

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

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**7:00 P.M. -- MAY 28, 1991**

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

Mayor Cox called on Councilor to lead the pledge of allegiance.

City Recorder, Valerie Raglione, called the roll.

**PRESENT: Cox, Fowler, Schmunk, Thalsofer**

**ABSENT: Bui, Thompson**

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

**PRESS: Steve Amick, Oregonian**

**GUESTS: David Ripma, Bonnie Vaughn, Jim Wakeman, Sally Wakeman, Tom Dennehy**

Mayor Cox asked City Administrator Christian if there were any agenda updates. There were none.

**ITEM #2: CONSENT AGENDA**

Mayor Cox called this agenda item.

Councilor Schmunk stated that there wasn't a forum of Councilors that were in attendance at the meeting and asked that this item be set over to the next regular Council meeting.

**LAI D OVER**

**ITEM #3: PUBLIC COMMENT**

Mayor Cox called for comments to non-agenda items.

Tom Dennehy, 16421 NE Holliday, Gresham spoke to the Urban Renewal issue. Dennehy stated he was a co-author of Ballot Measure #5. Dennehy had been involved in a seven year struggle through

the Courts involving an Urban Renewal and led a referendum drive in the City of Gresham to amend the Charter so that an Urban Renewal Plan would have to go to a vote of the people. He stated he had some expertise on this matter.

Dennehy addressed concerns of possible impact on his tax records, regardless of the consultants statements. He stated HB 2609 in the Senate now based on a premise which would be challenged in Court. That premise was that Urban Renewal funds were over the \$10 limit; they are assumed to be so that Urban Renewal charges wouldn't impact the \$10 limit of Measure #5. He stated that the authors felt that was wrong and that it would be challenged in Court. He asked if Council was aware of HB 2609 and what it would do to the City General fund if they prevailed?

Dennehy asked if Council made decisions as Council? Urban Renewal Agency? Had the Agency met yet? Was Council aware of actions that were taken under which body of government? That agency hadn't met, convened, or done anything as yet. However, two weeks ago, sitting as City Council [not as Urban Renewal Agency] directed staff to come back with an Urban Renewal Plan. He stated that wasn't Council business to do that anymore.

Dennehy had come to the meeting because he had been made aware that on the agenda was an item to enter into a contract with a consultant to prepare an Urban Renewal Plan. He again stated this was the wrong governing body to do that. The law was clear that the Council and Agency were separate bodies. The City of Portland has two completely separate bodies consisting of 5 people on Commissioners and 5 people serving as the Urban Renewal Agency. He stated that Council was confusing the two matters. He questioned the authority to direct, without public input, public discussion as to whether or not there is blight. If there is no blight, you can't do an Urban Renewal Plan. Two weeks ago Council directed staff to prepare an Urban Renewal Plan included the downtown area and the shopping center [factory outlet]. Is that area blighted? During the meeting, declaring an emergency, to hire consultants without going through the usual bidding process - what is the emergency? If there is no blight, there is no emergency. He stated that Council was assuming the very thing that later on -- as City Council -- and declare.

Dennehy asked how the Urban Renewal Plan would be developed if there was no appointed Committee to work with staff and the consultants? Was the Plan to simply be drafted at the downtown offices of the consultants with phone calls to staff? Can you do an honest Urban Renewal Plan in the time you have allotted? Your first money for Urban Renewal won't flow in until November 1992, how will you fund the actions of the Urban Renewal Agency until that time? Or will you simply ignore the fact and wear both hats at the same time? Contrary to existing and proposed State Law.

Dennehy urged Council to slow down, take their time and do it right.

Mayor Cox thanked Mr. Dennehy for his comments.

**David Ripma**, 4220 South Troutdale Road, was before Council to looking into installation of a stop sign at the intersection of Cochran Dr./Troutdale Rd/Sweetbriar Lane. He also asked that the speed limit be reduced particular at the intersection of Troutdale Road and Sweetbriar Rd. and Cochran Dr.

which meet in a 4-way intersection. He stated it was a dangerous intersection and several accidents recently. His neighbors, the Van Gaards, had spoken with the County. The County had told them that the way to approach this since all roads were County roads, was for Council to request staff to look into it and then request the County to install the stop signs. Ripma was requesting Council to do that.

Ripma stated that another issue was the speed limit. Wilder had told him there was a speed limit authority in the State which would control the speed limit on that same road. It was currently 45 mph and he would like that reduced to 35 mph on Troutdale Road within the City limits.

Wilder stated that the City had asked the Oregon State Speed Board approximately three years ago and the result was that 45 mph was an appropriate speed. The State Speed Board is the only empowered authority in the State to set speed limits. They had stated they would capitulate to 35 mph from Sweetbriar Lane to the traffic signal. 35 mph from Cochran had been requested. The City could re-request action but their method of evaluation isn't going to change the issue there very much. However, if the City was successful in requesting the County to install the 4 way stop it would drastically change the situation. Then the City call the State Speed Board to find the 85% speed is less than 45 mph and they would then assign a speed of less than 45 mph. To request them to do it prior to County action would probably not change anything.

Council Schmunk stated that installation of a 4 way stop would slow them down considerably. There was a history of very bad accidents in that area. During football season it is worse.

Christian stated that the City could send a package of the history of requests and submit all information as one packet - including information regarding two additional subdivisions that are going in the area.

Councilor Thalhofer stated the packet should be passed on to the County then let the County take the necessary action from that point. They were County roads and that was where the request to the Speed Board should come from.

**Bonnie Vaughn**, 31963 NE Wand Rd. asked why there was such a rush for the selection process for a consultant to do work on the Urban Renewal District? She stated that she wasn't a land use economist and she wasn't an Urban Renewal consultant but, she recognized a sweetheart deal when she saw one. She wanted answers on who the consultants were? What was their background? Who chose them? Why weren't other people allowed to respond to the proposal? Why was there a tremendous emergency that one month would be saved but at the expense of the process? She felt there needed to be accountability at all levels of government not just the national level but the local level as well as the State level.

Mayor Cox stated that this item was an agenda item and her concerns could be addressed when the item was called.

**ITEM #4. RESOLUTION: Accepting Tracts A, B, and C of the Mountain Vista Subdivision for Public Purposes (899-R) (Tape 1, Side 1, 23:35)**

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

Cline stated that as this item was for dedication of three park land tracts out of the Mountain Vista subdivision. The subdivision was currently under construction in south Troutdale. There were 5 tracts dedicated as part of the platting process but were found to be under ownership of Multnomah County. Staff was trying to ensure that didn't occur again through platting of subdivisions when there are already parcels dedicated to the City, it would come back with a separate deed of dedication. That would then be indicated on the face of the plat and also a deed transferring ownership of parcel(s) to the City.

Cline stated Mountain Vista was a 74 lot subdivision. Tracts A, B, and C providing a eventual access north to the future 'Sunrise Park'. Parcel C would connect back to parkland dedication along BeaverCreek Canyon greenway. Cline stated that was required as part of the condition of plat approval by the Planning Commission when the tentative plat was approved. It was indicated to be dedicated to the City. This authorizes execution of the deed so the parcels can transfer ownership of the property to the City.

**MOTION: Councilor Fowler moved to adopt the resolution as written and accept the dedication of property. Councilor Thalsofer seconded the motion.**

**YEAS: 3**

**NAYS: 0**

**ABSTAINED: 0**

Fowler - Yea; Schmunk - Yea; Thalsofer - Yea

**ITEM #5. RESOLUTION: Establishing SDC/Storm Drainage Charges and Rescinding Resolution #879 901-R [Tape 1, Side 1 25:42]**

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

Wilder stated that 879 enabled system development charges to be collected based on a specific set of capital improvements for the North Troutdale Drainage Watershed. It was discussed at that time that the City was moving toward city-wide drainage local improvement district assessment. The efforts are now completed, capital improvements and the associated costs have been identified and were included in the attached study. The costs are utilized to establish the new rate for the Sandy River Drainage Basin which is set by the improvements at \$327 per ERU for the current FY. The North Troutdale Drainage Watershed would remain at \$331 per ERU. Everything else would remain equal with 2700 sq. ft. being the typical impervious square foot surface area for ERU and in addition, the ordinance/resolution specifies the amount in dollars per square foot. If there was an area with a larger/smaller area it would be calculated specifically on a square foot basis thereby creating an additional level of equitability. [Map included with Packet material indicating drainage watersheds.]

Wilder stated that there would be an entirely new drafted System Development Charge Ordinance before Council the end of June to bring the ordinance into full compliance with state statute. Questions were invited.

Councilor Fowler stated he hadn't had time to study the materials. He would be voting no due to the untimely receipt of material.

Councilor Thalhofer addressed concerns regarding the Halsey LID and what scenario could Wilder give that would indicate when they might have to pay again?

Wilder gave examples that could result in an incurred charge for the Halsey Stormwater Exception Area. 1) DEQ limiting the total suspended solids [matter/BOD] discharge to the river system through all conduits. Because of that the City must treat water in only one to reach the overall standard. Everyone would benefit from that including the Halsey Exclusion Area. 2) If City had to build a treatment plant to treat storm water. 3) If City had to do improvements specifically to benefit the Halsey Exclusion Area [a second outfall; replace/install an expanded rip rap outfall for that area. 4) If City had to treat storm water from the Exclusion Area exclusively. These would key projects/capital improvements that would specifically be tied to it. In short, any project that specifically benefits the exclusion area or a project that is in broader scope that benefits it indirectly by examples given above.

Wilder stated that there were inherent dangers with exclusion areas. The Halsey area was large enough and distinctly separate enough in both the design of the Halsey storm sewer and formation of boundaries in relationship to a drainage basin that it is relatively easy to exclude. As growth and expansion develops it may need to be dealt with. This now warranted the exclusion.

Councilor Fowler asked how many cities in Oregon or what percentage of population were currently treating storm water?

Wilder stated he knew of none. But, DEQ, EPA and others if they have their way, will change this very quickly. The City mitigates against future possibility by requiring, at some expense to development, large grease traps [i.e., Burns Bros., McDonald's, Burger King, et cetera]; sumps on catch basins. It increases maintenance costs but affects discharge in a positive way. Wilder stated that nationally, these requirements will be placed.

Councilor Fowler asked about combination sewer/storm sewer?

Wilder stated combination sewers are not approved devices and approval to construct a combined sewer system would never be attained.

Councilor Fowler stated that City of Portland had them for a number of years and were in the process of changing them over.

Wilder stated catch up is expensive and the City of Troutdale was doing what could be done - i.e., the stenciling program currently underway - 'Don't dump this discharge to the river' with a picture of a

fish placed by each catch basin. Efforts through an education process to keep storm water as clean and clear as possible were being undertaken in the City.

**MOTION:** Councilor Schmunk moved for approval of the resolution. Councilor Thalhoffer seconded the motion.

**YEAS: 2**  
**NAYS: 1 [Fowler]**  
**ABSTAINED: 0**

Fowler - Nay; Schmunk - Yea; Thalhoffer - Yea

**ITEM #6.** **RESOLUTION: Accepting Right-of-Way Dedication/Kendall Road @ I-84 Frontage 898-R [Tape 1, Side 2 4:57]**

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

Wilder stated as a condition of development, and agreed [voluntarily] to, Columbia Gorge Factory Stores a roadway dedication was required. The deed of conveyance is yet unsigned but has been drafted and approved as to form by both City and the dedicator. They hadn't been able to get it back to staff in time for the Council meeting. Staff was asking that Council accept it by this resolution. If there was a refusal, staff would be before Council asking to rescind the resolution at a later date.

Wilder stated the area was the entrance road into the Factory Outlet Stores and a future access road to the treatment plant and environments beyond [including D&D Bennett facility, Wastewater Management and additional City properties]. After the dedication takes place, it was hope to implement a construction project and close the intersection off the I84 eastbound on-ramp.

**MOTION:** Councilor Schmunk moved approval of the resolution. Councilor Fowler seconded the motion.

**YEAS: 3**  
**NAYS: 0**  
**ABSTAINED: 0**

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea

**ITEM #7.** **SETTING DATE/TIME FOR CITY COUNCIL VACANCY INTERVIEW PROCESS 900-R [Tape 1, Side 2 9:41]**

Mayor Cox called this item.

Christian stated June 4 indicated the majority could attend. There was a conflict with a Chamber Board meeting but nonetheless was the best available date until the last two weeks in June.

Following a brief discussion of availability from various Council members it was decided that June 4th, 7:00 p.m. would remain as the date to meet for the selection process.

**COUNCIL CONSENSUS**

**ITEM #8. RESOLUTION: Authorizing the City Recorder to Cause A Referred Measure To Be Submitted to the Voters of the City of Troutdale, At A Special Election To Be Held on August 13, 1991. 900-R [Tape 1, Side 2 7:01]**

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

**MOTION: Councilor Fowler moved approval of the resolution. Councilor Thalsofer seconded the motion.**

**DISCUSSION:**

Councilor Thalsofer expressed concerns raised earlier in the meeting by Mr. Dennehy. Most specifically meeting as the Council/Urban Renewal Agency. If that hadn't been done legally, where was the situation? He felt that was a valid question.

Christian asked that this be discussed at the next agenda item since it dealt specifically with the Urban Renewal issue.

Councilor Schmunk asked City Recorder how many signatures were on the ballot?

Raglione stated that there were 374 certified by the County. Once the required number of signatures to place it on the ballot were certified, the verification of signatures stops. They don't continue on through all signatures submitted -- only up to the required amount to place it on the ballot. She stated that there were 569 signatures on the petitions turned in to the City Recorder; although not all signatures were valid registered signatures.

Councilor Fowler called for the question.

**YEAS: 3  
NAYS: 0  
ABSTAINED: 0**

Fowler - Yea; Schmunk - Yea; Thalsofer - Yea

Councilor Fowler again addressed the concerns raised by Mr. Dennehy regarding convening as Council/Urban Renewal Agency.

Christian stated that Mr. Dennehy was correct in that when acting as the Urban Renewal Board, the Council should adjourn and convene as the Urban Renewal Board. There was no Urban Renewal Plan set yet; there was no time nor the expertise at staff level to have the Urban Renewal Agency information necessary. She stated an Advisory Board would need to be set up to establish parameters of the study and they would make the recommendation to the Agency whether a district should be formed at all. Attachment A-Scope of Services could be redrafted to include additional changes which would allow stopping the process at any time. The Advisory Committee could recommend to

the Agency to proceed or to stop the process after the boundaries were reviewed. Should Council decide to continue on as the Urban Renewal Agency Board, the Advisory Committee could make the recommendation to the Board whether to continue or stop. At the time there is a decision made about the boundaries - a commitment would need to be made for the rest of the Plan to be done. At that time, the financing could be paid for out of the revenues of the district.

Christian stated that there is an Agency now but no revenue generation ability as an Urban Renewal Agency. That would depend on the formation of a district and freezing the assets of the assessed value of the district. There is no money to spend as the Urban Renewal Board currently.

Councilor Thalhofer had concerns about whether any action taken should be as the Urban Renewal Agency? Was forming the district a responsibility of the Urban Renewal Agency

Councilor Schmunk discussed the wording in the resolution.

Councilor Fowler stated the Advisory Board would need to be set up as is the Planning Commission. It would be their decision to take to the Urban Renewal Board their recommendations. Fowler stated it was off base to have a resolution now; there was no money/no revenues to replace the expenditures. He was 100% in favor of Jennings leading the City through the proper steps. The area that was involved was the Downtown and not the County Farm. He felt that getting this message to the general public was a primary focus that the Council should be supporting in light of the referendum that would be before the voters.

Christian stated there were three things to respond to. 1) There were appropriations in the Executive Department which was approved by Council in 1990-91 for professional services. If Council requests that the scope of services be divided into separate and distinct payable areas of the contract there was enough money in the Executive remaining budget to pay for the initial work to be done. That would be as a Council action to work with the Advisory Committee. She stated 6 steps had been laid out into forming the district. This would be the first step. Get the materials and the Advisory Board together with the responsibility of reviewing material available and have them report back to the Urban Renewal Board to make a recommendation whether to go forward or to drop it. The purpose is to have detractors and supporters of the district so there is a balanced fair view of what the district would mean to the City. If the benefit isn't there, they could recommend to not form the district at all.

Christian stated the Council cannot make the decisions about specific districts, boundaries or specific improvements within the district until the Advisory Committee is formed.

Councilor Schmunk stated that Council was adamant that Council directed staff to provide information specifically to the downtown area. That was the reason staff emphasized downtown in all the materials provided to Council. She felt that downtown could be stricken because there might be other places that could be considered as part of the Urban Renewal; or, maybe the downtown area isn't wanted. She stated that the agreement should be more generic before the Advisory Committee



reviews it. She asked that there be wording to a termination of the agreement pending the outcome of the August 13 election. That would automatically relieve the City from the contract.

Mayor Cox spoke to the Downtown Plan and stated that there were several citizens involved with that process. He stated there was a chance with the Urban Renewal to possibly do the area and that was why there was such interest in it from the Council.

Christian stated it could be stated as the 'downtown area' without distinguishing any specific boundary.

Councilors Thalhoffer and Fowler agreed.

Christian stated that in calling for the first portion of the Plan as the City Council, it would not be reimbursed by any of the bond money by any of the bonds that would be sold to finance it. She stated that the first 40 hours would be \$2,500. and that was the amount she suggested Council make a commitment to in order to put the first portion together -- as the City Council. Scoping/reviewing to work with the Advisory Committee. If Council wasn't comfortable, set it aside and wait for Jennings to discuss at the next regular Council meeting.

Councilor Thalhoffer stated his concern over doing whatever was done, legally.

Christian stated that as Council, a contract could be entered into as the Council for \$2,500 for the first portion. That would be funded out of the City general fund, not out of the revenues of the Urban Renewal District and therefore it doesn't go under review of the Board or the Agency.

**MOTION: Councilor Fowler moved to authorize the first 40 hours @ \$2,500 out of the Executive Budget/general fund, as a City expense.**

**Christian stated that there had been a citizen comment on going out for proposals for the consultant. John Spencer was contacted because of the base knowledge of Troutdale since he had worked for ECO Northwest at the time the economic analysis was done for Periodic Review. Spencer had done several other analyses for Troutdale, under contract, which gave him a broader and deeper base knowledge of the City. That eliminated the need to start from scratch as a staff to bring a consultant up to speed with where the marketing plan/implementation plan/downtown plan. Christian stated that was her reasons for recommending him.**

Councilor Thalhoffer was favorable of proceeding as long as it was done right.

Christian stated Council would all have to agreed to spend the \$2,500 to do the scoping portion and come back as the Urban Renewal Agency board to approve any further expenditures. The board had the authority but no revenues to spend as the board.

Bonnie Vaughn stated she had listened to dialogue and didn't understand the emergency.

Mayor Cox stated it wasn't not all being done tonight. There would be public meetings scheduled for public input.

Councilor Fowler stated that the construction of the outlet mall added \$12-\$14 million assessed valuation to the district - this is called tax increment financing which means the increase in taxes. The County assessor [9/1/91] gives the City the amount of what property is worth after the 1st of the year which would then include the factory outlet mall of \$12-\$14 million. If before that time, we picked up, [and suppose our assessed valuation of the entire City at the point it was a year ago, January, 1990] then the difference between the new value at 1991 which the taxes would be based on -- would have the \$12-\$14 million in between. That would support bonds then to the tune of \$2.5 - \$3 million to do the development. Then the increased tax from that would help to pay back the citizens. It is within the \$10 limitation, at least so far though it may. It would be levied all over the city but this would be bringing in the extra taxes on \$12-\$14 million which really spreads it all out and kind of half balance it. The answer is never would we ever again probably find a \$12-\$14 million in one chunk, coming in one year to do that. It has never been there before and probably wouldn't be again. We have spend the last 10-15 years with downtown plans and implementation plans and sales plans and not sold anything. This gives the opportunity to take the downtown area and re-do a portion of it with this type of funding and bonding. It is an opportunity that is basically down the tube -- the problem with this one is the referendum coming up in August which is just before the September deadline which makes a tight schedule to do 90-120 days work between now and then. Also, if the August 13th election throws an Urban Renewal out then everything that has been done is down the tube.

Councilor Fowler stated there were two things to get done. Push like mad to get the whole works together -- the election will change it one way or the other; To do a very good sales pitch to the 569 voters that signed the petitions for the referendum. This will be a mail out ballot and there are real good odds of getting an enormous no vote that don't know what the voting is about. It will take a good PR from the City. This is one chance to do it.

Mayor Cox stated that if the downtown area was improved it would help any potential business coming into town.

Vaughn stated she wasn't disagreeing with anything Council was stating she did disagree with was when she saw processes circumvented because all of a sudden there is a big hurry to do something and a contract is rushed through without getting RFP's, no other bids and just awarding \$24,000 to somebody that is known.

Councilor Schmunk stated that copies of the downtown plan were available at City Hall for those that haven't seen it.

Christian stated that there was question as to whether or not this would even be required to go out for bid because under the purchasing ordinance adopted under state law, there was a \$25,000 limit before required to go out for bid, less than that it isn't required.

Councilor Schmunk agreed; Councilor Fowler agreed; Councilor Thalsofer agreed to the \$2500 expenditure.

Discussion of changes: references to downtown [Schmunk stated interpretations of downtown can differ], termination clause. Councilor Thalsofer agreed that area would be added to downtown - an Urban Renewal District and the specifics could be reviewed at a later date.

Christian stated the issue was to ensure everyone throughout the process that in general the core area was the area of consideration.

**MOTION: Councilor Fowler moved to set the Resolution over to the June 11, 1991 regular Council meeting for further consideration, however continue with the first 40 hours with Spencer, Kupper consulting. Councilor Thalsofer seconded the motion.**

**YEAS: 3**

**NAYS: 0**

**ABSTAINED: 0**

Fowler - Yea; Schmunk - Yea; Thalsofer - Yea

**ITEM #9. COUNCIL CONCERNS AND INITIATIVES**

Councilor Schmunk discussed an upcoming meeting on I-84/Hwy 26 interconnection at Dexter McCarty School at 7:00 p.m., Thursday, June 13.

Councilor Fowler expressed concern about receiving dated materials late. Raglione stated that there was a mailbox provided for Councilors and when in the building it could be checked for any materials in between Council meetings and packets going out to Councilors.

Mayor Cox announced a meeting of the Sandy Wild and Scenic Area for public attendance.

Councilor Thalsofer raised the issue of a companion measure to be on the ballot asking citizens if they wanted to invest in an Urban Renewal District. He asked that this be an agenda item for discussion at the June 11, 1991 regular Council meeting. The City Attorney would also be available at that meeting and could address some of the concerns regarding the legality of the Urban Renewal Board/City Council/Contract Review Board issues.

Christian stated that there would be an Executive Session scheduled immediately following the regular Council meeting for June 11, 1991.

**ITEM #10. ADJOURNMENT.**

**MOTION: Councilor Schmunk moved to adjourn the meeting. Councilor Fowler seconded the motion.**

**YEAS: 3**

**NAYS: 0**  
**ABSTAINED: 0**

Fowler - Yea; Schmunk - Yea; Thalsofer - Yea

The May 28, 1991 regular City Council meeting was adjourned at 8:30 p.m.

\_\_\_\_\_  
Sam K. Cox, Mayor

Dated: \_\_\_\_\_

**ATTEST:**

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**Valerie J. Raglione, CMC**

**City Recorder**

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