

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. -- JULY 10, 1990

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept: Minutes of June 26, 1990
 - 2.2 Accept: Bills Month of JUNE, 1990
 - 2.3 Accept: Business Licenses Month of JUNE, 1990
- (A) 3. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
- (A) 4. RESOLUTION: Regarding Membership in the City/County Insurance Service Trust Property Self Insurance Pool
Gazewood
- (I) 5. REPORT: City Insurance Coverage FY 90-91 Don Stamm
- (A) 6. RESOLUTION: Setting Water/Sewer Rates Wilder
- (A) 7. RESOLUTION: Accepting Easement for Sweetbriar Homeowner's Association Wilder
- (A) 8. RESOLUTION: Awarding Construction Contract for Archer's Sweetbriar (LID 90-005) Wilder
- (A) 9. PUBLIC HEARING: South Troutdale Drainage Interceptor (Local Improvement District) Wilder
- (A) 10. RESOLUTION: Accepting Plans and Authorizing Construction - South Troutdale Drainage Interceptor Wilder
- (A) 11. RESOLUTION: Authorizing an Engineering Contract for a Water Booster Facility Wilder
- (A) 12. RESOLUTION: Authorizing a Negotiated Contract for Wastewater Treatment Plan Expansion Construction Design Wilder
- (A) 13. MOTION: Approval to Purchase Interim Police Facility (141 SE Dora -- Lots 4,5,6,8 Block 1, Troutdale Addition, Section 36, T1N, R3E, WM)
Christian
- (A) 14. MOTION: Approval to Purchase Property Lot 5, Block 4

Section 35, T1N, R3E, WM. (CP Park)

Christian

(A) 15. RESOLUTION: Approving Transfer of Sewer Reservations/CP
Park Property Lot 5, Block 4, Section 35, T1N, R3E, WM.

Christian

(I) 16. DISCUSSION: Interim Hearings Officer

Christian

(A) 17. DEPARTMENT REPORTS:

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

(A) 18. COUNCIL CONCERNS AND INITIATIVES

(A) 19. ADJOURNMENT.



SAM K. COX, MAYOR

LEGAL2[57]

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

JULY 10, 1990

ITEM 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Cox called the meeting to order at 7:00 p.m.

City Recorder, Raglione called the roll.

PRESENT: Bui, Burgin, Cox, Jacobs, Schmunk, Thalhoffer (7:04 p.m.)

ABSENT: Fowler

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

PRESS: Dave Pinson, Gresham Outlook
Web Ruble, Oregonian

GUESTS: Robert Johnson, Rhonda Neville, Terry Neville, Louise Anderson, Dick Anderson, Stephanie Payne, Elliott E Derryberry, Kay Derryberry, Bill Register, Connie Register, Cheryl Mansfield, Barbara Morita, Cheryl Davis, Peggy Carr, Darrell Polzel, Karen Burger-Kimber, Kris DeSylvia, Tim Kary

ITEM 2. CONSENT AGENDA:

Mayor Cox called this agenda item.

City Recorder, Raglione, stated that item 2.1 - Minutes of June 26, 1990, weren't completed and shouldn't be considered in the Consent Agenda.

MOTION: Councilor Schmunk moved to accept Items 2.2 Bills Month of JUNE, 1990; and 2.3 Business Licenses Month of JUNE, 1990. Councilor Burgin seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

Bui - Yea; Burgin - Yea; Jacobs - Yea; Schmunk - Yea; Thalhoffer - Yea

ITEM 3. PUBLIC COMMENT:

Mayor Cox then presented commendations. Christian stated that these were commendations for employees years of service 5, 10, and 15 years.

Mayor Cox presented Daniel Thomas - 10 years; Valerie Raglione - 10 years; Valerie Lantz - 10 years; Ed Kubicki - 15 years; Larry Keller - 5 years; Eric Johnson - 11 years; Daniel Hatch - 5 years; Bill Farr - 15 years; Suzanne Barker - 10 years.

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

ITEM 4. RESOLUTION: Regarding Membership in the City/County Insurance Service Trust Property Self Insurance Pool (833-R) [Tape 1, Side 1 4:54]

Mayor Cox called this agenda item.

Gazewood stated that the resolution before Council was required by City Council Insurance Services Trust. The City was a member of the CIS insurance program. The resolution commits the City to a three year term for a newly created self-insurance pool program.

Gazewood stated that one of the purposes of this program is to take advantage of the annual premiums that cities and counties pay versus the losses that actually occur and this would enable the savings to be passed back to the participating cities and counties.

Don Stamm stated that bids for property insurance were solicited and there was approximately a \$2,000 difference between the CIS proposal versus the most competitive bid. The League reviewed premiums paid since 1981; roughly cities and counties had been paid \$5 million in premiums since 1981 and paid out approximately \$1 million in claims. In effect, the pool would be a portion premium the City would pay and would go into the pool. Stamm stated that an advantage of this would be avoidance of fluctuations in the cost of insurance since there is a guarantee of rates remaining the same for the three year period - as long as there is no change in values.

Councilor Thalhofer asked [referring to a questions/answer sheet pg. 1] if a choice had to be made regarding the City contracting with a local insurance agent for specified services?

Gazewood stated that the firm Stamm, Stuart, Bybee was currently the City's designated Agent of Record and would be for the coming fiscal year also - there would be no need to do anything now. Gazewood gave background information about insurance services from the Agent of Record.

Stamm stated that whether or not you are dealing with CIS or through a local agent, the premium is the same for the city or county.

MOTION: Councilor Bui moved that the resolution participating in the City County Insurance Pool be favorably passed. Councilor Thalhofer seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

Bui - Yea; Burgin - Yea; Jacobs - Yea; Schmunk - Yea; Thalhoffer - Yea

ITEM 5. REPORT: City Insurance Coverage FY 90-91 [Tape 1, Side 1
13:00]

Mayor Cox called this agenda item.

Don Stamm stated that a summary of renewal policy had been included with Council materials. He addressed changes from the previous year stating that an increase in property section in part due to the remodeling that had been done and in part to keep up with inflation. That was primarily the only area of change. The renewal premium was down \$2,100 from the previous year. He stated that when the League put together the pooling concept they would have wanted to make it attractive due to the competition and rates were dropped a little.

Christian asked about the installation of an alarm system in City Hall -- would it would have an impact?

Stamm stated that there was a credit available for an alarm system but he didn't recommend installing an alarm system just for the credit. Christian stated it was in the budget.

Stamm recommended a formal appraisal of real/personal property. Christian stated that was already in the budget.

Councilor Thalhoffer asked about the Public Employees Dishonesty limit of \$10,000 - he didn't feel it was very high.

Stamm stated that figure could be exceeded if desired but a statute requirement was that [Finance Director] Gazewood must have a \$100,000 plus an additional \$10,000 blanket bond to cover all other employees.

Christian stated that there was no one in the City that would have access to even less than \$10,000 without Gazewood being a party to the transaction. It would be a slim chance that type action would occur.

Councilor Thalhoffer asked City Attorney Jennings for his opinion.

City Attorney Jennings stated that assuming the divisions within the City were such that no one would be handling sums in excess of \$10,000 there should be no problem. He stated that it was a lot more effective loss control to save the premium dollars and divide the City into those kind of functions than it would be to spend the premium dollars. Jennings asked assuming there was a limit on liability that could be attached to the City, why did the City need liability insurance in excess of the tort limit.

Stamm stated in case a claim would be filed in Federal Court [discrimination case] or if a suit was filed for an occurrence that happened outside the state of Oregon.

Jennings asked if the coverage could be broken out to lower the cost

by having a separate policy written for discrimination type claims?

Stamm stated no.

ITEM 6. RESOLUTION: Setting Water[835-R] /Sewer Rates [834-R] [Tape 1, Side 1 18:05]

Mayor Cox called this agenda item.

Wilder stated that the ordinance would be left in tact and rates were set by resolution on advice of the City Attorney and City Administrator. There was no recommendation for rate changes this year. There had been a reduced demand for potable water due to the mild and moist weather during the past year. Cash requirements were met at the end of the year, as well as budgetary requirements.

Wilder stated that there were two single resolutions Wastewater first and Water second.

Mayor Cox read the resolution by title.

MOTION: Councilor Bui moved for approval of the resolution. Councilor Burgin seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

Bui - Yea; Burgin - Yea; Jacobs - Yea; Schmunk - Yea; Thalsofer - Yea
Mayor Cox read the resolution setting water rates by title.

MOTION: Councilor Thalsofer moved the adoption of the resolution. Councilor Schmunk seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 7. RESOLUTION: Accepting Easement for Sweetbriar Homeowner's Association 836-R [Tape 1, Side 1 20:51]

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

Wilder stated that the City was required to obtain an easement crossing the Sweetbriar Homeowner's Association greenway in order to construct the sanitary sewer facilities for the Kristin Subdivision. The resolution was formal acceptance of the easement.

Councilor Schmunk stated that the Board would be meeting the evening of July 11, it was on the agenda. Councilor Schmunk recommended passing the resolution and she would hand deliver the easement agreement July 12, 1990.

MOTION: Councilor Bui moved approval of the resolution. Councilor Burgin seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 8. RESOLUTION: Awarding Construction Contract for Archer's Sweetbriar (LID 90-005)

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

Wilder stated that the bids had been opened July 9, at 2:00 p.m. and read. The City's estimate was \$208,800; engineer's estimate was \$281,728. The bids ran from a low of \$247,730 to a high of \$302,305. The low bid proposal was a new company previously affiliated with Alliance. Alliance contracted and completed the Marine Drive Schedule A water and non gravity sewer which has been finished and operative for approximately 1 year.

Wilder stated that staff was hesitant at first because of it being a new company and because of the relatively low bid. However, after considerable research had been done with the bonding and surety company, as well as the contractor. Wilder stated that staff was comfortable in making the recommendation for award to S2 Contractors of Canby, Oregon. There would be two bonds - Performance Bonds and Payment Bonds each in the amount of the contract. In effect, the City was bonded to an amount twice the amount of the contract.

Wilder stated that due to the problems on Marine Drive, the City was now requiring Surety Bonds for both Performance and Payment - separate bonds. That procedure had been added after the default of another contractor.

Wilder stated that the Performance Bond assures the City that the project will be completed according to plans and specifications and the Payment Bond assures payment to all suppliers, subcontracts, sub-consultants, employees, etc.

Councilor Burgin asked Wilder to outline the subdivision. Wilder did so on the maps.

MOTION: Councilor Bui moved approved of the resolution. Councilor Jacobs seconded the motion.

DISCUSSION:

Councilor Thalhofer asked how long the company had been based in Canby?

Frank L. Dunn, 507 NE 178th, Portland, Oregon, responded 25 years. Dunn was part owner with Gale Shunn. The company was formed 4 months ago, however, Dunn had worked with Gale Shunn for the past twenty years.

Councilor Thalhofer asked why the bid was so much lower?

Dunn stated that they felt they could get it done + with a profit.

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 9. PUBLIC HEARING: South Troutdale Drainage Interceptor (Local Improvement District) [Tape 1, Side 1 30:00]

Open Public Hearing: 7:28 p.m.

Declarations, Challenges, Ex Parte Contact: None

Summation by Staff - Wilder stated that a resolution had been before Council and passed dealing with the formation of this Local Improvement District authorizing preparation of plans and specifications and setting a date for public hearing. By ordinance, both advertised and direct mail return receipt notification and verbal notification and discussion had taken place with all benefiting property owners.

There were no remonstrances. De Clerk, owner of Kristin subdivision, sent a letter of written support for the project. Benj Fran has deferred their position on the matter to GSL Homes, pending purchaser of the property.

The City involvement was approximately \$11,000 with \$5,000 of that was tied up with property not currently within city limits but once annexed would benefit and would be responsible for a latecomers payment to retire the City \$5,000 contribution to the program. Wilder stated that in addition the City had approximately \$5,000 work to connect catch basins in the Sweetbriar subdivision that had failed because of inadequate drainageway and inadequate facilities in the Sweetbriar drainage district.

Wilder stated that Don Oakley, David Newton & Associates was available for questions. Oakley gave a brief presentation and reviewed exhibits for Council.

Don Oakley, David Newton & Assoc. [Tape 1, Side 2 03:41] gave a brief presentation reviewing the drainage for the area.

City Council Questions: Councilor Schmunk asked if the area was outside the Urban Growth Boundary. Oakley responded no. It was within the UGB but the City limits currently...

Christian stated that the tax lots are bi-sected by the UGB.

Councilor Bui asked if it looked as though at some point it would be logical that the UGB would be moved and the property would be located within the City so it would be annexed? As he understood it you couldn't annex anything in that isn't within the UGB.

Wilder stated that there was a piece developable within the City

limits. It could well be annexed tomorrow if the owner wished to proceed with an annexation request.

Proponents: Wilder stated that DeClerks' had the subdivision and had no opposition to the subdivision/development. GSL Homes, pending purchaser of the Benj Fran property had faxed a letter of support which was to be included as a letter of support. There were development proposals submitted.

Public Testimony: Opponents - There were none.

Recommendation by Staff - received.

Council Questions or Comments - There were none.

Closed Public Hearing: 7:48 p.m. [Tape 1, Side 2 12:44]

ITEM 10. RESOLUTION: Accepting Plans and Authorizing Construction - South Troutdale Drainage Interceptor 838-R [Tape 1, Side 2 12:57]

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

Wilder reviewed materials stating that the resolution adopted plans and specifications for the project. Advertisement for the projects would be published the next two weeks with construction later this year and it was expected to take 30-45 days.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 11. RESOLUTION: Authorizing an Engineering Contract for a Water Booster Facility 839-R [Tape 1, Side 2 14:23]

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

Wilder stated that there were budgeted monies for the construction of a water booster facility during the fiscal year 1990-91.

David J. Newton Associates of Portland, Oregon and Gibbs & Olson of Longview, Washington both submitted proposals for the project. David J. Newton Associates was recommended by Wilder who asked that Council authorize negotiations with them for a final contract for this facility. Also, by way of resolution authorize the Mayor to execute the engineering contract for the project. Construction would be expected to take place early next construction season.

Wilder stated that design and construction of a water booster facility would help to move water from Zone 2 into Zone 1 to make the water very redundant. Wilder stated that there was an emergency

intergovernmental agreement with Gresham. It would allow the City to more efficiently manage the water system allowing reduction of the use of certain wells, pumps throughout the system and balance the use more effectively. The total project cost was estimated at \$90,000.

MOTION: Councilor Bui moved to approve the resolution. Councilor Schmunk seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 12. RESOLUTION: Authorizing a Negotiated Contract for Wastewater Treatment Plan Expansion Construction Design 840-R [Tape 1, Side 2 18:00]

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

Wilder stated that over the past 5-6 years there had been a gradual treatment plant expansion process. He stated that it was now time for a major expansion project. Gibbs & Olson of Longview had prepared a pre-design report and had been approved by Council. The design parameters had been narrowed down to an anaerobic digestion system.

Wilder stated this request was for authorization to negotiate a final contract with Gibbs & Olson for the final design work in accordance with the pre-design report. It is expected to be negotiated for considerably less than the budgeted amount. It is expected to be approximately \$85,000-\$95,000.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 13. MOTION: Approval to Purchase Interim Police Facility (141 SE Dora -- Lots 4,5,6,8 Block 1, Troutdale Addition, Section 36, T1N, R3E, WM) [Tape 1, Side 2 21:03]

Mayor Cox called this agenda item.

Christian stated there was a new addendum - a refinement of the conditions that the building inspectors - after reinspecting, measuring and testing the electrical service/heating/cooling and codes to make acceptable for a public building. The high side estimate from Dave Traxler was \$21,000 worth of remodeling. That remodeling doesn't involve anything necessary for the Department to move into the building immediately but would include permanent partition walls should a second floor be constructed at a later time.

Christian asked for a motion authorizing the purchase of the building. Any further negotiations would be before Council in

Executive Session.

Councilor Burgin asked that the word 'interim' be removed from any further considerations. It was the largest step made in terms of a police facility and he didn't want to build it in as temporary. Given where the City was financially, the resources available and the needs - this was about as permanent a move as a City this side would make.

Christian stated that if the City ever went out for a bond measure to try to include, not only a police facility, but other public facilities. The Mayor didn't want the public to feel that this was a 'quick fix' measure.

Councilor Thalsofer agreed with Councilor Burgin. He then discussed the 7% privilege tax and asked if this could be a down payment?

Christian stated that additional information regarding the privilege tax was included in Council materials. She stated that all of the privilege tax money could be dedicated to the 911 costs, and play the numbers game on paper. There would be \$25,000 in the general fund that wouldn't be spent. Christian stated that Council had made it clear that it be dedicated.

Councilor Thalsofer stated if it would expedite it - for this one time only - and use it for the purchase of the police facility and from then on put it all on 911.

MOTION: Councilor Thalsofer motioned to authorize negotiations. Councilor Burgin seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 14. MOTION: Approval to Purchase Property Lot 5, Block 4
Section 35, T1N, R3E, WM. (CP Park) [Tape 2, Side 3 00:00]

Mayor Cox called this agenda item.

Councilor Schmunk stated that she remembered the discussions of this purchase during the Budget Committee meetings. She asked if the figure agreed to was \$18,000?

Christian stated that \$18,000 for the purchase of the lot was authorized. There was \$4,000 in the Parks budget for rough development of that lot to enlarge CP Park. Christian stated that she had authorized what would have been carryover from the Executive budget and Mayor Cox had authorized the earnest money agreement of \$1,000 - it was written out of FY 89-90 executive budget. The amount that would be spent from the FY 90-91 budget would be \$18,000.

Christian stated that by count, it was the most heavily used park.

MOTION: Councilor Bui moved for approval. Councilor Schmunk seconded the motion.

Councilor Schmunk stated that this was something that had been discussed in open budget committee meetings and therefore, there wasn't any hesitation on the part of the Council to approve it.

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 15. RESOLUTION: Approving Transfer of Sewer Reservations/CP Park Property Lot 5, Block 4, Section 35, T1N, R3E, WM. 841-R [Tape 2, Side 3 03:07]

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

Wilder stated that as part of the purchase on part of the City, staff agreed to ask Council to let Mr. Fong transfer sewer reserves assigned to this property to other property which he owned in CP Park. The City has no need for the sewer reserves for park development. By ordinance, only the Council has authority to transfer pre-paid sewer reserves since they are in fact attached to the property and not personally owned by the owner. Wilder stated that was the purpose of the resolution.

Councilor Schmunk asked what normal procedure was?

Wilder stated it attached to the property and can't be moved without Council authority.

Councilor Burgin asked if by resolution Council was saying it becomes personal property?

Wilder stated no. It is being attached to other properties in CP Park without being specific as to which property. Wilder stated this had been done previously with Burlingame Development in transfer to other properties within a specific geographic area.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 16. DISCUSSION: Interim Hearings Officer

Mayor Cox called this agenda item.

Christian stated Councilor Fowler had a concern about this at the previous meeting - she had hoped he would be available for this discussion. She stated that there were existing conditions and situation within existing code requirement that state 'if this person

is in violation of this Code or ordinance they have the right to take it to a hearings officer'. Christian stated that there were appeals pending and staff needed to know how to handle them.

Christian then gave examples: basketball hoops; removal or towing of abandoned cars; nuisance abatement of removal of personal property from public property and in some cases neighborhood disputes [fence on neighbors property line] that could go into court.

City Attorney Jennings stated it would be a neighborhood dispute resolution procedure. Jennings gave examples of problems that the Police Department ran into. Jennings stated that the amount of time required from the Police Department, as well as the City Attorney's office was surprising. He stated that other cities had developed a Dispute Resolution position. A hearings officer which neighbors could meet with to try to resolve the dispute. That keeps them out of the Court system and hopefully, keeps the dispute from ending in tragedy.

Jennings stated he had personally seen it work, Chief Collier had experience with it, it frees police manpower and lightens the burden on the Court system. It had been thought that the persons functions could include all the items that are non land use issues which are currently in the Code..provide the space and time here where parties have objections, complaints, disputes and have a forum where they could be heard.

Jennings stated that he had spoken with the Pro Tem Judge for the City and he had stated he would be willing to undertake this - while acting as Pro Tem Judge - as long as it was in the evenings. Jennings stated that he could set up a fee schedule to defray some of the expense whereby parties that want to use this would pay to use the procedure. It could be a threshold to come to before the Criminal Court. He stated that as many of the ordinance violation issues as could be found. In that manner, Council wouldn't need to hear those ordinance violations. The only other person to act as hearings officer now is the Council.

Jennings stated that an ordinance hadn't been designed. He had materials on how this would work and he wanted direction from Council to go ahead and put together an ordinance creating a hearings officer position.. ombudsman might be a better description of what he would be doing.

Councilor Burgin asked if the person would hear deed/covenant issues? He stated that there had been an issue of this type [BeaverCreek Lane] recently.

Jennings stated probably not. It was probably heard in Civil Court. It would only be those issues that the City had jurisdiction to control. He stated that the City didn't have the right to control a deed restriction. There were questions of violation of Building Code...could it be heard by a Hearings Officer? Violations of the Zoning Ordinance?

Councilor Burgin asked jurisdiction over neighborhood disputes?

Jennings stated that people couldn't be forced, they would need to volunteer to meet.

Christian gave an example of kids unjustly being harassed by another neighbors kids. They have the right to file a complaint through the police department - then once the other neighbor finds out a complaint has been filed, they have the same right to file a complaint against the first party filing a complaint - the police officer then is in the middle of it and the City Attorney's office in trying to prosecute when there is no reasonable grounds to prosecute - in terms of costs to resolve the dispute. It isn't just arbitration between neighbors over general issues. They could in fact, carry it to court if they choose to do so.

Jennings referred to Councilor Burgin's question about how to force the mediation. When a civilian complaint is filed with the police department - the process is that it is taken to the City Attorney's office, where their discretion is used in whether or not to prosecute the case. No one could short circuit the system by saying 'I'm not going to do dispute resolution'. The City Attorney's office is invested with the discretion of prosecuting a case. If a procedure is started whereby the City Attorney's office won't consider prosecuting civilian disputes - until the dispute resolution process has been followed - they could be funneled into the system.

Jennings asked Chief Collier who agreed that a large percentage of time was used in dealing with neighborhood disputes.

Mayor Cox stated that there had been a number of problems over the past years and stated it would help...

Councilor Thalhofer asked Jennings what it would cost per year to have a Hearings Officer - he realized there would be some savings in not having the City Attorney time tied up as well as the police time. How much would it actually cost the citizens to have this type of system.

Jennings stated that four or five disputes could be resolved per year by utilizing this system and he guessed each one would probably take \$100.00 worth of time and costs in total to resolve = \$400-\$500/year and the savings would be several times that figure.

Councilor Burgin's stated his concern was the possibility of denying a person's justice by saying 'let's just sit down all together like one big happy family'. If there is a legitimate claim that an individual was hurt or wronged - he didn't like the assumption that everyone was all, equally guilty.

Jennings stated that there is no denial of justice - just that a gate to the resolution is a dispute resolution conference. It is a neutral party looking at all the facts. Jennings stated that it doesn't always work, however, in Multnomah County it has stopped about 80% of

the cases from going to trial.

Christian stated staff was asking for Council direction in whether or not to research the process and how it would work. Provide Council with a laundry list of issues that currently exist in City ordinances and codes. Council could consider that list and add or delete as deemed necessary. Land Use appeals have already been decided and would be left out.

A consensus of whether or not to proceed was taken with unanimous consent to research it further.

Councilor Bui asked to have information in regard to an appeal process if the participants don't agree with the conciliator.

ITEM 17. DEPARTMENT REPORTS:

- o Public Safety - Councilor Thalsofer asked how Chief Collier felt about the proposed new quarters. Chief Collier stated they were very pleased.

Bob Johnson asked if something could be done about the speed limit on 257th. Discussion ensued. Christian stated that the State Speed Board, Multnomah County, State of Oregon as well as passing a resolution and the City had been told that was the speed it would be.

- o Finance - Gazewood had nothing to add.

- o Community Development - Cline had nothing to add.

- o Public Works - Wilder gave a brief report on the multiple construction projects going on.

- o City Attorney - Nothing to add.

- o Executive - [Tape 2, Side 4 00:00] Christian discussed the recycling plan and meetings she had been involved in with Wood Village, Fairview and Gresham for weekly curbside recycling/yard debris, et cetera since Metro had set the date back to October 1 to get a plan completed and implemented. She stated that Terry Ege was on the Solid Waste Subcommittee. Ege would have an integral part in designing the program and there shouldn't be need for a lot of negotiating at the end.

Christian discussed the Oregon Tourism Alliance grant that had been applied for this past winter. Janet Renfro, who had been volunteering and working with the Historical Society, as well as the City's representative for the I-84 Corridor Board. Renfro had done considerable work as a volunteer, as well as the Troutdale Area Business Association, Troutdale Historical Society for this grant. There had been considerable work done for developing tourism in the area. Christian handed out posters to Council members and asked that they put them up in places of business.

Christian stated that there wasn't any word yet on the Visitor

Information Center grant request. From the City's point of view, the building was ready to be opened with the assistance of Val Lantz's crew. Information would be available to persons stopping.

ITEM 18. COUNCIL CONCERNS AND INITIATIVES [Tape 2, Side 4 03:50]

Mayor Cox called up this agenda item.

Mayor Cox stated that the City Picnic was July 21st and anyone wanting to enter the parade should contact Margaret Stadler or Marion Berg.

Councilor Thalsofer discussed the weeds on the berm. He was concerned about the dry weather and the danger of fire. He also discussed the median from West Historic Columbia River Hwy to Cherry Park Road - he stated that it was full of weeds and there must be a way to get rid of them - it was unsightly. There had been no response and he stated that there must be a way to get it resolved.

Christian stated that there was a resolution, if Council agreed. If there was agreement from Council - it could be brick paved with the exception of tree rings for trees to be planted. It was discussed early on in the project and there was, at that time, opposition to doing that. It was a reasonable solution to something that is an ongoing problem, as well as expensive.

Mayor Cox called for Council consensus. It was unanimously received.

Councilor Bui stated that he read the Metro agenda and one of the items on the agenda was Metro's interest in consuming Tri Met as part of their happy family.

Christian stated that there were two analyses of the Ballot Measure 5 impact. One of the analysis was done by Gazewood and the other was done by the County. She stated it was worthwhile to read the materials.

ITEM 19. ADJOURNMENT. [Tape 2, Side 4 09:10]

MOTION: Councilor Bui moved for adjournment. Councilor Thalsofer seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

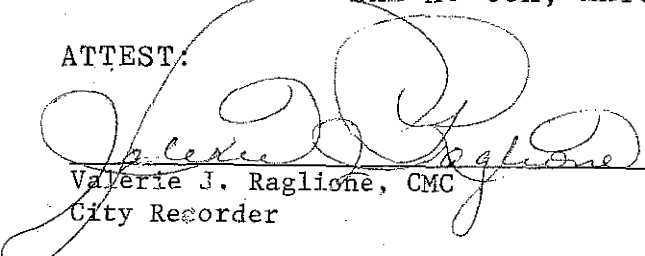
Bui - Yea; Burgin - Yea; Jacobs - Yea; Schmunk - Yea; Thalsofer - Yea

The meeting was adjourned at 8:40 p.m.



SAM K. COX, MAYOR

ATTEST:



Valerie J. Raglione, CMC
City Recorder

July 10, 1990

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

EASE PRINT NAME	ADDRESS	TELEPHONE
WILDER, GREG	104 SE KIBLING	665-5175
Scott Cline	104 S.E. Kibling	665-5175
Scott Carrier	Troutdale Police	665-5175
ROBERT JOHNSON	1933 S.W. LAURA ST	665-4449
Mavis Truitt	1633 S.W. 22nd St	665-1052
RHONDA NEVILLE	1517 SW 13 th CIR	665-4819
Tony Nordin	1577 SW 13 th CIR	665-4819
Louise Anderson	1437 SW 13 th Pl. Troutdale	665-5069
Dick Anderson	1437 S.W. 13 th Pl.	665-5069
Stephanie Payne	1365 SW McGinnis	665-1930
ELLIOTT DERRYBERRY	1415 SW 13 PLACE	665-1682
KAY Derryberry	1415 S.W. 13 th PL. Troutdale	665-1682
BILL REGISTER	1111 SW WRIGHT CT., TROUTDALE	661-0486
CONNIE REGISTER	1111 SW WRIGHT CT., TROUTDALE	661-0486