

CITY OF TROUTDALE

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

7:00 P.M. -- MAY 22, 1990


- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
2.1 Accept: Minutes of May 8, 1990
- (A) 3. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
- (A) 4. ORDINANCE: Amending Ordinance 482-0 - Regarding GTE Franchise
First Reading
- (A) 5. RESOLUTION: Declaration of Surplus Property and Setting Date/Time/Method of Sale
Call for Declarations, Challenges, Ex Parte Contact Wilder
- (A) 6. AWARD/REVIEW OF PARKING CONCESSIONAIRE BIDS Christian
Call for Declarations, Challenges, Ex Parte Contact
- (A) 7. ORDINANCE: Amending Planning Commission Membership Change
Call for Declarations, Challenges, Ex Parte Contact Cline/Christian
- (A) 8. RESOLUTION: Forming an Improvement L.I.D. in the Downtown Core Area (Columbia from Kendall to Kibling)
Call for Declarations, Challenges, Ex Parte Contact Wilder
- (A) 9. RESOLUTION: Increasing the Dumping Fees for the Troutdale Landfill
Call for Declarations, Challenges, Ex Parte Contact Wilder
- (A) 10. RESOLUTION: Accepting Marine Drive/Sundial Road Water and Non-Gravity Sewer (L.I.D. 89-002 "A")
Call for Declarations, Challenges, Ex Parte Contact Wilder
- (A) 11. RESOLUTION: Accepting Marine Drive/Sundial Road Sanitary Sewer (L.I.D. 89-002 "B")
Call for Declarations, Challenges, Ex Parte Contact Wilder
- (A) 12. RESOLUTION: Authorizing the Mayor to Enter into a Road Maintenance Agreement with Multnomah County
Call for Declarations, Challenges, Ex Parte Contact Wilder

(A) 13. COUNCIL CONCERNS AND INITIATIVES

(A) 14. PRESENTATION: CDBG Award to Councilor Bui

Mayor Cox

(A) 15. ADJOURNMENT.



SAM K. COX, MAYOR

LEGAL2[51]

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

7:00 P.M. --- MAY 22, 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 [7:28]

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

GUESTS: Walt Postlewait, Robert Johnson,

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

ITEM #2 - CONSENT AGENDA: [Tape 1, Side 1 00:54]

Mayor Cox read the Consent Agenda items -- 2.1 Accept: Minutes of May 8, 1990.

Councilor Fowler questioned Agenda Item #8 - page 11. The motion made regarding Wastewater Management. The motion read "Councilor Bui moved to not spend the money at this time but to set it aside for another date. Councilor Schmunk seconded the motion." ...and it was elected so. Councilor Fowler stated that Wastewater Management has a letter that does not follow the intent of that motion and he requested that Council should follow the Minutes.

Mayor Cox asked what the difference was?

Councilor Fowler read from the letter received by Wastewater Management... "City Council had elected not to authorize any additional funding for the evaluation of chlorine stabilization as an alternate process. By that, I mean they are not prepared to spend six months to review capital acquisition of your facility and/or associated equipment. This decision does not prohibit Wastewater Management"... Councilor Fowler stated that the motion was to set it aside to another date not to say that it was being denied.

Christian stated that she wasn't sure about how the motion was worded

in the Minutes, however, it was staff understanding that the Council had made the motion not to expend the additional funds in pursuing the chlorination process but that if Wastewater Management was interested in participating at their expense in having them considered, then we would consider that.

Councilor Fowler stated that was the discussion, the motion was what is in favor here.

Christian stated the motion should be amended to clarify the motion.

Councilor Fowler stated maybe we should follow the motion.

Christian stated may be this isn't the exact motion, we can go back and have the taped reviewed to confirm the motion Councilor Bui made. Christian stated if Councilor Bui would like to clarify the motion, that would be the appropriate process.

Councilor Bui stated that the intent of his motion was that the City would not fund that particular portion of the study.

Christian asked if the issue was to be set aside, or the money?

Councilor Fowler stated setting the issue aside.

Christian stated that if the issue was set aside so that if Wastewater Management choose to fund the continuation of the study, they would have the option but the City made the decision not to fund the continuing study...Councilor Fowler, at this time.

City Recorder Raglione stated that she would review the tape again, it was difficult to understand the wording and the motion as shown was what was understood to be stated.

Councilor Fowler stated that he would like to approve the Minutes at the next meeting, after the clarification could be made.

Wilder stated that if in fact that is the intent, as Councilor Fowler stated, he didn't know how to proceed with the project because we are held in abeyance if a process wasn't going to be consider, how could he move forward with the design of the expansion?

Councilor Fowler stated that was his question at the previous meeting. He wanted to make a decision towards possibly funding the money and this was finally the answer, to set it aside it was not voted down to not spend the money, the motion was definitely to set it aside for a period of time, not spend the money at this time.

Councilor Burgin asked if it would be in order to pass a motion tonight to clarify Councilor Bui's intent and then regardless what is heard on the tape

Christian suggested that if there were no other problems with the Minutes, approve the Minutes with the exception of this one item and

add it to the agenda for a discussion item and take action later in the meeting this evening.

MOTION: Councilor Bui moved to approve the Minutes of May 8, 1990 with the deletion of Item #8 until there is some clarification on the intent of the motion. Councilor Schmunk seconded the motion.

DISCUSSION: Mayor Cox called for further discussion. There was none.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM #3 - PUBLIC COMMENT:

Mayor Cox called for public comment on non-agenda items. There were no comments.

ITEM #4 - ORDINANCE: Amending Ordinance 482-0 - Regarding GTE Franchise [Tape 1, Side 1 6:30]

Mayor Cox called for this agenda item.

Christian stated there was no staff report because the letter from GTE was fairly self explanatory. This was based on a proposed bill from Northwest Bell and the remaining telephone companies that the base on which cities franchise fees would be assessed had changed substantially and in its place the 1989 legislature approved a bill that allows the cities to charge a privilege tax to those utilities that would use City right-of-way properties. The letter stated that in order to maintain the same level of funding that has been received in the past from the GTE franchise, a 3.58% privilege tax would need to be passed by the City. Christian stated that the law allowed a maximum of 7%. At a recent Metro managers meeting she had attended three weeks ago, all cities except one in the Metro area had charged the 7% privilege tax in lieu of a franchise fee. The ordinance is designed for that 7% privilege tax in lieu of the franchise fee.

Christian stated that it had been understood that most cities would probably charge the maximum privilege tax rate, as is currently done [3%]. The City has the option of levying less if desired.

Councilor Fowler asked if this jumped the tax from 3% to 7%?

Christian stated that if Council desired to retain the same resource from a franchise fee, the City would need to impose a 3.58% privilege tax - as stated in the letter from GTE. The laws allows cities to charge up to 7% privilege tax to communication utilities. There is basically no longer a franchise fee with Telecommunication companies as of July 1st.

Councilor Fowler stated that the old fee is 3%?

Christian stated under a different kind of rate base. The old franchise fee was 3%, correct. It was figured on the revenue received within the city limits. It is a 'privilege' of using public right-of-way to transmit [carry] their lines, poles, boxes.

Councilor Fowler stated that we would be taxing on the same thing the 7% instead of 3.58%, so we have doubled the tax, or doubled the revenue coming in which is being passed on to the customer of the telephone company.

Christian stated yes, just as the franchise fees are.

Councilor Schmunk asked if 'privilege tax' was a new buzz word?

Christian stated that is what it had been chosen to refer to because it wasn't based on the same formula as the franchise fee. PGE, Northwest Natural Gas - all of the rest of them will continue to pay the 3% franchise fee but it is based on a total revenue from within the City boundaries. Christian couldn't explain the complicated formula but it was based on all the new de-regulation and access areas that are served. They have substantially reduced the revenue that was generated from accessing from the City of Troutdale into other lines and that was what they were charging the franchise fee on now...[privilege tax]. It wasn't all the telecommunications business that goes on within the City.

Councilor Fowler stated that it appeared to boil down to if the raise the telephone companies costs by 4% or 3 1/2% this would be tacked right back on to every customer in the City. That is indirectly raising the telephone bill for every resident in the City.

Councilor Schmunk asked how they could deny it?

Councilor Fowler stated by only going back to the 3.58% so it was the same thing.

Christian stated that there was always the ability the problem was opening up the franchise again - it was a 10 year franchise - this was sort of the one window until 2000.

Councilor Fowler asked if the budget had been based on 7%?

Christian stated no, it was estimated at about 25% more on the franchise fee [based on estimated growth].

Councilor Burgin stated that if the average phone bill was \$25 it would be approximately \$10/year additional tax that the average homeowner would pay.

Councilor Fowler stated his bill, due to long distance calls, was around \$40-\$50/month and that would raise it \$2, \$3, \$4, or \$5 a month.

Councilor Burgin stated it was just levied on the GTE portion.

Christian stated that was correct. All of the new access areas and companies are making a substantial difference in how the rate is applied within the City. As stated, it is a Council decision and before Council was staff recommendation and partly based on other jurisdictions and their actions -- raising it to 7%.

Councilor Burgin asked if there was the computer capability to figure out what the City is paying and if a lower amount was levied that would be reflected on the bills.

Christian stated it should be.

Councilor Burgin stated if 7% weren't levied, he wouldn't want to see the same rate as other jurisdictions that had levied 7%. Councilor Burgin asked if there was a differentiation between Gresham and Troutdale?

Christian stated not at this time because everyone is charging the same rate.

Councilor Burgin wanted to know if a lower amount was levied in Troutdale, would the citizens get the benefit of that?

Christian stated she could contact Mr. Bentley to be in attendance for the second reading of the ordinance to respond to questions and concerns of Council, if that was Council's desire.

CONSENSUS:

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

Mayor Cox read the ordinance by title and stated that the second reading would be at the next meeting.

ITEM #5: RESOLUTION: Declaration of Surplus Property and Setting Date/Time/Method of Sale [812-R] [Tape 1, Side 1, 17:34]

Mayor Cox called for this agenda item.

Wilder stated that not everything on the list would be sold at the auction because they wouldn't have been held long enough to clear title. They would be done at a later time by sealed bid. This resolution simply declares the items as surplus. The auction is scheduled for June 16 and the estimated value of everything listed was approximately \$13,000.

Councilor Bui asked about a Firebird that was listed.

Christian stated that the vehicle had been a drug confiscation item which was why there was no title as yet. This was an item that wouldn't be sold until that was all cleared.

Mayor Cox read the resolution title.

MOTION: Councilor Schmunk so moved. Councilor Bui seconded the motion.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

Councilor Schmunk added that if you've never been to one of the auctions you should go. They are a lot of fun.

ITEM #6: AWARD/REVIEW Of Parking Concessionaire Bids [Tape 1, Side 1
19:42]

Mayor Cox called this agenda item.

Christian stated that the applicants, Randy O'Dell and Carla Gerg, were not in attendance. This was the only bid received after advertisement and all necessary requirements and procedures were followed.

Councilor Burgin asked if the terms were the same as last year?

Christian stated that the reporting procedure had been tightened up some in terms of how many people were in and out of the lot.

Councilor Burgin asked if the 45% was the same as the previous year?

Christian responded yes.

Councilor Bui asked if staff had interviewed the bidders?

Christian stated that due to this being the only bid, and the bidders were the same as had it last year, there was no interviewing scheduled.

MOTION: Councilor Fowler moved to accept the bid as received. It was put out, received, and should be accepted. Councilor Burgin seconded the motion.

Mayor Cox called for further discussion. There was none.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

ITEM #7: ORDINANCE: Amending Ordinance No. 425-0 Troutdale Municipal Code 2.20.020, Appointment -- Compensation; 2.20.060, Quorum -- Meetings, To Be Effective July 1, 1990. 544-0 [Tape 1, Side 1, 22:11]

Mayor Cox called this agenda item and read the ordinance by title.

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

Councilor Fowler asked who would be a city officer?

Christian stated that the laws allowed for representatives from cities, officers [i.e., City Recorder, Planning Director] can be a member of the Planning Commission but they would have no vote. That is under Oregon law.

Councilor Fowler stated that you couldn't come up with a quorum then and that is kind of an oddball situation isn't it?

Christian stated that if your not a voting member, you aren't counted as part of the quorum.

Councilor Fowler wondered then what the two officers of the city's value?

Christian stated that was a good point. It was taken out of the state law, however, if Council desire was to delete it then it could be deleted.

Councilor Fowler stated that he would like to see it deleted. It would be far more democratic.

MOTION: Councilor Fowler moved to strike the sentence in 2.20.020 "Not more than two members of the commission may be city officers who, if appointed by the mayor with the approval of the council, shall serve as ex officio nonvoting members." Councilor Burgin seconded the motion.

DISCUSSION:

Councilor Burgin stated that after "and no member may be a member of the city council" add OR A CITY OFFICER.

Christian read the existing code adopted in 1984 taken out of state law defining membership.

Mayor Cox stated that was added and asked if the motion and second was for the addition also?

Councilor Fowler and Councilor Burgin agreed.

Mayor Cox read the ordinance by title.

Councilor Schmunk stated that the motion and second was only to delete the sentence, not to approve the ordinance.

Christian stated that action on the amendment was all that was approved, not action on the ordinance.

Mayor Cox read the ordinance by title, again.

MOTION: Councilor Fowler so moved. Councilor Bui seconded the motion.

[Councilor Thalhoffer arrived 7:28 p.m.]

DISCUSSION:

Councilor Schmunk asked if 2.20.060 conformed with the changes made in the previous motion. She didn't think they elected a president, she thought it was a Chair.

Christian read from the Code which clarified that 2.20.060 was acceptable the way it was written, as president not chair.

Councilor Schmunk was satisfied and called for the question.

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

YEAS: 5 NAYS: 0 ABSTAINED: 1 [Thalhoffer just arrived]

Christian clarified that the reason the state law read this way was under the law a City wasn't required to appoint a separate Planning Commission. The Council under state law can act as the Planning Commission. If that was true, the ordinance establishing the Planning Commission would need to reflect that.

ITEM #8: RESOLUTION: Forming an Improvement L.I.D. in the Downtown Core Area (Columbia from Kendall to Kibling) Tape 1, Side 2 00:22]

Mayor Cox called this agenda item and read the resolution by title.

Mayor Cox called for declarations or challenges.

Councilor Fowler made his declaration.

Wilder stated that this project, in its current form, had been before Council prior to this meeting. There hadn't been a detailed public hearing to find out if there was still interest or if interested should be renewed to set a date for a public hearing/provide the necessary notification and test the reaction of the benefiting property owners to see if they wish to continue with the process.

Wilder stated that there had been no agreement nor terms to come to any kind of agreement with the Oregon Department of Transportation regarding any potential participation with them. They have said that their attorney feels they have no obligation whatsoever in an LID or otherwise. It is their road and they will do as they please. They have no intention to participate willingly. With that in mind, thought as to how that final \$200,000 would be spread sometime between now and the public hearing. If Council directed staff, that would be spread into the assessment roll or work on a way for City participation or another method to finance the additional \$200,000. Wilder stated that this was an unchanged study and he had no further

comments or recommendations.

Councilor Thalsofer asked if the City Attorney had checked into the legality of the City's position as to whether or not the City would have a shot at getting the State involved in the LID?

Christian stated that Jennings had been asked when this was first suggested. As of Monday, Jennings opinion was questionable and would probably have to be settled in court, if the City were willing to pursue it. There was no precedence at this point to make a determination.

Wilder stated that if the State had peripheral properties that benefited adjacent to the road, there would be no question but since the City was trying to assign a benefit to the right-of-way itself on which the roadway rests, there is no case law to determine how that would fall out in court. ODOT attorneys feel comfortable with the fact that we would pay the bill if pursued.

Christian stated that the one slight change that could be considered by Council was the increased gas tax because of the additional distribution from the new gas tax that just went into affect...we could participate in the LID with that additional gas tax over the life of the bond that we would sell. That would also increase the City's normal 30%.

Councilor Schmunk stated that she was aware of all the concerns in getting that street improved and she would be cheering it when done. She knew it was in accordance with the downtown plan and it had been discussed for several years. In the many meetings with the State Transportation people the State's primary roll in expending highways funds is to spend them on interstate highways not secondary highways. There had been talk that some secondary roads would be turned over to local jurisdictions. She knew that the County was talking with the State about taking over some of the roads, one being Columbia, Powell Blvd., and others. When she spoke before, she had stated that she would like the State to turn Columbia over to the City and have it improved when they did turn it over. However, that was a big wish and it would be nice, she didn't think it was possible.

Councilor Schmunk stated that if the negotiations that were going on between the Multnomah County and the State -- that is the way the City should go and the City should urge the County to work for that goal for us. The County has funds they can spend. Gresham is having Main Street re-done and is being done with some County funds and went through East County Transportation and was high on the priority list. Gresham is spending funds also and through a LID they are also doing sewer and water work.

It was Councilor Schmunk's opinion that it would be in the City's best interest to wait for about six month and see what happens in negotiations with the County. She didn't want to have City staff do all the work and give a report on all the questions that are included in the report.

Christian stated that it wasn't really County funds in terms of County generated resources it was Federal Aid Urban Funds and they put up for local competition and that project was ranked the winner. Columbia was one of the competitors in that competition.

Councilor Thalhofer was concerned with getting on with the downtown. If it couldn't be built this construction anyway - he wanted to make sure that it was followed up on in six months. It was 1984 that the Downtown Concept Plan - which has sat on the shelf for 6 years. This LID would be one of the big steps in implementing the Plan. When the time is right - may be it is six months, we should stay with this.

Wilder stated that within 6 to 8 months it certainly could be built.

Councilor Thalhofer asked that staff schedule this in six months for follow up.

Christian suggested setting the first meeting in November for the hearing date. The meeting prior to that staff can check with Council to ensure the Council desire is the same.

Councilor Burgin stated that he wasn't comfortable with setting the hearing date. He wanted to know what the City would be on the hook for before setting a process.

Councilor Schmunk stated that a report similar to what was in the packet would be sufficient. The information should be similar.

Christian stated Council desire was to table the issue.

MOTION: Councilor Thalhofer moved to table the issue until the first Council meeting in November, 1990. Councilor Schmunk seconded the motion.

DISCUSSION:

Councilor Bui asked what that would do in terms of how far the City had come?

Wilder stated that it wouldn't do anything - if nothing else came out of the process, it was to realize that the State's stubbornness is unbending.

Councilor Bui called for the question.

Bui - Yea; Burgin - Yea; Fowler - Yea [if allowed to]; Jacobs - Yea; Schmunk - Yea; Thalhofer - Yea

YEAS: 6 NAYS: 0 ABSTAINED: 0

ITEM #9: RESOLUTION: Increasing the Dumping Fees for the Troutdale Landfill 813-R [Tape 1, Side 2 14:18]

Mayor Cox called for this agenda item and read the resolution by title.

Christian asked if this discussion could also be extended to the request of Dirt & Aggregate to use the Sunrise Park land disposal site also. Just make the disposal a part of this item.

Wilder stated that the first part is a request to increase the dumping fees by .65 cents per cubic yard. Even with the increase, this would be substantially more competitive than other areas. This would be to cover grading, cat work costs, staff time, etc. to cover the costs associated with the landfill.

Councilor Burgin asked what the going rate was?

Wilder stated \$1.00 +, it varies \$1.00-\$1.25 per cubic yard. We receive requests daily to pay to use this facility. It sets a minimum fee of \$5.00 ...it is hard to process paperwork for .60, .85, \$2.00 so we are suggesting a minimum fee in this resolution of \$5.00.

Councilor Fowler asked if he had 10 yards +, he is going to pay \$65.00 because for \$7.00 a truck and he gets 20 yards where he is ...

Wilder stated that the truck assumes a standard dump truck [10-12 yard truck], you would have 2 yards to play with there, if you came in with a pup you would be charged for two trucks.

Councilor Fowler asked if it wasn't overcharging the pup?

Councilor Schmunk asked what a pup was?

Christian, a long tongued trailer. The other issue is if this wasn't done someone would have to be at the gate monitoring. You either set..

Councilor Burgin and Councilor Schmunk stated that it says... a fee of 65 cents per cubic yard or \$7.00 per truck, whichever is less'.

MOTION: Councilor Thalsofer moved to increase the dumping permit fees in accordance with the recommendation. Councilor Burgin seconded the motion.

Mayor Cox read the resolution by title.

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

YEAS: 6 NAYS: 0 ABSTAINED: 0

Mayor Cox stated with the dumping permit was a hold harmless agreement.

Christian stated this was for Council information and approval regarding how to go about dumping.

Wilder stated that it remained unchanged except for the fees which were incorporated in Section 7. The Hold Harmless agreement has that change to it but no others.

Councilor Schmunk asked if the resolution wouldn't automatically change the agreement?

Christian stated yes, it was just to show the impact of it.

[Tape 1, Side 2 19:00]

Councilor Burgin asked about the second part of this item which was referencing a letter from Mr. Davis. He asked that Wilder respond.

Wilder stated every year, as required by the landfill closure plan, the DEQ requirements - City has to calculate the amount of fill being put into the pit. They never asked us before to calculate how much has yet to be put in. This was done this year and in the south portion there is need for 110,000 cubic yards. We started six years ago with approximately 400,000 cubic yards of need. Last year there was 18,000-20,000 yards of fill and the year before over 70,000 so it varies from year to year. This fill opportunity was for 110,000 over a period of a few months which would have completely filled that section and we would have been finished with it.

Wilder stated that the north half to go level with the rest of it would need an additional 79,000 cubic yards. That would be the far out phase for the Park Plan. Hensley Road would be extended through before that park would probably be built in any case. At the current rate would be approximately two years.

Councilor Schmunk asked if the north part was the opposite side of proposed Hensley? Wilder, yes. - The portion that belonged to Loren Obrist.

Councilor Schmunk wanted to make sure it was understood that there were two separate sides.

Wilder stated it was the portion that had the amphitheater in the very early park plan. Wilder stated that it was very likely that a design could be done that would cut that down to 20,000-30,000 cu. yds. to stabilize the hillside. The request was for 12 hours per day, six days per week, excluding Sunday. The discussion might be moot since they were one of three bidders, the other two haven't contacted the City and neither had Dirt & Aggregate - Wilder didn't know if they had actually gotten the bid or not.

Wilder stated the philosophy was the most important, in case this type of request happened again and gave the opportunity to the City to get it filled quicker -- did Council want it done or not?

Councilor Burgin stated if it was two years for the normal rate of filling - he preferred to take the two years.

Councilor Schmunk stated that due to the controversy there had been with it, it would be easier to live with leaving it as is.

Councilor Thalsofer stated he would be in favor of asking the folks around the area what they would prefer. Christian stated that letters had been sent to the area residents with only one response by mail and two phone calls [one from the Church stating they weren't opposed if there was no dumping on Sundays and one from a resident on Troutdale Road].

Councilor Fowler stated with all the sewer line work being done from 122nd out, there would be considerable fill available in the future and people were begging for places to fill.

Wilder stated there was a hold harmless agreement out now for 15,000 yds. of rock with the City of Portland. Wilder stated that he felt comfortable with the two year estimate.

Mayor Cox asked what the pleasure of the Council was.

Councilor Thalsofer stated that when he asked that people be contacted, he didn't mean just send a letter out, hoping that someone would reply. Letters could be sent out but there should also be someone going out and contacting them individually - either by phone or in person and get their response...not just wait and see if someone replies. He stated that you couldn't be sure of just how they felt when there is silence. People should be contacted as a follow-up to talk to them and see what their feelings are.

Councilor Thalsofer stated that if it was going to be filled up within two years, he didn't see anything wrong with that either.

Councilor Fowler stated that since there is a mark set, leave the hours that have been set and that the people are used to.

Mayor Cox stated that the comment on the top of the second page, threatening a lawsuit - he didn't like that either and stated that it should be put off also. He stated that this was one letter, but thought there would be others.

Mayor Cox called for Council consensus.

Councilor Burgin stated that it appeared that Council consensus was to leave the hours as set and not change what had already been decided.

Councilor Thalsofer, Councilor Bui, Councilor Jacobs, and Councilor Schmunk all agreed that it should be left as is.

ITEM #10. RESOLUTION: Accepting Marine Drive/Sundial Road Water and Non-Gravity Sewer (LID 89-002 "A") 814-R [Tape 1, Side 2 27:38]

Mayor Cox read the title of the resolution.

Wilder stated that this was a formality, the project was finished and by way of this resolution it authorized the release of construction retainage and also accepting the system as a fixed asset owned and operated by the City of Troutdale.

Wilder stated that the warranty that the contractor provided still defends against defective workmanship for another twelve months. An item to be done list [attached] didn't affect the acceptance of the project, they were small items that the contractor cleans up before release of the check as retainage.

MOTION: Councilor Schmunk so moved for adoption of the resolution as it stands. Councilor Fowler seconded the motion.

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

YEAS: 6 NAYS: 0 ABSTAINED: 0

ITEM #11: RESOLUTION: Accepting Marine Drive/Sundial Road Sanitary Sewer (LID 89-002 "B") 815-R [Tape 1, Side 2 28:55]

Mayor Cox called this agenda item and read the resolution by title.

Wilder stated that City was still pursuing the matter of arbitration. The second contractor had finished with no unanticipated problems. There were no problems with the performance of the second contractor. By way of the resolution, staff was asking for acceptance of this project and release of retainage.

MOTION: Councilor Fowler so moved. Councilor Bui seconded the motion.

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

YEAS: 6 NAYS: 0 ABSTAINED: 0

ITEM #12: RESOLUTION: Authorizing the Mayor to Enter into a Road Maintenance Agreement with Multnomah County. 816-R [Tape 2, Side 3 00:06]

Mayor Cox called this agenda item and read the resolution by title.

MOTION: Councilor Fowler so moved. Councilor Bui seconded the motion.

DISCUSSION: Councilor Schmunk asked if this was done on a yearly basis?

Wilder stated yes, and it was based on the budgetary appropriation.

Councilor Schmunk, and also based on reports that have been looked at

from the County on conditions of streets?

Wilder, yes.

Mayor Cox re-read the title.

Councilor Schmunk called for the question.

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

YEAS: 6 NAYS: 0 ABSTAINED: 0

ITEM #13: COUNCIL CONCERNS AND INITIATIVES. [Tape 2, Side 3 01:08]

Christian asked if Mayor Cox had skipped the motion of the appointments to the Planning Commission on Item #7.

Christian stated that the interviews had taken place the week before and President Postlewait of the Planning Commission was in the audience for comment.

Mayor Cox stated that Postlewait, Councilor Thalhofer, Bruce Thompson and himself had interviewed for the vacancy. Four had been interviewed and one couldn't attend due to illness. One of the members with his term expiring July 1st had asked to be considered for re-appointment.

President Postlewait stated that it was the consensus of the interviewing Committee to re-appoint Mr. Wolsborn and that was the recommendation.

Christian stated that it was agreed by the interviewing Committee that there had been a very good selection of potential Planning Commission members. One term would expire 12/31/90. It was Council decision whether to re-advertise or make the membership selection from the group that had been interviewed.

Mayor Cox stated that it was his understanding the recommendation was that applicants should re-submit. That was past practice. He called for pleasure of the Council.

Councilor Fowler suggested that six weeks prior to the expiration of the term, re-contact the four applicants that had been interviewed to see if they were still interested and choose one from that group.

Mayor Cox stated that his understanding was to re-advertise and asked if that was Council consensus.

Councilor Thalhofer stated that re-advertising was also his understanding. He stated that all of the applicants appeared to be well qualified and showed an interest in being involved in the community. There may be other committees that they could serve on in another capacity [i.e., Budget/Citizen's Advisory, etc.]. It was his

hope that they would stay active and he hoped that they would also re-apply as well as other new applicants.

Councilor Thalsofer felt it was strange that City was reducing the membership when more qualified people were making application that in the past. But, that's the way it goes sometimes.

Councilor Bui suggested that a certificate of appreciation be sent to Gary Stonewall for serving on the Planning Commission for a number of years.

Christian stated that it was normal process to do so.

Councilor Thalsofer stated that he would like to see a certificate of appreciation given at Council meetings for any person that had served as a volunteer on any of the committees. It was a gesture that would be appreciated by the volunteer. Councilor Thalsofer felt that the certificate should also be already framed.

Councilor Schmunk commented on the new process of attaching a note to items "for information only" to Council.

Councilor Fowler - nothing
Councilor Burgin - nothing
Councilor Jacobs - nothing
Councilor Thalsofer - nothing
Councilor Bui - nothing

ITEM #14: PRESENTATION: CDBG Award to Councilor Bui [Tape 2, Side 3
8:06]

Mayor Cox presented Councilor Bui with an award from Community Development Block Grant and read a letter with the presentation. Mayor Cox called Councilor Bui to stand and accept the award.

Mayor Cox read the letter extending appreciation to the City of Troutdale for continued support and participation in the Community Development Block Grant program -- especially highlighted was the contribution made by Gene Bui, the City's Policy Advisory Board representative for his consistent support of the program in providing projects and services to the low and moderate income residents of Troutdale and East Multnomah County...Gladys McCoy, Multnomah County Chair - April 7-14, 1990 Community Development Block Grant week.

Mayor Cox stated that he would like to extend the City's appreciation for all the time spend and meetings attended on behalf of the City.

Councilor Bui stated that in being successful in getting funds for the City of Troutdale, the success goes to Greg Wilder and staff for doing the grants and making sure that the City was in there for the fight in competing with other jurisdictions and East Multnomah County developers.

Greg Wilder was applauded for his work.

Christian then discussed a letter received from William Allard, Realtor for Allard & Associates. She stated that there were two lots associated with the property. The bank would consider a separate offer on the vacant portion that abuts Columbia. It had been identified in the Downtown Plan as the public square. Was Council interested in pursuing the vacant lot only?

Chief Collier and Christian had toured the building and then again, Christian toured it with the building inspector for his opinions on the condition and what would be needed. This was a suggested response and the beginning of negotiations, if Council was interested. The conditions listed were particularly identified as immediate upgrades in terms of a public building.

Councilor Burgin asked if discussion could be held for a couple of weeks, he would like to see a statement of current status and parking that we have, projected growth of the City and a police force that would accompany that growth and an inventory of the space inside and outside of this building. A statement of need in comparison with what that building is. It is obvious that the quarters are tight in the current facility - but how tight, he didn't know.

Christian stated that she needed some direction from Council - whether another option should be considered, if Council was interested - or not interested at all.

Councilor Burgin stated that he was interested but needed to know whether or not it would fit in, and how, with future plans.

Christian stated staff needed some direction.

Councilor Thalhofer stated he needed to know a lot more than he knew right now, just to know how interested he would be.

Christian asked if Council wanted staff to pursue it, or not?

Councilor Bui stated that he had been in the police facility on several occasions and it was his opinion that the department is very cramped. He suggested that the Councilors that were interested, could go through the facility on their own time between now and the next meeting with Chief Collier.

Councilor Fowler asked for more information regarding the square footage of the building, the balcony sq. footage, the assessed value and taxes associated with the building as well as other items to determine where it actually was. If there were going to be any negotiations, he thought it best to know what would be bought.

Councilor Thalhofer and Councilor Fowler both went along with Councilor Burgin's suggestion.

Councilor Burgin stated that it was feasible that this could only be a short solution to a long-term problem with public facility for the

police. It could be a solution but, for how long?

Councilor Schmunk agreed with Councilor Burgin and stated that the information could be in rough form.

Christian stated that it would be before Council the second meeting in June. Christian stated that the June 12th meeting would have the public hearings on the Comprehensive Plan, Map designation on Rezoning for the record and public information. The meeting is expected to be lengthy.

Councilor Bui stated that he had people approach him on the new planning organization that is opposed to a regional shopping center being on the County Farm property. Concerns were: blockage of views, cause for an LID for it and it would cost them a lot of money for it because they would be in the area of where the shopping center would be. He stated that (1) the County had invested over \$500,000 infrastructure in the place, it was all set to go for whatever it goes for (2) There is no intent from this Council forming an LID whatsoever. Councilor Bui stated that there were people that thought it would be a positive thing for Troutdale in terms of bringing in business and lowering their property taxes. He stated that he would like to see some citizens coming forward soliciting signature of persons that supported the concept. That would give Council a better direction on what the community wanted on the property.

Councilor Bui stated that the information people were getting now was erroneous. He didn't object to people opposing something, just that the information being released wasn't totally accurate and people were signing a petition based on that information.

Christian stated that any suggestions that may clarify [state the fact, no promotion one way or the other] could be included in the next newsletter.

Councilor Burgin stated that it would be good to clarify the 3 letter designation 'RMU' what it stood for.

Christian stated that it was 'regional mixed use'.

Councilor Thalsofer asked if there would be any further discussion on the old Church property again? Mayor Cox stated that the County hadn't had the meeting on it yet.

Councilor Thalsofer was interested in further discussion on the property.

Councilor Bui stated that it was tied in with the Gresham Police with an interest in having a youth athletics center. There may be another building that the PAL may have in mind.

ITEM #15. ADJOURNMENT

MOTION: Councilor Schmunk moved to adjourn. Councilor Burgin

seconded the motion.

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

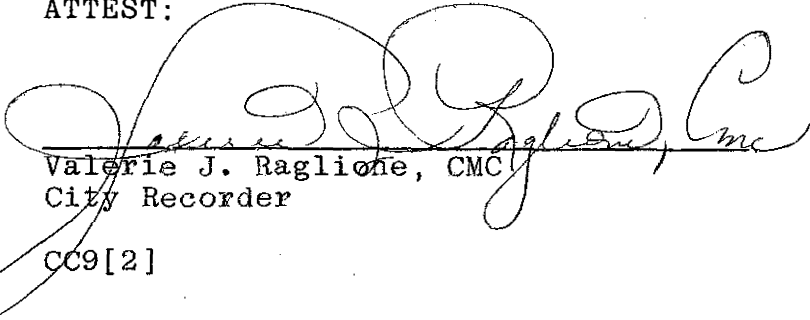
YEAS: 6 NAYS: 0 ABSTAINED: 0

The meeting adjourned at 8:20 p.m. on May 22, 1990.



Sam K. Cox, Mayor
Dated: 6/13/90

ATTEST:



Valerie J. Raglione, CMC
City Recorder

CC9[2]

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

EASE PRINT NAME ADDRESS TELEPHONE

EASE PRINT NAME	ADDRESS	TELEPHONE
GREG WILSON	CITY HALL	665-5175
Scott Cline	City of Troutdale	665-5175
Brent Cowler	Troutdale PD	665-5175
ALT POSTLEWAIT	1624 SE 28 th CT	666-1390
ROBERT JOHNSON	1933 S.W. LAURA ^{CT}	665-4449