

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

7:00 P.M. ~ FEBRUARY 11, 1992

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

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

City Recorder, Raglione, called the roll.

PRESENT: Cox, Fowler, Schmunk, Thalhoffer, Thompson, Wakeman

ABSENT: Bui

STAFF: Christian, Cline, Collier, Gazewood, Ortega, Raglione
City Attorney, Jennings

PRESS: Web Ruble, Oregonian

GUESTS: Mrs. Robert S. Strebins, Florence Baker, Sally Wakeman, Sheryl
Maydew, Max Maydew Shirley VanGarde, Walt Postlewait, Earl L.
Smith, Dennis Bryson

Christian updated Council adding that there would be a brief report on Animal Control.

ITEM #2. CONSENT AGENDA:

Mayor Cox called this agenda item.

MOTION: Councilor Thompson moved to accept the Consent Agenda as
written [2.1 Accept Minutes - Regular Session 1/28/92; 2.2 Business

Licenses - Month of January, 1992]. Councilor Wakeman seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

ITEM #3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

Mayor Cox called this agenda item. There were no comments from the audience.

ITEM #4. PUBLIC HEARING: Calling for A May 19, 1992 Tax Base Election for General Government Purposes to Include Fire Protection Services.

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

.1: Open Public Hearing 7:04 p.m.

.2: Declarations, Challenges, Ex Parte Contact -0-

.3: Summation by Staff Gazewood stated all requirements of State Law ORS 310.186 had been met, as well as the required public notice of a public hearing. In addition to public notices published in the newspaper, notices had been sent by certified mail to other local governments affected. He then proceeded to give a brief report and showed schedules by means of the overhead. Schedules were also available for Council and public preview.

Christian stated charts shown included amount of contract to provide service to the City via City of Gresham F.D. \$220,000 difference in FD #10 collection and total tax revenue collected by the City to pay the contract price to Gresham. There would be a reduction in overall tax revenues collected. A final hearing was scheduled at the Boundary Commission on February 13th, Thursday, at 7:00 p.m. If the Boundary Commission approves, it would then go up for a city-wide vote in May. The short timelines were due to new regulations ie notice to all taxing agencies, etc.. If the Boundary Commission denied withdrawal, the entire issue would no longer be an issue and the City would still be in FD #10. There would be no need for an additional tax base and would not be filed with County Elections by 3/19/92.

Gazewood reviewed the charts utilizing overheads showing schedules of tax impact in current FY. He then summarized by stating that the imposed levy to be extended by County assessor total for all code areas \$2,654,927 tax base 3041,589 or savings of \$386,662.

If Ballot Measure failed add FD #10 base to schedule of \$5.8 million contained in TSCC memorandum times total area wide AV with 10% increase computer tax rate would be \$3.4161 after compression rate \$2.8631.

Impact in how deal with distributing money.

Mayor Cox called for Council questions. There were none.

.4: Public Testimony: Proponents City proponent.

Councilor Thalhoffer stated getting before meeting doesn't give opportunity to ask questions.

Christian stated the materials were the same information and hearing on Ballot title.

Gazewood clarified purpose of meeting is requirement by law of meeting to be held 30 days prior to date measure filed with County Clerk [3/19/92]. Only way to arrange Council to meet would have been to call a special meeting. Additionally, the purpose is only to provide access to citizens and local governments impacted by measure. Exception of FD #10 - all taxing districts affected have attended mandatory, statutory meeting conducted under coordination of Tax Supervising and Conservation Commission. Tax coordination plan all taxing districts levying a tax or changing tax provide plan to TSCC for review at that meeting.

Addendum A indicated the certified agencies meeting criteria of law at that time to seek authority to withdraw and see new tax base. FD #10 did not attend and did not provide any materials at that time. This hearing was to provide an opportunity for other taxing districts to comment before City Council.

No other questions.

.5: City Council Questions

.6: Public Testimony: Opponents -0-

.7: City Council Questions

.8: Rebuttal

.9: City Council Questions

.10: Recommendation by Staff - Already presented.

.11: City Council Questions

.12: Close Public Hearing Process. 7:37 p.m.

ITEM #5. RESOLUTION Calling for A May 19, 1992 Tax Base Election for General Government Purposes to Include Fire Protection Services.

Mayor Cox called this agenda item, and read the resolution by title. He called for declarations, challenges, ex parte contact. There was none offered.

Councilor Schmunk stated prior meeting where discussed realized going before Boundary Commission. It was also known that there would need to be an election to withdraw.

Dennis Bryson, Corbett FD. in attendance if any Council questions.

Mayor Cox stated FD 14 had tanker trucks and had been available when necessary for backup to City.

MOTION: Councilor Schmunk moved to adopt the resolution as written.
Councilor Thompson seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

Memo in packet by Tax Supervising [see Christian memo at back of #5] type of agreement to enter into was individual rebate to east side of river being charged within cities tax base for fire service - directly to [60-70 residents on east side] They could later initiate request to withdraw from #14 or City. There are remedies to them but in interest of equity rebate portion of tax for fire service to residents.

Jennings: Option 1 specifically described in ORS as option available. Option 2 initiating withdrawal is de-annexation for east side of river. Option 3 not described anywhere but legally permissible. Jennings viewed this option as temporary measure until there be another final solution [Option #1 or Option 2]. Jennings stated the impediment couldn't extend services until water extended on east side of river.

Christian stated if the City withdrew from FD 14 City could contract with #14 for service on that side of river. She also requested a consensus from Council supporting or opposing in order to respond to Boundary Commission when testifying before them.

Councilor Schmunk would like to know how people on east side of river feel about the options before deciding.

Christian stated that simply a statement of recognition that the situation exists and City will equalize the situation.

Christian stated the sight distance and measurements would be made a part of construction standards of the City [i.e., an administrative rule to give parameters Council preferred at the prior meeting].

Mayor Cox read ordinance by title.

MOTION: Councilor Thalsofer moved to pass the ordinance as written.
Councilor Fowler seconded the motion.

YEAS: 4

NAYS: 1 Wakeman

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalsofer - Yea; Thompson - Yea; Wakeman - Yea

ITEM #7. RESOLUTION: Approval of Water Hookup Outside City Limits [@ 1932 SE Troutdale Rd. Baker]

Mayor Cox called this agenda item and read the resolution by title. He called for declarations, challenges, ex parte contact. There was none offered.

Mayor Cox stated this was located by the tower on Troutdale Road and also where a church is being served as this request is.

Ortega gave background information stating a written request had been received. They had been the owners where a well was located and had sold the property where the well was located. They wished to connect to City water within Urban Growth Boundary. City crews had viewed the site and appeared there would be no problems. The cost would be totally at the owners expense. Staff recommended approval.

Councilor Fowler asked if there was a different billing for service out of the city limits? Would SDC's be charged?

Christian stated yes. The past practice had required a non-remonstrance agreement should there be petitions to annex at a later date. It had been included as a Whereas in the resolution.

MOTION: Councilor Fowler moved approval of the resolution as written.
Councilor Wakeman seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalsofer - Yea; Thompson - Yea; Wakeman - Yea

Christian stated that the Resolution would need to be amended to add the non remonstrations wording.

MOTION: Councilor Thalhoffer moved to reconsider; Councilor Fowler seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

MOTION: Councilor Schmunk moved to amend the resolution to add the non remonstrations clause for Baker to allow for annexation. Councilor Thalhoffer seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

MOTION: Councilor Thompson moved to adopt the motion as amended. Councilor Schmunk seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

ITEM #8. RESOLUTION: Setting System Development Charges for Water Declarations, Challenges, Ex Parte Contact

Mayor Cox called this agenda item and read the resolution by title. He called for declarations, challenges, ex parte contact. There was none offered.

Ortega reviewed comments for this item as well as items 9, 10, 11, and 12. These items will be before Council at the February 25, 1992 regular City Council meeting.

ITEM #9. RESOLUTION: Setting System Development Charges for Sewer Declarations, Challenges, Ex Parte Contact

ITEM #10. RESOLUTION: Setting System Development Charges for Streets Declarations, Challenges, Ex Parte Contact

ITEM #11. RESOLUTION: Setting System Development Charges for Storm Water Declarations, Challenges, Ex Parte Contact

ITEM #12. RESOLUTION: Setting System Development Charges for Parks
Declarations, Challenges, Ex Parte Contact

MOTION: Councilor Schmunk moved to table items 8-12 until the February 25, 1992 City Council meeting. Councilor Wakeman seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

ITEM #13. RESOLUTION: Industrial Revenue Bond - Toyo Tonso USA

Mayor Cox called this agenda item and read the resolution by title. He called for declarations, challenges, and ex parte contact. There was none offered.

Cline discussed background information. Facility would be permitted use within that area of Troutdale and would be in conformance with the Comp Plan. The facility was supported by a resolution passed by the Council at a recent Council meeting.

Councilor Fowler asked how come a similar resolution hadn't been done with all... using the resolution for support of borrowing capital was a good idea.

Councilor Thompson - interesting manufacturing

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

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

ITEM#14. DISCUSSION: Sewer Hookup [Dix Property]

Mayor Cox called this agenda item.

Ortega briefed Council on background information. This item was for purposes of continuing discussion only at this time. The septic tank collapsed. City sent letter requiring hookup to city sewer per City code [code if sewer main closer than 300' property should be hooked up]. Dix was within 100' - purpose of letter. Discussion with Dix - due to value of house didn't warrant hookup due to low value of house. Staff concerned with liability to City if not enforcing what City code dictates.

Dix still disagreed with cost of hookup - \$400-500; would appeal to Council. When the appeal is before Council, the facts will have been before Council.

Solution #1: Wait for adjacent property to develop [Dix property also] - would be easier and cheaper way to do it.

Ortega wanted to make Council aware of liabilities if it was allowed to wait for development to occur. If something happens in interim - lawsuit would be possible [gray waters surfacing to neighbors yard, neighbor child plays in it would have a good case - City knowledge of not complying with ordinance in Code.

Christian - time of hearing conditions - Dix will be back in April would be over time limit for response if not brought before CC. Two other property owners that could be affected by Dix sewer line - small yellow house in middle of field - has been rented several years - closest sewer line go between two existing houses iwth landscaped yards which would add to cost [SDC and connection]. Council has options in terms of setting aside, or giving exception on year to year basis.

Councilor Wakeman - Was it the line that broke or the septic tank?

Ortega - line and has been repaired.

Councilor Wakeman - general condition of septic tank a problem - will it last until development comes along?

Ortega - integrity of septic tank fine COP has no problem as it exists.

Councilor Schmunk - as long as it doesn't fail there's no problem.

Christian - Ordinance stated that if it is within 300' of sewer line they should connect. Dix was collecting rent, use building but not use money for building improvements.

Ortega - If sanitary sewer witihin 300' [and it is] the Code was very clear.

Councilor Wakeman stated Septic tank or line to septic tank? It is line that collapsed not septic tank.

Councilor Schmunk didn't feel it was septic tank itself that collapsed.

Councilor Fowler stated system failed and the Code stated when fails - should replace it. If operating now, leave it alone.

Councilor Thalhoffer - Line to tank isn't precisely tank but part of system.

Jennings stated represented private homeowner and line is considered as part of sewage disposal system. - failure of entire system.

Councilor Thalhoffer - have failure in other words - if made exception what kind of precedence?

Jennings - Case by case basis - so few left in City.

Councilor Schmunk - Preliminary approval on this property is it still there?

Cline - no longer.

Councilor Wakeman - Established as pipe part of system and has failed, city aware of septic system - if fails again, City would be mutually liability? Would City be liable in any way for it. Jennings felt it would be a reach.

Ortega - Para B of Ordinance Could have enforced Code and could be an issue.

Councilor Schmunk - Can we put a deadline on it?

Councilor Thompson would requirement place a hardship on Dix?

Christian stated there was no representation present at meeting.

Ortega: Line would run along common property line of two lots - fencing down, landscaping replaced - easement of 5' along both sides of property line.

Christian asked if meeting the intent of the issue - 45 day time frame. Can Council carryover until Dix available - continue to allow for input from Dix - 2nd meeting in April when he would be available?

Councilor Wakeman- If Dix requested to hookup at this time and future development of property where house is located would sewer have to be removed to develop or could it be used. Would development benefit from sewerline?

Christian - probably not. If house came out so would sewer.

MOTION: Thompson moved to continue hearing until Dix could be before Council to show why it would be a hardship to hookup to sewer at this time. The continuance to be held no later than the 2nd meeting in April, 1992. Thalhoffer seconded motion.

YEAS: 5

NAYS: 0
ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

ITEM #15. CONFIRMATION OF PLANNING COMMISSION DECISION [Video Arcade Within CBD Zone]

Mayor Cox called this agenda item.

Cline asked that the Council make a formal motion to formalize the confirmation of the Planning Commission decision. Cline was asked last year about zoning of video arcade - November, 1991. He gave his recommendation and his interpretation of the Code. Trying to removal some of the subjectivity. There would be less room for subjective interpretation but not completed at this time. Presented to Planning Commission and gave concerns - after much discussion PC made motion to recognize a video arcade is defined as establishment permit patrons under 18 - general; central etc..... Vote was close - Postlewait deciding vote and moved to have staff bring forward to Council confirming the PC interpretation or go back to PC or reverse that decision.

The determination by a Planning Commission would limit to conditional use permit authorization of use only - hours, parking, number of machines, types of machines available to public could be addressed in approval of the use.

Councilor Wakeman: Reading Planning Commission minutes felt definition of video arcade was the issue. Video arcade, pinball machines rather than going in to view videos. Games rather than other. If stipulation of 18 wouldn't that eliminate any adult entertainment issues - i.e., adult bookstore.

Jennings when posed to Planning Commission and Council understand ruling is strictly advisory not setting up law merely giving direction. What is included or not and use included or not should be decided on case by case basis - PC. CC. LUBA. Direction to staff but opponent still can challenge.

Cline - There is nothing pending, no pre-application and only wanted to get clarification at this time. Has had inquiries.

Councilor Thompson - are there any at this time?

Jennings - Every Keno machine, pizza parlor, machines put quarters in.

Councilor Thalhoffer - asked Jennings are there necessary laws to keep gambling, Keno, etc. out. This would be for kids primarily and should make sure wholesome environment.

Jennings: Classification of permitted uses will have to be defined and refined. Everyone should know if it is permitted. PC and CC could at that time define exactly what is permitted.

Councilor Thompson: Anyplace in the city where it would be outrightly allowed?

Cline: Not aware of any. Video Arcade wasn't addressed anywhere within Development Code.

Councilor Thompson: If anywhere would be best in CBD. Reviewing to take out subjective interpretation. Has there ever been one in Troutdale?

Christian only at truck stops but can't be called arcade since not purpose of their business.

MOTION: Councilor Thompson moved to confirm decision of PC [advise staff].

Shirley VanGaard, 26917 Sweetbriar Rd. - Location critical - hope not give blanket approval for commercially zoned areas. Reviewed areas to make financial feasible - outh, subdivisions, bike to [not at bottom of hill; top of hill] keep away from alcohol. In window of arcada - no loitering to provide social function for youth. Allow arcada i.e., Thriftway area [adults trying to get solicited to buy for minor]. Arcade inside mall - eliminate 80% of congregating groups. Storefront with driveby access a problem. Groups of youth market areas for business men to do illegal business.

Arcades, pizza go together - traditionally 3 of them; owned by different company, make large sums of money - Tdale not a large volume. \$250/week from video games. Arcade in town takes money from small businesses. Video arcades are enjoyable but large concentration in one place get large concentration of youth in one place - Consider location - no blanket okay to any area zoned commercial.

Councilor Thalhoffer - If had video closer to subdivisions then Troutdale Plaza would be ideal location. Liquor store there wouldn't be a big problem since it is at one end and would be a natural location for video arcade - no drive by to sell kids something.

Cline important to recognize PC discussed the issues raised by VanGaard - very clear by conditional use permit - every time issues would be addressed before PC at a public hearing and notice being provided. Not identical, number of machines, hours, parking, etc. Very specific because of the types of concerns VanGaard raised. PC concerned also.

Councilor Thalhoffer felt that CAC would be good to review this loop. Cline stated CAC would be involved for any plan change - matter of interpretation of rules and regulations only at this time. Once more clearly defined would require an adoption to the Code by amendment.

Councilor Schmunk: CBD - Central Business District is the issue not neighborhood commercial.

Councilor Thompson PC was to approve general and neighborhood commercial -

Postlewait - decision included more than CBD [included neighborhood].

MOTION: Councilor Thalsofer moved to allow Video Arcades within the CBD Zone confirming the Planning Commission decision. Councilor seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalsofer - Yea; Thompson - Yea; Wakeman - Yea

ITEM #16. DEPARTMENT REPORTS:

Public Safety -0-

Finance -0-

Community Development -0-

Public Works -0-

City Attorney Executive Session 2/25/92 at 6:30 to discuss pending litigation issues.

Executive 1] Maureen Leonard Rick Baumen's office asked for Council 2/20/92 and if Council was willing to host County Commissioners and other two cities elected official to hear transfer of road department - asked for Chambers. Hearing date for this issue at 7:00 p.m. 2/20/92. - Does Council choose to participate with Multnomah County and two other cities?

Councilor Thalsofer felt hearings were very important.

Councilor Schmunk didn't feel County Commissioner had heard anyone's feeling about this.

Animal Control: Hearing Thursday morning for Animal Control at County - State requirements only - licensing at the facility - discussions last fall - County Commissioners didn't feel it was a function only of County they are not funding at this time. Increase in assessed values provide skeleton of organization till cities can look at what's going on in animal control and what costs are - what communities need and what can be done without. County looking at way to cut general fund requirements. City share will be \$25-\$35,000 as functions are now going. Can't make those kinds of arrangements within budgets in the last quarter of the year.

Councilor Thalsofer should be a County-wide service. Should continue to raise issue.

Mayor Cox stated only things to continue: Quarentine, pet licensing, shelter

Christian has been outstanding program but can no longer be funded through the same methods as has been. Call her prior to Thursday a.m. for comments Council wished to include at public hearing.

Councilor Thalhofer: recommended continue uninterrupted through FY.

Christian stated they would continue through April then reduce level of service. Make budget modification to continue higher level of services than what ORS requires. If Council agrees they should continue through end of FY - nod. Council will need to agree with level of service before end of June.

ITEM #17. COUNCIL CONCERNS AND INITIATIVES

Mayor Cox called this agenda item.

Schmunk Road consolidation City Of Gresham assured would be able to think regionally.

Fowler -0-

Thompson - RGC memorandum Council to adopt resolution supporting RGC re: Metro Charter. City should have some say regards planning and service delivery as Metro does. R-PAC of members of cities, districts [elected officials] to act as advisory committee to Metro. Regional body with no veto power over Metro commission - but if R-Pac not approved of any new planning or service area requiring 2/3 vote of Metro Council before implemented for vote of people. Would allow some influence in decision making process. He stated his support of 7 members with no more than 9. Professional manager - Thompson supported but asked for Council input to this. Very diverse group. RGC concerned with getting a Metro Charter passed. There is need for Regional authority, cities can't take care of everything. City needs strong input into decisions made by Metro Council. He asked Council to fill out forms and get back to Pam.
Resolution action: Thalhofer - schedule for 2/25/92 meeting.

Cox - Invitation to Coast Guard Cutter.

Wakeman Address 2/20/92 meeting.

Thalhofer - Multnomah County and transportation issues. He asked that the white board in the Chambers looked like a war zone could it be replaced?

Christian stated it would be approximately \$400. to replace. The chairs were also an issue of whether or not to fund replacement.

ITEM #18. ADJOURNMENT.

Mayor Cox called this agenda item.

MOTION: Councilor Thompson moved to adjourn the February 11, 1992 regular Council meeting. Councilor Wakeman seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

The regular City Council meeting of February 11, 1992 was adjourned at p.m.

Sam K. Cox, Mayor

Dated: _____

ATTEST:

Valerie J. Raglione, CMC
City Recorder
F:\AGENDA\021192CC.MIN