn't what another buyer would want that would be a higher bidder than what Price is. Price is only going for 128 acres at this point.

Councilor Bui stated that he agreed that the Troutdale Plan supersedes everything. He liked the idea that the County wanted to sit down and work with the City on an open basis. It invited good relationship between governments. The role as a Council and City had to supersede.

Jennings stated that the second part would be the County conditions the sale of this piece of property so that certain things could never occur on the property - i.e., a regional mall - that is nothing more

than a different method of attempting to zone for the City.

Jennings asked if it is Council's position that, by whatever name it is called an attempt to condition the uses of property whether by zoning or other methods it is still repugnant to the Council's view of what Troutdale's rights are?

Councilor Schmunk didn't feel that the County should have the right to eliminate.

Councilor Fowler agreed that they didn't have the right.  
Councilor Burgin agreed that they didn't have the right.  
Councilor Jacobs agreed that they didn't have the right.  
Councilor Thalsofer agreed that was still repugnant.  
Councilor Bui felt they should follow the rules like everybody else.  
Mayor Cox agreed that they didn't have the right.

Jennings knew what he needed to do. Christian the same.

Christian stated that Commissioner Kelley had asked to talk to the Council at bring some people out with her at the April 24th meeting.

ITEM #15. COUNCIL CONCERNS AND INITIATIVES

There was none.

ITEM #16 ADJOURNMENT [Tape 5, Side 6 8:13]

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

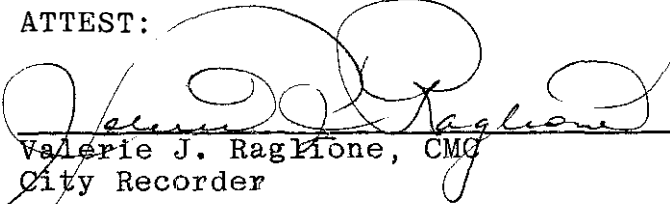
The meeting adjourned at 9:50 p.m.



Sam K. Cox, Mayor

Dated: 4/25/90

ATTEST:

  
Valerie J. Raglione, CMC  
City Recorder

CC8[5]

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

EASE PRINT NAME	ADDRESS	TELEPHONE
G. WILDER	CITY OF TROUTDALE	665-5175
Bob Gazewood	City of Troutdale	665-5175
Ca Scott Cline	City of Troutdale	665-5175
John L. Hall	Real Estate Strategies/RLLC	226-6616
ROBERT JOHNSON	1933 S.W. LAURA ST	665-4449
TIM HAYFORD	1880 NE ELROD PORT.	281-5675
Barry McMenamin	5811 SW Taylor St.	297-6699
Gerald R Stamps	1623 NE Mult.	254-4866
Robert Parker	2010 NW 3 <sup>rd</sup> Greenham	665-8779
Hal Brougton	10260 SW Greenburg Road	245-1200
DONNA HAINES	1728 SW 26 <sup>th</sup> ST TR.	665-6840
DENNIS HAINES	1728 SW 26 <sup>th</sup> ST., TROUTDALE	665-6840