

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

7:00 P.M. -- NOVEMBER 13, 1990

- (A) 1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) 2. **CONSENT AGENDA:**
 - 2.1 Accept Minutes 9/11/90; 9/25/90; 10/23/90; 10/30/90
 - 2.2 Accept Business License Report - October, 1990
 - 2.3 Accept Monthly Bills - October, 1990
- (I) 3. **PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (I) 4. **PRESENTATION:** Oregon Rivers Council - Designation of the Sandy River Wild and Scenic
- (A) 5. **APPROVE:** Liquor License Renewals: King Lam Restaurant; Edgefield Gardens, Inc. - Winery; Plaid Pantries, Inc. **NEW:** Edgefield Gardens, Inc., - Brewery
- (I) 6. **REPORT:** Multnomah Cable Regulatory Commission Annual Report
- (A) 7. **RESOLUTION:** Supporting continued Governmental Coordination in Addressing Parks and Natural Areas
- (A) 8. **RESOLUTION:** Award Construction Contract/Wastewater Treatment Plant Outfall Reconstruction
- (I) 9. **DEPARTMENT REPORTS:**
 - o Public Safety
 - o Finance
 - o Community Development
 - o Public Works
 - o City Attorney
 - o Executive
- (I) 10. **COUNCIL CONCERNS AND INITIATIVES**
- (A) 11. **ADJOURNMENT.**

Sam K Cox

Sam K. Cox, Mayor

Dated: 11/7/90

WP\F\AGENDA\111390

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

7:00 P.M. -- NOVEMBER 13, 1990

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

Mayor Cox called the meeting to order at 7:00 p.m. and called on Councilor Jacobs to lead the pledge of allegiance.

City Recorder, Raglione, was asked to call roll.

PRESENT: Bui, Cox, Fowler [7:02], Jacobs, Schmunk, Thalhofer

ABSENT: Burgin

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

PRESS: Dave Pinson, Gresham Outlook; Webb Reubal, Oregonian

GUESTS: James Rizzo, Donald Croze, DeWin Harris, Tom Pierce, Robert Galasso, Bob Doppett, Glenn Otto, Samuel L. Diack, Charles Ciecko, Walt Postlewait, Sally Wakeman, Bruce Thompson, Dan TenEyck, Rick Brown [Rep. Wyden], Victoria Rizzo

Mayor Cox asked for agenda updates. Christian stated there were none.

ITEM 2. CONSENT AGENDA

Mayor Cox read the consent agenda.

MOTION: Councilor Bui moved approval of items 2.1 [Minutes 9/11/90; 9/25/90; 10/23/90; 10/30/90]; 2.2 October Business License Report; 2.3 October Monthly Bills. Councilor Jacobs seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM 3. PUBLIC COMMENT

Donald Croze, 1609 SE Knarr Ct., stated that he was representing citizens on Knarr Court. He began by thanking Council in their continuing efforts in working with residents in getting rid of the water. A drain had been installed and appeared to be doing some good. He stated that he hoped the Council didn't forget about this area of concern and bear with the residents expectations to get the water problem taken care of. There were two areas of concern: 1) surface water; 2) spring water. He offered two suggestions: 1) City continuance to check with residents throughout the rain year to see if the problem is being solved; 2) after the rain year [spring] be a consideration by the City with some citizens of Knarr to see if water problem was better and at that time, work together for continuing solutions. They had been told the water problem would be taken care of with the development. Excepting for the drain added 11/12/90, the water problem appeared to be worse.

ITEM 4. PRESENTATION: Oregon Rivers Council - Designation of Sandy River Wild and Scenic [Tape 1, Side 1 5:20]

Mayor Cox called this agenda item.

Bob Doppett, P.O. Box 309, Eugene, OR 97440 passed out a Fact Sheet from the Oregon Rivers Council/Sandy National Wild and Scenic River, made a presentation to Council informing them of the interest in instituting and developing Rivers Systemwide Conservation and Plan for the Sandy River. He stated this was only to begin discussion which could go on for two-three months before deciding the best alternative to this issue and was not expecting any kind of a decision from Council at this time.

Doppett gave background information on the Sandy River. Due to population growth the River was under tremendous pressure on the area. Problems of turbidity excess nutrient, erosions problems, loss of stream structure, et cetera. A growing fear of recreation values, scenic values, fishery values were in danger, to a degree, due to unmanaged growth. These types of concerns led to a great degree of concern in 1988 which added the lower 12.5 mile stretch and the upper 12.4 mile stretch to the National Wild Scenic River system and are protected under the National Wild and Scenic River Act. However, the middle stretch of the Sandy at the lower stretch near Troutdale to the mouth was not included in the Act. There was now growing interest to have a conservation plan for the entire river, to include these sections. Doppett stated that one option was to designate the remainder of the Sandy as a Wild and Scenic River.

Doppett read the advantages of a designation as: 1) development of a river system wide management plan to carefully manage, not prevent, growth and long term health

of the entire riverain system for future generations; 2) active involvement of local citizens in the development of a plan to protect the river; 3) consistency and communication among all agencies involved with managing the river; 4) one agency for residents and land owners to contact reducing confusion; 5) local businesses and communities could utilize national recognition for promotion of the area and stimulation of tourist business; 6) land trades or funds for acquisitions by willing sellers would be possible, when necessary, to meet the needs of local land owners.

Doppett stated under Section 10E Wild and Scenic River Act, if the remainder of the upstream section was designated and the lower section wasn't it could still be included in terms of some sort of a consistent plan.

Doppett stated he would like Council to consider all the options and begin discussions on the options and alternatives. Input was solicited in terms of relaying what the details were with what the Wild and Scenic would mean and what other options would mean. The community at-large could decide down the road what they would like. Doppett reviewed the Wild and Scenic Rivers and Private Property Rights/Discussion Paper. He stated that private land ownership was a legitimate concern and activity within a Wild and Scenic designation. This wasn't considered a wilderness designation and was very different from that.

Doppett stated that Step I of the management plan would be to complete a Resource Assessment for the river to identify river related values and their level of significance. Private land owners might be the best information source concerning private lands in the river boundary and should be consulted. If on-the-ground surveys were desired, permission would first be obtained from the landowner in question. Values unique to private lands [i.e., pastoral settings, historical residences, and current land uses] may be identified as important to the river setting.

Doppett stated Step II would be to describe existing condition of the river at time of designation. Planners would describe the Visual Landscape Character of the river corridor [available with City Council Packet 11/13/90.]

Doppett stated Step III would be a determination of the Desired Future Condition. What the river should look like long-term. Goals are determined through partnerships. This is what the Wild and Scenic River Policy group have worked on. What are those partnerships and how to make them work. This approach would not use condemnation, that isn't allowed under the Act. It is a strategy whereby partnerships between Federal agencies, local counties, local cities and private landowners determine how to protect the critical values found on lands but at the same time protect land owners rights.

Doppett stated that the lower Sandy had issues that needed to be addressed. There was growing interest in protecting those issues. He appealed to Council for their interest for the long term health of the Sandy to begin discussions with the Oregon Rivers Council over the next couple months.

Robert Galasso, President of Friends of the Sandy River, 19364 E. Summertime Drive, Sandy, OR. Continued clear cutting and unplanned residential development along the river were two major concerns to the river. Salmons runs, and tourism would be affected unless there were some cooperation between agencies for protection of the river. He stated the only sensible method of river management was to have source to mouth protection for a river and a single management claim for the entire river.

Galasso stated that they had walked the river and talked to property owners and business owners and conducting surveys to find out how people feel about it, mainly on the upper portions of the river. He stated that had the surveys in the form of writing and petitions [Sandy, Welches]. He stated that several businesses along the Historic Columbia River Hwy had been contacted and he had letters from most of them which supported the Wild and Scenic designation for this section/entire river [available at office of City Recorder]. So far, thirty property owners had been contacted and there had been unanimous support for more protection of the Sandy River among those property owners.

Galasso, stated that in summary they hoped that the Mayor and Council would listen to not only their constituents but to the entire river community and support the Wild and Scenic Designation of the Sandy River.

Councilor Fowler stated that he saw no names on the listing of property owners along the river.

Galasso stated that although the 30 property owners expressed desire for more protection, they wanted to find out more about the Wild and Scenic designations. They were invited to this meeting. Galasso stated that from the Stark Street bridge coming toward Troutdale 30 people were contacted. There were no businesses contacted along the river in Troutdale. He stated that everyone hadn't been contacted, they had limited resources and they were just beginning with this.

Councilor Thalhofer asked if it was unanimous among the 30 people contacted and was there any record of the names of the people spoken to?

Galasso stated it was unanimous but taking their names down...probably not.

Councilor Thalhofer asked what the problems relating to the Sandy River were specifically?

Galasso stated that the concept of having a management plan for the entire river. There had been development along the river and erosion damage which maybe should be repaired. Just a general principle, a dredging operation at the mouth of the river may affect the Salmon spawning upstream much the way a sewage treatment problems upstream affect the banks of the river in Troutdale.

Councilor Fowler again spoke to the issue of businessés in the area that haven't been contacted.

Galasso stated that Reynolds had been contacted and discussions were just starting. It was a matter of more time. During the next two to three months they would be able to talk to everyone and come back to Council with a sense of what everyone feels about it.

Councilor Thalsofer stated that Troutdale's experience with the Gorge Commission and the rules and regulations had a negative affect on how eager the City was for someone to come in and tell the City what to do with the Sandy River. If it appeared that the City was negative at this point, that was why. Keeping the Sandy River as pristine as possible was a concern, however, having another group coming in and telling what can and can't be done along the river wasn't what the City wanted.

Councilor Bui asked if as a result of getting everyone's approval, would they go to the Federal government and Congress to get an augment to legislation which already makes the Sandy River Wild and Scenic? Which legislator were they working with?

Galasso stated yes to the first question and the entire delegation was being worked with at this time. [The offices of Hatfield and Wyden had already been contacted.] He stated that in reference to land and landowners rights, they didn't intend to push for something that they didn't think would be supported in Troutdale. They wanted to see if the support could be developed and if not, what alternatives were available. he did understand the concerns but at the same time there was no management plan focused on the river.

Mayor Cox asked if there were any questions from the audience. There was none. Mayor then asked if there were any extra handouts, they could be placed in the lobby area for public information.

ITEM #5. APPROVAL: Liquor Licenses. [Tape 1, Side 2 1:05]

Mayor Cox called this agenda item.

MOTION: Councilor Bui moved to follow the recommendation of the Police Department concerning the King Lam restaurant and deny the renewal request.

Councilor Fowler asked if there was some way of resolving the conflicts rather than shut down another business on the main street.

Councilor Bui stated that it wasn't his understanding that the business would be shut down permanently but they had violated the law on numerous occasions and considerable professional time had been spent and based on the Police Depts. memo. The OLCC had its own total authority and the Council was advisory only on any recommendation made.

Councilor Fowler clarified then that the OLCC had the final decision authority.

Chief Collier stated that he couldn't recommend approval in good conscience but, in all fairness if Council chose to deny renewal there was a good probably that OLCC would probably still authorize renewal. It falls within their criteria.

Councilor Fowler stated that the reasons given by OLCC appeared to be for regulating purposes and the renewal just happened to come up in the middle of OLCC's noted violation(s). He hated to see another business close and whatever can be done to keep the doors open, getting Columbia Crossing open and with the people coming through the main street area...he hated to see the doors close.

Chief Collier stated that OLCC was trying to gain compliance. The Council could see that as a method of assuring compliance.

Councilor Fowler stated that they should comply and by doing so, Council was glad to see them stay.

Councilor Thalhofer stated retaining businesses in the City was a concern but, business within the law. If they couldn't distinguish between visibly intoxicated people and people who were reasonably sober maybe they shouldn't be in the business. He had been there to eat dinner and they appeared very nice, they seemed to have communication problems at times due to a language barrier but when it comes to gambling and visible intoxication, they should be aware they are violations of the law. He had a hard time with compassion. If they weren't operating lawfully, they shouldn't be in business. He agreed with the recommendation. If OLCC continued their licensing, then fine.

MOTION: Councilor Bui moved to support the Police Department's recommendation with all liquor license requests and that action be recommended to the

Liquor Control Commission concerning King Lam's Restaurant and Lounge.

Councilor Schmunk asked for clarification. You are recommending that OLCC review King Lam's license as to whether or not they are licensed? On past liquor license approvals she didn't remember that written recommendations by the Chief, there is no recommendation by the Chief. She asked if he was talking about all the licenses?

Councilor Bui stated that on the King Lam license, OLCC consider the information the Police have provided before approving or denying the renewal.

Councilor Thalhofer called for division of the motion.

Jennings stated that the license renewal application stated "Endorsement", there were only two categories for the decision. Council has two choices: 1) grant the license; 2) deny the license. There is no option as far as making certain qualifications.

MOTION: Councilor Bui restated the motion. Approve all licenses excepting King Lam's and deny that license. Councilor Thalhofer seconded the motion.

YEAS: __ 3 __ NAYS: __ 1 __ [Fowler] ABSTAINED: __ 1 __ [Schmunk]

Walt Postlewait, Point of Order, stated that there wasn't a majority on the last vote. Schmunk stated 3 to 2 an abstention was majority of the quorum present for the motion.

Jennings stated that was correct.

ITEM #6. REPORT: Multnomah Cable Regulatory Commission Annual Report [TAPE 1, SIDE 2 13:37]

Mayor Cox called this agenda item.

Ron Sherwood submitted the Report which included activities during the past year and a listing of goals and objectives and a list of items accomplished under the objectives. He stated that he had submitted his resignation and was pleased that Gene Bui would be his replacement. He called for questions on the report. Julie Omelchuck was present for any other information required.

Mayor Cox called for questions.

Christian asked how Paragon compared to Rogers stats on complaints of operations?

Omelchuck stated that complaints had increased. The next meeting would include a report on customer service performance and the number of complaints. They had increased by approximately 1/3.

Christian asked if there was any hope in the next congressional session if the franchising body would be able to address these issues?

Omelchuck stated that they hoped so. There may be legislation in the U.S. Senate during the next year more positive for local jurisdictions to regulate areas such as rates, customer service performance, technical quality of picture..that type of thing. Senators Hatfield and Packwood would be contacted.

Omelchuck stated that Paragon was in the process of a technical sweep of the system meaning going through section by section and adjusting the system. Troutdale is on the outlining edge of the system and the adjustments made closer in may be affecting the pictures but they were working their way out. Summer of 1991 promises of installing a fiber-optic trunk have been made. This would bring the quality of the picture up to the best possible we could get.

Councilor Thalhofer thanked Sherwood for a job well done and volunteering for service hours service that this has taken.

ITEM #7: RESOLUTION: Supporting continued governmental coordination in addressing Parks and Natural Areas [Tape 1, Side 2 20:22] 866-R

Mayor Cox called this agenda item.

Christian stated this was the third re-write of the resolution which had been before Council prior to this meeting. This incorporated the changes Council had expressed in the previous meetings.

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

YEAS: __ 5 __ NAYS: __ 1 __ [Fowler] ABSTAINED: __ 0 __

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

ITEM #8: RESOLUTION: Award Construction Contract/ Wastewater Treatment Plan Outfall Reconstruction [Tape 1, Side 2 [23:20] 867-R

Mayor Cox called this agenda item.

Wilder stated that this project was difficult to estimate, construction and methods were unusual and the location was difficult. Staff estimate was \$40,000-\$50,000; engineer estimate was \$60,000-\$80,000 with \$80,000 being budgeted for the project. The only bid submitted was for \$54,975 and was a responsible bidder. This with the expected engineering and inspection expenses wasn't expected to exceed \$80,000 budgeted for the project.

Wilder stated that the difficulties were the number of permitting agencies that the City needed to be involved with - everything from build it to it can't be built until between July 11, - September 15, 1991. Fisheries/State Dept. of Lands/DEQ/Army Corps of Engineers were some of the agencies involved.

Councilor Fowler asked if it wasn't unusual to bid approximately 9 months ahead of the expected time to begin the project?

Wilder stated that in order to pacify one of the regulatory agencies to get it done. Going out for the bid meant they were assured that the project would be done. He stated that the bidder would also know that they had a bird in the hand and knew how to plan their schedule for the upcoming year.

Mayor Cox called for further questions. There were none.

MOTION: Councilor Fowler moved to award the bid. Councilor Bui seconded the motion.

YEAS: 5 NAYS: 0 ABSTAINED: 0

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

ITEM #9. DEPARTMENT REPORTS:

- o Public Safety: No comments or questions.
- o Finance: Nothing additional no questions.
- o Community Development: Nothing to add, no questions.
- o Public Works: Nothing to add, no questions.
- o City Attorney: Nothing to add, no questions.
- o Executive: Nothing to add but needed a response on the Work session and a consensus on the Metro Yard Debris Plan.

- 1) Yard Debris Plan. An intergovernmental agreement had passed stating that the City would agree to asking Metro to develop a recycling program [approx. 1 yr. ago]. The Plan was in the draft stage and wouldn't be adopted until DEQ gave final approval. One item is that they have agreement from all jurisdictions for participation in developing the Plan. The Plan was approximately 70 pgs. and not copied for Council, however the outline was included in the packet material.

Christian needed confirmation of the direction given 1 yr ago and if there were any items of concern Council wanted to address. For Troutdale to initiate independently it would be considerably more expensive.

Schmunk, Yea; Fowler, Yea; Jacobs, Yea; Thalhofer, Yea; Bui, Yea

- 2) Cook proposal. Christian stated that there was nothing further. A presentation would be made at a later Council meeting.
- 3) Schmunk asked about the work session and scheduling a date for that. November 27, 1990 was agreed upon for a Work Session and the Budget Committee and new Council position would be invited to that meeting to discuss the impacts of Ballot Measure #5. Schmunk stated that she was unable to attend any Saturday meetings and would like to see them scheduled on alternate Tuesdays after the first week of January.

Councilor Thalhofer discussed the City of Corvallis and a questionnaire of prioritizing City services had been mailed to all residents. He felt this was certainly a good approach to include the public

Christian was at the pleasure in setting a meeting date. But an entirely different approach to budgeting would be beneficial -- after attending the League Conference she felt the bottom line of needing public input to identify basic services, however, she felt that community education in terms of what goes into providing the services was important. There would need to be a basic level as necessary in assuring the services. She looked to Council to establish an agreed on base that staff would work from.

Councilor Thalhofer asked Christian what her preference was. Christian stated that she preferred to get started with it now. Thalhofer agreed to 11/27/90 to establish ground rules and work from there in January.

Jennings stated that a consensus on the Cook proposal could be reached at this meeting to either support the project and it didn't need to be any more than a consensus for the project. Cook would attend a Council meeting if Council requested it.

Mayor Cox had spent over 2 hours with Cook and his partner. Mayor Cox felt that it was okay to go ahead with it. The Council packets included the items for the project for Council review. Cook was asking for Council support of the project before he continued further.

The Housing Authority of Portland wouldn't take on a project if it was opposed by another jurisdiction and they wanted confirmation that there was agreement for the project.

Councilor Fowler stated that the only authority Council had was if it was zoned correctly. If the property was suitable to construct the project.

Christian described the project as a moderate income housing project that would be financed with tax exempt bonds through the Housing Authority of Portland [HAP] allowed to be created by Oregon Statutes and has authority to sell tax exempt bonds. ORS allows them [statutorily] to operate within a 9 mile radius of Portland but it states that they will not operate within another jurisdiction without consent of that jurisdiction. Does the Council have an objection of a project being financed by tax exempt bonds issued by the Housing Authority of Portland. There is no legislative authority over it, it is a recognition that another jurisdictional body is issuing bonds for the project.

Councilor Fowler stated the real decision was whether or not the City wanted a low income type use on that piece of property, or whether we want a Lake Oswego type. However, the City had no choice if the man wanted to build it. To say we do or don't doesn't make a lot of difference. What we are being asked to do is to take the pressure off of Mr. Cook for this development.

Christian stated that this had nothing to do with subsidizing, it only has to do with how the construction is financed.

Councilor Thalsofer had no problem with the concept and affordable housing was needed. He discussed the concern of the Sharp's and the need for affordable housing and saw nothing wrong with moderate income. He thought Halsey Street was an appropriate place for it. He favored approving of the concept in the City.

Councilor Bui stated his approval.

Councilor Jacobs approved.

Councilor Fowler approved.

Councilor Schmunk approved.

Consensus was to set the 27th of November as a Work session.

ITEM #10. COUNCIL CONCERNS AND INITIATIVES: Tape 2, Side 3 [19:40]

Councilor Bui stated that the Community Block Grant program was extended for three years. The Advisory body would still be in existence.

Councilor Thalhofer stated that Bruce Thompson and the Budget Committee should be invited to the Work Session. It was discussed previously but he wanted to confirm their invitation.

Councilor Fowler stated on the road into Bennett's mill there was a manhole [sewer outfall] that was within 5' of the upper bank of caving into the river. The bank had moved 10' in from last year. Since the Corps of Engineers this could be a time to get the current back where it belongs.

Councilor Thalhofer stated that the Troutdale Business Association would be meeting November 20, 1990, 6:30 at the Community Building Annex. Bill Goodman, Chief Financial Officer for Edgefield Village would be presenting what was going on in the complex. Any interested persons were invited.


Councilor Bui stated that 174th in go to Portland Fire Bureau, east of 174th, go to Gresham. He simply was reporting to Council. He understood Fire 10 wanted to talk with Tualatin for consolidating.

ITEM #11: Adjournment.

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

YEAS: 5 NAYS: 0 ABSTAINED: 0

The November 13, 1990 Regular Council meeting adjourned at 8:20 p.m.



Sam K. Cox, Mayor
Dated: 12-14-90

ATTEST:



Valerie J. Raglione, CMC
City Recorder
F:\MINUTES\CC111390.MIN

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

EASE PRINT NAME	ADDRESS	TELEPHONE
C. Scott Cline	104 S.E. Kibling	665-5175
Bob Cozewood	City Hall	665-5175
Brest Conner	Police Dept.	665-5175
JAMES V G RIZZO	1603 SE KNARR CT	667-9982
Donald A Croze	1609 S.E. Knarr Ct	666-3178
Edwin Harris	1512 SE Knarr Ct	667-5418
Tom Pierce	1615 SE Knarr Ct	665-5086
ROBERT GALASSO	19364 E. SUMMERTIME DR, Sandy	622-5506
Bob Doppelt	PO Box 304 Eugene 97440	345-0119
Melvin [unclear]	23680 N. E. Shannon Ct,	Th [unclear]
SAMUEL L. DIACK	35649 SE LISTED RD. FORING	663-6519
CHARLES CIECKO	3630 SE HOSNER TER GRESH	663 0180
[unclear]	1624 SE 28 th CRT	666-1396
[unclear]	1209 [unclear]	667-5937

