

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

7:00 P.M. -- NOVEMBER 12, 1991

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

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

PRESENT: Bui, Cox, Fowler, Schmunk, Thalsofer, Thompson

ABSENT: Wakeman [excused]

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

PRESS: Web Ruble, The Oregonian; Dave Anderson, The Outlook

GUESTS: George Harding, Milton K. Foss, Linda Wood, Shirley VanGarde, R.A. Schmid

2. CONSENT AGENDA:

Mayor Cox called this agenda item.

MOTION: Councilor Bui moved to approve the consent agenda [2.1 Minutes 10/22/91 Regular Session; 2.2 Business Licenses - Month of October, 1991; 2.3 Ratify: Resolution Supporting Cable Regulatory Recommendation]. Councilor Thompson seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalsofer - Yea; Thompson - Yea

APPROVED

3. APPROVE: Liquor License Renewals

Mayor Cox called this agenda item.

Councilor Thalsofer questioned the King Lam application and queried the purpose of the rejection stamp and initials on it.

Linda Wood, King Lam representative, stated that the application had been sent back to OLCC directly. They had stamped rejection on the application since it hadn't gone before Council and received the approved signatures before being returned to OLCC. OLCC had rejected it in that form and returned it for the appropriate Council action and approved signatures. There was no problem with the application otherwise.

Councilor Bui asked Chief Collier if there were any reports from the Police Department that needed to be heard before Council took action on approving the renewals. Chief Collier stated there were none and no problem with the renewals before Council.

MOTION: Councilor Bui moved to approve the renewals for liquor licenses [Burns Bros. Truck Stop (2); Edgefield Gardens, Inc. - Winery/Brewery (2); Flying J Travel Plaza; King Lam Restaurant; Plaid Pantries, Inc. #137; Tad's Chicken N Dumplings; Texaco Food Mart; The Brass Rail; Troutdale General Store; Troutdale Thriftway]. Councilor Thompson seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalsofer - Yea; Thompson - Yea

APPROVED

4. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time. Comments are limited to three minutes.

Mayor Cox called this agenda item.

Milton Foss, Wastewater Management, Troutdale stated that he would like to comment but wanted to request 15 minutes to discuss Wastewater Management issues. He had noticed that a copy of the Wastewater Management lease agreement was in the Council packets. He wanted assurance that this would be an agenda item before Council made any opinions on the lease, activities or actions. He asked if time to be scheduled later during the meeting.

Mayor Cox stated he would prefer to have this item on the December 10, 1991 agenda. The Council meeting of November 26 was already scheduled as a work session.

Mr. Foss thanked the Council.

Shirley VanGarde, 26917 SE Sweetbriar Rd. briefly stated her concerns regarding debris from contractors and asked if there could be an inclusion in an ordinance which would require either a dumpster or an incinerator with 4 walls and a lid. Also, provisions of chemical toilets should be made for contractors on any site being developed. She considered the construction debris and human deposits to be a neighborhood blight. When a nearby [Osakawa] developer had been approached on these subjects he had stated he had no control over wind and the debris was initially put on the property. The wind carried it to other areas and there was no control over that.

VanGarde stated she had spoken with Sue Barker of the Community Development Department. Barker had sent a list of suggestions that would address the concerns, however, there was no action taken by the developers.

5. RESOLUTION: Initiating Withdrawal of the Entirety of the City of Troutdale From the Multnomah County Rural Fire Protection District Number 10.

Mayor Cox called this agenda item and called for Declarations, Challenges, Ex Parte Contact. Mayor Cox read the resolution by title.

Christian gave background information regarding length of time discussions had been taking place which was during the past five years. The Resolution was before Council since it was required as a 'minor boundary change' under the boundary commission law to initiate the withdrawal. The boundary commission needed to have the resolution before the end of month in order to have it placed on their agenda in January. The resolution would be required prior to the resolution to contract services would be appropriate.

Christian asked Councilor Bui and the Mayor to state their views since they had been involved with Task Force meetings during the past five years. An economist/consultant had been hired to review the financial analysis [done specifically for each City separately for clarity of the impact to Troutdale] which had been submitted by the City of Gresham.

Christian stated this would appear on the May ballot. Two sessions ago, a change in the law was requested of the legislature to allow a two-part question on the ballot -- **Shall the City withdraw from the Fire District 10's service district and establish a tax base to provide fire service through the City of Troutdale?** This would allow a contract through Gresham, Portland or any other means of providing the fire service that Council would choose. The Question would require a positive vote in May before any contract could be entered into with any one. Also discussed was new language which Fairview had requested. Christian stated that was the only change from the contract contained in Council packets.

Mayor Cox asked for questions.

Councilor Thalhoffer voiced his comments of support the City had received from Fire 10 for the past several years and expressed concerns on Fire 10 territory shrinking due to annexations of Gresham and

Portland. He stated it wouldn't be a viable fire district in the near future. He expressed grave reservations in withdrawal from Fire 10.

Councilor Thalhoffer had reservations in contracting with Gresham because the rates could increase significantly after the first five years; the relocation of the Cherry Park Road fire station to somewhere yet unknown; and, the contract period of five years wasn't long enough. Once the City withdrew from Fire District #10 it would be too late to do anything else. He would prefer to have representatives from District #10 before Council and state their position. Although Councilor Thalhoffer was aware that the Fire Task Force had been studying the issues for years and he trusted their recommendation.

Councilor Thalhoffer did not favor entering into the contract with the Gresham at this time. He stated he wanted to see if there was a possibility of negotiating some of the concerns he had voiced. He stated an 'escalation' clause could be included in the contract to address possible increased costs and the end of five years.

Mayor Cox stated District 10 was currently contracting with the City of for services and had requested a proposal from the City of Gresham for services. District #10 had representatives in attendance at the Task Force meetings during the past five years. Even though he favored staying with District 10 to use their taxing authority, it was at a higher rate and expected to increase even more.

Councilor Bui stated from all indications, it would increase.

Councilor Fowler suggested negotiations could include that the City of Troutdale approve of any equipment relocations from the Cherry Park Rd. fire station .

Councilor Bui discussed the City of Gresham had a master plan which had been worked on for years. That plan was to relocate fire stations so they could be logically placed to get to calls in a specific amount of time to allow them to retain a number 2 fire status. The homeowners are allowed a lower fire insurance rate if they are in a number 2 fire status. The stations could be moved in a system wide basis. He stated the main charge was to find a way to get service to the citizens of City.

Council further discussed considerations of expense between Fire District #10 and the City of Gresham proposal, as well as contracting with City of Portland and other considerations. Councilor Thompson stated it would be extremely difficult, if not impossible for the City of Gresham to anticipate costs five years from now. He felt that with Fire 10 costs compared to City of Gresham costs for service, it would make sense to go with the Gresham proposal.

Christian stated that the boundary commission would have to approve of the withdrawal before calling for an election in order to go with Gresham's proposal.

Councilor Thompson stated the authorization from the voters was required because the authority currently was under the Fire 10 levy. This wouldn't be a new tax but rather shifting it from Fire 10 into the City of Troutdale. He stated it was an erroneous assumption that this would mean an increased tax.

Jennings stated the formula used to establish the current amount language could be moved so that formula used was disclosed and the same formula could be used plus the increased costs so there was a way of predicting what costs might escalate to in the future. [No hidden surprises + increase in costs that the City of Gresham could demonstrate in budgets.] With Council approval, Jennings state he would be willing to meet with City of Gresham attorney Tom Sponslor and Joe Parrott to negotiate the inclusions that Council had described as concerns.

MOTION: Councilor Thompson moved to adopt the resolution to withdraw from Fire District 10. Councilor Thalsofer seconded the motion.

YEAS:5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalsofer - Yea; Thompson - Yea

APPROVED

6. RESOLUTION: Authorizing the Mayor to Enter Into a Contract with the City of Gresham to Provide Fire Services for the City of Troutdale

Mayor Cox called this agenda item and called for Declarations, Challenges, Ex Parte Contact. Mayor Cox read the resolution by title.

Christian stated direction and action by Council was required in order for staff to know what to do.

Councilor Schmunk stated her concerns about loosing the Troutdale fire station. She wanted to know there was something to address at the end of a five year contract what the City of Troutdale would like [i.e., rolling stock, building].

Jennings stated he had gleaned three specific concerns from previous Council discussions: 1) Keep fire station where it is for the first five years of the contract and negotiate location and equipment for the second five years. [He stated Troutdale was growing fast and the best location for the City could change eastward in next few years.] 2) Keeping a station in Troutdale City limits at least; 3) Rate formula to be disclosed in order to know how to estimate any future increases.

Christian stated these were simply counteroffers to take back and were not cast in stone.

Councilor Schmunk wanted it clear that #1 was a strong recommendation for negotiation from the City of Troutdale.

MOTION: Councilor Thalsofer moved to table this item pending further information from staff regarding possible negotiations. 3 specific issues: 1] If the fire station on Cherry Park Road remain in tact and relocation be renegotiated at the end of the first five year contract; 2] at the minimum, keep a fire station in Troutdale City Limits; 3] disclosure

of rate formula used to estimate fire service costs. Motion seconded by Councilor Fowler.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea

TABLED

7. RESOLUTION: Authorizing the Mayor to Enter Into a Memorandum of Agreement Between the Department of Environmental Quality (DEQ) and the City of Troutdale for Issuing Wastewater Permits for Construction Activities [Tape 2, Side 3 00:00]

Mayor Cox called this agenda item and asked for Declarations, Challenges, Ex Parte Contact. He then read the resolution by title.

Cline gave background information that brought this agenda item before Council. He stated there were two changes to be made [1] on item 'J' the amount \$300 should be \$30 and 'biannual' would replace quarterly reporting. 2] The signature line would indicate 'Mayor' rather than Director.

Councilor Fowler supported the City involvement in this and keeping City involved with handling at this level.

MOTION: Councilor Fowler moved to adopt the resolution authorizing the Mayor to enter into the Memorandum of Agreement between DEQ and the City for issuing wastewater permits for construction. Councilor Thompson seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea

APPROVED

8. SET HEARING DATE: Solid Waste Rate Increases

Mayor Cox called this agenda item.

MOTION: Councilor Schmunk moved to set December 10, 1991 Council meeting as the hearing date for the increase of garbage rates. Councilor Thompson seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea

9. DEPARTMENT REPORTS:

- Public Safety

Collier

Councilor Fowler voiced his support and appreciation of the Police Department and didn't support efforts to consolidate law enforcement.

Councilor Thalhoffer expressed his desires in the City maintaining its own Police Department and suggested that Springdale and Corbett policing could be done by contract with the City of Troutdale. Multnomah County Sheriff's Department did a lot of things for all cities with experience and expertise - capital crimes, narcotics, marine patrol, stings, jails but patrol wise should be left to individual cities.

Councilor Schmunk was concerned that the City should get busy and annex our lose all of it to either the City of Gresham or the City of Portland.

Christian stated the issue of the decision to use County tax based dollars, dollars voted on by people for Multnomah County to provide specific services. The City pays for the City police department all the way [BOEC, police, equipment] ... and the City pays \$200,000 more per year for the Police Department than was received in tax dollars. The City pays more than the residents in the City pay for police protection. The City uses the County for services such as river patrol [summers]. She stated they had a trained unit. Why should the City spend the money for equipment and people in training to do that service on a 3 month basis. The County is used on murder investigations the majority of the time; high tech crimes, [i.e., computer crimes] and training time is spent on road patrolling. City residents pay County taxes and have operated on the assumption that while the City does patrols the few services that are used from the Sheriff is paid for by the residents through their County taxes. No, believing that assumption, there is something wrong in the discussions when they talk about taking the Sheriff's Office out of everything but jails and corrections. There was a diverting of the public safety dollars in the County budget to other services that have never been on the ballot. When talking about subsidizing the mid-county area - it wasn't in the equation at this point. The question was what are we getting for the dollars? In being fair, elections, assessment & taxation, libraries. So, the City is receiving services from the County but the question is how are they being divided up?

Mayor Cox asked all Council members to attend the next meeting for purposes of reinforcement of the City position.

- Finance: Gazewood had nothing to add. There were no questions.
- Community Development: Cline had nothing to add. There were no questions.

Councilor Schmunk commented on the positive comments toward this department. She stated that it wasn't heard from the citizenry and she was glad that the letters of appreciation were a matter of public record.

- Public Works: Ortega had nothing to add. There were no questions.
- City Attorney: Jennings stated an Executive Session would be called within the next 30 days regarding pending litigation.
- Executive: Christian stated that a resolution of contract with Gresham for roads would be discussed at a November 19 meeting.

Christian asked Council for items to be included in the legal notice for the City Council Work session scheduled for November 26th. She already knew of SDC's and Ken Rust would be in attendance; a request that basketball hoops be reviewed.

Christian reminded Council of a Luncheon for Metro Charter Commission [Ned Look] would be present. Reservations were required and Council members needed to call Raglione on 11/13/91 if they were going to attend.

10. COUNCIL CONCERNS AND INITIATIVES

Mayor Cox called this agenda item.

Councilor Schmunk wanted it known that she was prepared to discuss the Wastewater Management lease and contract. Council had specifically asked that it be included in the packet as a discussion item. She was disappointed that it had been put off to a later meeting date.

Councilor Schmunk stated that the City of Gresham was the only requesting agency to review again the eastern boundary.

Councilor Thompson discussed the request made at the Public Comment portion of the agenda. He asked that staff review for possible amendments which would allow requirements of developers to furnish dumpsters and chemical toilets on construction sites.

Cline discussed the nuisance abatement section of the Code and stated that notification is sent to property owners when there are problems. He would keep communications with builders; and try to get cooperation from them while they are working in the City. He would review the issue immediately to see what complaints and what procedures have been taken to resolve the problems.

Jennings stated a possible answer where large scale development is occurring would be to require sanitary facilities and trash monitoring. He stated there were existing things that could be done and would review them with Cline at the earliest opportunity.

Councilor Bui advised he would be available on November 18th for the interviewing schedule of Planning Commission and Citizens Advisory Committee members. He asked if the Budget Committee candidates would be done at the same time.

Christian stated that they could be interviewed at the same time and all would be asked if they were interested in any of the other Committees.

Councilor Thalhoffer was concerned about the complaints stated in a letter from Slusarczyk on SW 25th Circle, regarding Fuji Farms and workers residing there. He stated that there were Catholic services that have outreaches which could assist the City in coming to grips with it.

He wanted the concerns addressed to determine what solutions could be put in place as soon as possible. He added that the incidences of relieving themselves in public was not acceptable conduct and asked that Chief Collier look into these types of incidences to put a stop to it through the Code and enforcement of conduct in public.

Councilor Thalhoffer then addressed a recent situation he had encountered regarding public officials and acceptable methods of letting public officials know of a concern. He didn't appreciate the manner in which a citizen had approached him regarding nearby property and the type of development that had been approved for that property [Cherry Park Road]. If people were opposed to the development he wanted neighbors to know he couldn't stop manufactured dwellings. If citizens had concerns, he suggested they attend the meetings to state their concerns and get to know the issues and laws that have to be adhered to; make their voice heard by way of voting for the candidates and treat with them with respect as they would like to be treated.

Mayor Cox used the Post Office issue as an example. The owner of the previous post office property had raised the cost so high that the Post Office couldn't handle it. It was an issued of needed access of that type of road and it was located where it is now. The zoning allowed the Conditional use with a community service overlay.

Councilor Bui was pleased that the City Council had passed the withdrawal consideration on to Boundary Commission. What happens to Fire 10 was a matter of time. He expressed his appreciation of the service given in the past and the firemen involved in that service.

Councilor Bui then discussed recent experience he had encountered on a professional level from the Police Department. He stated they had conducted an excellent investigation and found who had driven through the wall surrounding his area. He appreciated the effort and the results. He included the Public Works department in his appreciative comments since he had seen them working diligently on a leak at 8th Street.

11. ADJOURNMENT.

Mayor Cox called this agenda item.

MOTION: Councilor Thompson moved to adjourn at 8:52 p.m. Councilor Schmunk seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalsofer - Yea; Thompson - Yea

ADJOURNED AT 8:52 P.M.

Sam K. Cox, Mayor

Dated: _____

ATTEST:

Valerie J. Raglione, CMC
City Recorder

F:\MINUTES\111291CC.MIN