

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

7:00 P.M. ~ JANUARY 14, 1992

(A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

Mayor Cox asked Councilor Thalhoffer to lead the pledge of allegiance.

Deputy Recorder, George Martinez, called the roll.

PRESENT: Cox, Schmunk, Thalhoffer, Thompson

ABSENT: Bui, Fowler, Wakeman

STAFF: Christian, Cline, Collier, Gazewood, Martinez, Ortega, Sorensen
City Attorney Jim Jennings

PRESS:

GUESTS: Milton Foss, David McCutcheon, Earl Smith

(A) 2. CONSENT AGENDA:

2.1 Accept Minutes - Regular Session, December 10, 1991

2.2 Business Licenses - Month of December, 1991

2.3 Approve: Bruce Thompson - Policy Advisory Committee/RUGGO

The consent agenda was approved as read. Councilor Schmunk moved to approve. Councilor Thompson seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea

(I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

No comments.

(I) 4. PRESENTATION: Award of Commendation to Ken Smelser

City Administrator Christian read the Commendation award which would be presented to Ken Smelser. Smelser was not in attendance for reasons of identity.

(A) 5. RECEIVE: Proposal for Fire Services from Tualatin Valley Fire & Rescue
Declarations, Challenges, Ex Parte Contact Christian

Dave McCutcheon stated that Tualatin Valley Fire & Rescue was not prepared to submit a proposal at this time due to time restrictions. TVF & R also felt they would not be able to be competitive with the offer made by the City of Gresham. They would, however, be willing to submit a proposal at a later date [at the end of the five year contract].

(A) 6. RESOLUTION: Authorizing the Mayor to Enter Into an Intergovernmental Agreement to Contract for Fire Services with the City of Gresham

Mayor Cox asked Christian to read the resolution by title.

Christian stated the resolution was the same as presented to the cities of Fairview and Wood Village excepting the names of the city and the costs were different for each city.

Christian stated the contract would be pending the outcome of the Boundary Commission decision regarding approval of withdrawal from Fire District #10.

Councilor Thalhoffer asked why the Boundary Commission wouldn't approve of the withdrawal?

Christian stated they would review the impacts of the withdrawal on Fire District #10 in providing services to the rest of the district [i.e., costs and actual physical ability to serve the district. If they denied the withdrawal it would be an issue, again, in 3-5 years [depending on how fast the City of Portland completed its annexations]. Also, there were a lot of unknowns in terms of where the urban service boundaries would be since the cities of Portland and Gresham were having informal discussion about moving the urban service boundary. The City's counter to that argument would be they would be asking our citizens [in the three cities] to pay a rate of up to \$2.00 more per \$1,000 AV, hoping there would be a district in 3-5 years. That would spread the burden among the entire

district and reduce the city's budget by 10-12%. There was an increase in the city's assessed value of nearly \$60 million and therefore the City did not lose 28% of the general fund tax revenue due to the compression rate of Ballot Measure #5.

Christian stated that a major problem in coming to any conclusion was that the contract between Fire District #10 and the City of Portland was so complex it was difficult to know what the legal status was regarding liabilities to the District. No one had been able to relate how many employees we would be responsible for if we were to stay in Fire District #10 and sever the contract with the City of Portland.

Councilor Thalhoffer asked the City Attorney if the City was fully protect with this contract?

Jennings stated there had been several drafts and all suggestions that had been made by himself, as well as other city attorneys had been included in the contract. Gresham's response to the changes had been incorporated into the contract.

Councilor Thompson stated that in the fact of Ballot Measure #5 the City must do the best possible for the citizenry, and at this point that was not to stay with Fire District #10.

Christian added that the purpose of the task force was to review the contract and try to work with District #10 to find other options before renewal came up for the second term of the contract with the City of Portland. However, it turned out easier to just renew the contract. A consultant had reported also that Fire District #10 needed to look at other options rather than continue with that contract.

MOTION: It was moved by Councilor Thompson to approve the resolution authorizing the Mayor to Enter into an Intergovernmental Agreement to contract for fire services with the City of Gresham. Councilor Schmunk seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea

(A) 7. **REPORT: 1990-91 Audit Report/Performance Review**
Declarations, Challenges, Ex Parte Contact

Gazewood

Gazewood gave a brief report. He stated that the documents had previously been passed to Council for review and questions. There had been no further questions to date. If Council was satisfied with the report, it would be appropriate to accept the audit and performance reports.

MOTION: It was moved by Councilor Schmunk to approve of the 1990-91 Audit Report and Performance Review. Councilor Thalhoffer seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea

(A) 8. REVIEW: Wastewater Management Lease Ortega/Jennings
Declarations, Challenges, Ex Parte Contact

City Attorney Jennings stated there were several portions of the lease where Wastewater Management was not in compliance. 1] Complete unrestricted access to the metering and filtering control systems of the plant, several pieces of the equipment had been moved into a locked shed; 2] property taxes remaining unpaid in the amount of nearly \$21,000; 3] site improvements approved by the Site Design and Review Committee which were not completed; 4] No certified operator employed; 5] an insurance clause which stated the City was to be named as an insured in an amount sufficient to satisfy the Tort Claim limits the City faced ~ the City had not been furnished the appropriate certificates indicating the City was the named insured on insurance policies; 6] to the best of our knowledge, paragraphs 2, 4, and 9 of the Operational Site Plan had not been completed.

If the lessee defaults under the terms of the lease, the City must give notice such and the lessee has the responsibility to cure the defaults within 60 days. If there do not within the 60 days, the lease automatically terminates.

Foss stated that his attorney was scheduled to arrive at 8:00 and understood he was to have met with Jennings to adjust the allegations.

Jennings stated there were no plans to meet with the attorney and didn't feel it was the place for a debate. Council was presented the information to make a decision and then it would be worked on from that decision.

Jennings stated the lease had been in default since 1986.

Foss stated that the City was harassing the business and that none of the statements made by Jennings were true regarding the non payment of back taxes.

Mayor Cox allowed Foss three minutes to speak.

Foss stated that nothing was locked up, the metering system was out in the open; the taxes go to the County which had allowed them a tax relief and Mr. Wilder had called them up and sicked the County on Wastewater Management and all of a sudden unbeknown to them they had a \$20,000 tax bill facing them which they have been paying off in monthly payments, quite to the satisfaction

of the tax people. As far as the operation of this thing was hammered out between Bill Saylor and Wilder as long as they were not treating Troutdale sludge, they didn't need a certified operator and they were not treating our sludge so didn't need a certified operator. DEQ had informed them that no such certificate was required by the State. They carry a million dollar insurance and he believed the City was a loss payee on the policy. They did have a certified man at the site but had to let him go because the City was always fighting with him. If he held a certificate as a Wastewater operator he would be guilty for not turning the City in for infractions of the law that the City was committing at the plant right now and the City should thank him for that.

Jennings stated that as of 4:00 p.m., Wastewater Management was still listed as delinquent in their taxes.

Council gave Wastewater Management sixty (60) days to comply with the conditions stated in the lease agreement. The City staff was directed to notify the business, in writing, within ten days of the Council decision to come into compliance within 60 days.

Councilor Schmunk asked the amount that was delinquent?

Ortega stated the exact amount was \$20,480.53.

Councilor Schmunk stated if the items mentioned had in fact been done, Mr. Foss could to show proof the following work day.

MOTION: Councilor Schmunk moved that the City staff write a letter to Wastewater Management within ten days for notice; if the items were not cured of default within sixty days, the lease would be terminated. Councilor Thompson seconded the motion.

Councilor Thalhoffer asked if paragraph 19 could be revisited if the lease was found to be in default?

Jennings stated yes, an item could be waived by the party that the performance is owed.

Councilor Thompson stated he seconded the motion to enable the City to begin the notification process and allow them the opportunity to cure the problems, essentially allowing 70 days in total.

Mayor Cox called for the vote.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea

Christian posed the possibility of a tour of other Wastewater facilities in the area, or other parts of Oregon in order for Council to have an overall view of how other plants treat.

Council favored the suggestion.

- (A) 9. RESOLUTION: Authorizing the Mayor to Enter Into Intergovernmental Agreement for Disposal of Surplus Property ~City/Multnomah County
Declarations, Challenges, Ex Parte Contact

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

Councilor Schmunk asked if this would only include items from the Police Department or any City equipment?

Christian explained that this would replace the yearly auction of items that were declared surplus by the Council. Storing the items for a year was a concern, as well as paying employees overtime to prepare for and put on the auction. The process of Council declaring the items for auction as surplus would not change.

MOTION: Councilor Thompson moved to approve the resolution authorizing the Mayor to enter into an intergovernmental agreement with Multnomah County Sheriff's Office for disposal of surplus property. Councilor Schmunk seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea

- (A) 10. DEPARTMENT REPORTS:

- Public Safety - Councilor Schmunk asked that a yearly recap be included for the budget.

Councilor Thalhoffer asked about the progress of the Crime Commission. Christian stated nothing had been heard. Calls had been made to find out what was going on, however, the calls hadn't been returned.

- Finance - Council had no questions.
- Community Development - Cline briefly discussed the Columbia Gorge Commission meeting attended by he and Mayor Cox. He stated the meeting related to adjustment of NSA boundaries but time had run out before they were able to hear from Troutdale... another meeting was scheduled for January 28 at 9:00 a.m.

Mayor Cox added that the Commission would be in Troutdale to look over the area at 5:00 p.m. on January 27th.

- Public Works - Councilor Schmunk commented she was glad that the Downtown Improvement Program was still in the report and that it was still alive.

Christian discussed methods of financing downtown improvements and the time line of getting it on the May 15th Ballot.

Councilor Thalhofer asked Cline if the City was trying to get out from under the jurisdiction of the Gorge Commission? Cline stated it was an item of concern.

Councilor Thalhofer asked if there was any way to elicit help from Congressmen to do so?

Christian responded up to date the City had no luck, however, most of the representatives also represent other jurisdictions and areas that are substantially located in the Gorge. Once they take on representing use in a fairly small but substantial change in a Federal Act, it makes it nearly impossible to address other issues further up in the Gorge. Explanation of how and why the City was included in the Gorge jurisdiction continued.

MOTION: Councilor Thalhofer moved staff write a letter to the Gorge Commission, Governor Roberts, Senator Hatfield, Senator Packwood, Congressman Aucoin, Congressman Wyden, Sharon Timpcoc and Multnomah County Board of Commissioners and Planning Commission for support before the Commission in adjusting the boundaries; or, revisiting the issue of the City of Troutdale being included in the National Scenic Area. Councilor Schmunk seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalhofer - Yea; Thompson - Yea

- City Attorney - Jennings requested an Executive Session at 6:45 p.m. February 11, 1992 meeting - Pending Litigation - ORS192.660(1)(h)
- Executive - Christian announced the Four Cities Quarterly meeting on January 25, 1992 at McMenemy's Edgefield from 12:00 noon to 3:00 p.m.

Christian announced the following items were generally for information.

- Dix request to appeal sewer hookup decision - out of town till 4/92 - notification to Council only.

- Landslide problem at 1003 Jackson Park Rd. - meeting with Corps of Engineers pursuing tree removal to protect sewerline and bank stabilization. There will be follow-up information at a later meeting.
- Metro Charter Committee Invitation 1/18/92 @ 9:00 a.m. Nordic Restaurant Rm. 26, basement, southeast corner. - invitation to Council that may be able to attend.
- Letters supporting Troutdale as service provider for East Multnomah County.
- Request for Participation in FOCUS [nominating an elected official for the FOCUS Steering Committee] if a participant.

(I) 11. COUNCIL CONCERNS AND INITIATIVES

Councilor Schmunk commented on route changes with Tri-Met and stated the City should be more open concerning East County Transportation. Tri-Met should be more involved.

Councilor Thompson asked if Council should take action to participate in FOCUS. Christian stated it should be formally acted upon.

MOTION: Councilor Thompson moved to approved participation in FOCUS. Councilor Thalhofer seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalhofer - Yea; Thompson - Yea

Councilor Thompson explained the purpose of the Regional Government Committee [RGC] and how it worked.

Mayor Cox asked if there were any volunteers for the Multnomah County Regulatory Commission. After discussion, it was decided to wait and find out the date before deciding who should attend.

Mayor Cox asked for a motion to add Councilor Schmunk as a signator for City accounts.

MOTION: Councilor Thompson moved to add Councilor Schmunk as a signator on City accounts. Councilor Thalhofer seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalhofer - Yea; Thompson - Yea

Councilor Thalhofer asked what the agenda was for the 4 City meeting on the 25th?

Christian stated there was no agenda set but all 4 City managers would be meeting with issues from the Councilors in order to set the agenda. A facilitator was also scheduled to be at the meeting.

Councilor Thalhofer discussed road transfer issues. Christian stated she would be attending a meeting on January 15, 1992 and would send a memorandum out to Council regarding issues discussed at that meeting.

Councilor Thalhofer stated he was an advocate of getting a holding facility in East County. Where would a proposal of this type best be directed?

Jennings stated Multnomah County would be the best starting point.

Christian suggested going through the Sheriff's Office and also through the Multnomah County Board of Commissioners.

(A) 12. ADJOURNMENT.

MOTION: Councilor Schmunk moved to adjourn at 8:34 p.m. Councilor Thompson seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Schmunk - Yea; Thalhofer - Yea; Thompson - Yea

Sam K. Cox, Mayor

Dated: _____

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