

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

7:00 P.M. ~ FEBRUARY 25, 1992

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

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

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

City Recorder, Raglione, called the roll.

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

ABSENT: Bui

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

PRESS: Web Ruble, Oregonian

GUESTS: Ken Rust, Earl Smith, Joyce Prepchuk, John Sullivan, Marcine Sullivan, Sally Wakeman

Agenda Update: Christian stated items #5 and #6 would follow Item #3.

ITEM #2. CONSENT AGENDA:

Mayor Cox called this agenda item.

MOTION: Councilor Thompson moved to approve the Consent Agenda [2.1 Accept Minutes - Regular Session 2/11/92; 2.2 RESOLUTION: Relating to a Home Rule Charter for the Metropolitan Service District.

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 stated.

ITEM #5. ORDINANCE: Amending Nuisance Abatement Ordinance No. 352 [TMC Title 8, Chapter 28] Second Reading

Mayor Cox called this agenda item and asked for Declarations, Challenges, Ex Parte Contact.

Christian discussed Council recommendation to allow the standard construction drawings to reflect a 60' clearance between intersecting streets. That change had been made and was before Council. She stated this was the second reading of the ordinance.

MOTION: Councilor Thalhoffer moved to pass the ordinance as written. Councilor Thompson seconded the motion.

YEAS: 4
NAYS: 1 [Wakeman]
ABSTAINED: 0

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

ITEM #6. DISCUSSION: Lease Agreement/John Sullivan

Mayor Cox called this agenda item.

Christian stated Mr. John Sullivan was in the audience and would like to speak to Council regarding the intentions for the site.

John L. Sullivan, 405 4th Ave., Oregon City, OR. Sullivan handed out a Work Schedule he stated he had been looking at the building for the past 3 yrs. and had concluded that a restaurant named 'Sullivan's Filling Station' would be a good venture for the location. He stated restoration of the building would be exciting and he was looking forward to beginning his venture. He would like to move to Troutdale and make his home and business here. He planned on serving hamburgers and chili and had 20 yrs. experience in the restaurant business. He was prepared to put \$30,000 - \$40,000 out of pocket to rehabilitate the building. He would have the hours dependent on the business and how quickly he was able to build it at that location. He would plan on opening June 1, 1992 and expected to employ approximately 4 people to begin with. He didn't want to move too fast and

would begin hours from 11:00 a.m. to 5:00 p.m. The winter trade would be a 'feeling ground' as the business demanded.

Councilor Thalhofer suggested changing the opening date to May 23 due to the Troutdale Trot and the amount of people that attend that event.

Sullivan stated he was aware that a 'concession' type business hadn't been very successful to date. He would consider the opening date change since anything that would boost business initially could be a factor in success. The familiarity of a business being located there could work toward more business later on.

Mayor Cox called for Council questions.

Councilor Fowler stated he had a problem with a 30 year lease on the property and was concerned with the land going with the building [i.e., paving for the parking area, would beer/wine be served?].

City Attorney Jennings stated there was a specific length of time that State and cities could enter into a lease agreement. In order to comply with contract requirements it would need to be reviewed every 'x' amount of time.

Sullivan stated that the blacktopping was a known factor and it would be dependent upon the seating capacity, once it was known. The beer/wine wasn't an issue right now. He stated he didn't want the liability. If, however, it evolved into a Dinnerhouse type business later down the road he might ask that beer and wine be reviewed by Council.

Councilor Fowler asked what if the operator changed during the lease agreement?

Jennings stated that could only happen upon approval of Council if the lease changed.

Councilor Fowler Queried the value and equity of what was left?

Jennings stated that the improvements made are permanent improvements to the property and as such, are left with the property if leasee leaves.

Leased property, as opposed to purchased property, brought up the question of System Development Charges.

Christian stated that the system had been extended serve Tad's. At that time the City sewered the parks system and 2 ERU's were extended to the old filling station for future use. At that time, the building was considered as a possible 'Information house' only. She stated that Sullivan would be responsible for the ERU's in excess of what the City would be responsible for. That would need to be

included in the lease as a responsibility of step system over life of lease. Settling system would require maintenance every so often.

Christian added that any building enhancements to be in compliance with the new American Disabilities Act would need to be included in the lease since it specifically mandates property held by cities and leased to anyone did not relieve the City of the responsibility for lessor meeting requirements of ADA.

Sullivan stated he was familiar with those requirements as a necessity.

Councilor Thompson stated there was a tax credit of 50% or a potential for \$5,000 credit which could be applied.

Christian stated this was the same as the Port Of Portland in that they were taxed for improvements done to the property.

Councilor Thompson stated that Sullivan could get credit for the improvements made to the property that were an out of pocket expense for him.

Jennings stated that language could be included to ensure the pass through credit was in the lease.

Christian stated that the agreement would include applying with all codes for this type of operation including: parking, code requirements, ADA compliance, language to extend lease at specific review timeframes - 30 year lease option offered. If Council agreed with the concept staff would pursue discussions further with Sullivan. This item would be brought back to Council as an action item.

Councilor Fowler asked what the City position would be on a lease?

Jennings stated there was no problem and there was no open bid process on proprietary lease. The City owned the property and could negotiate a lease.

Councilor Fowler queried staff on pumping sewage costs and availability of sewer at the site.

Mayor Cox recommended moving ahead and called for Council comments.

Councilor Fowler wished to investigate further, Councilor Schmunk stated this item was for discussion only, requiring no formal action; Councilors Thompson, Wakeman and Thalhofer favored negotiating with Sullivan and bring the issue back to Council for action.

Christian stated staff would continue negotiations including the issues Council addressed in this discussion.

Sullivan discussed of how to proceed with changes to a 30 year lease agreement?

Christian stated time would need to be scheduled with Cline to discuss further.

ITEM #4.RESOLUTION: Setting System Development Charges for Water

Mayor Cox called this agenda item and asked for Declarations, Challenges, Ex Parte Contact.

Christian stated Tables were shown with and without financing - for clarification, the sentence had been added to include with financing since the instructions from Council were to consider with financing costs included. That was now before Council.

Ken Rust, Public Financial Mgmt. Inc., gave background information on method and approach used in order to bring City SDC's in compliance with State Law. He stated basically looking at the costs of capacity of increasing capital improvements on Water, Sewer, Parks, Transportation, and Storm. Rust stated the documents were similar but would stand alone for each type. He asked for Council questions.

Councilor Fowler stated there was confusion with the State, County roads and with Gresham apparently getting the County roadways. These streets were not owned or operated or maintained by City. He also questioned whether the Sandy River Bridge was affected and the Columbia River Hwy. would be in projections for ERU's?

Rust stated the SDC's were for City owned only.

Fowler - on city, county or city owned -

Rust - If costs were on county roads chg. higher.

Fowler - Side 1/2 beginning.

Rust stated that calculations were based on increase in population and employees increased in time. Given service level function of all change in commercial industrial areas in city. The increased load was applicable to all within City.

Councilor Fowler asked what costs the City was incurring on 257th? What is cost of City incurring on Columbia?

Ortega stated that the Historical Columbia River Hwy. included several different agencies in the costs of the project [COT, County, State] the amount included in SDC's is only that portion of what

COT would be responsible for in costs of construction. A draft agreement had been received by Jennings and reviewed as acceptable at this time. The City was expecting the award of bid soon for the design of it.

Councilor Fowler gave example of Motel 6 as taking traffic only off freeway/on freeway and created no traffic in the City - wasn't this going to charge an organization by number of SDC's for road maintenance in rest of City?

Rust stated that the business would have employees which used city services and would use roadways to get to complex that would be an increase in traffic load on the City network. It would generally occur in pm peak hour 65% of traffic volume of land uses has been deducted due to in route stops and those facilities are not charged by gross number of trips. A more refined analysis could be undertaken in time when City takes transportation plan and takes characteristics of system. There isn't an analysis now and not in the works at this time. That would create specific data and there would be proper adjustments of nature of system.

Fowler asked about the ERU charges on roads.

Mayor Cox any if there were other questions by Council?

Rust stated this had been a fairly long process and he had worked considerably with City staff and enjoyed the process. He then expressed his appreciation to Council.

Mayor read by title.

Christian stated there was a daily rate that would be charged to developers from now until January of 1993 - it was similar to reading a calendar and showed the day by day increase. It would give some predictability to a developer and was easy to administer from City standpoint. It was felt this would be the most equitable way to deal with people in process and haven't been able to make formal application.

Mayor Cox called for declaration, challenges?

Councilor Fowler stated he could possibly, but didn't think so.

Mayor Cox read the resolution by title.

MOTION: Councilor Thompson moved to adopt the resolution. Councilor Wakeman second the motion.

YEAS: 4
NAYS: 1 [Fowler]
ABSTAINED: 0

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

Council Fowler stated that the daily rates list was interesting and stated it was fair.

Thalhoffer asked about Exhibit A - schedule construction items [water]?

Christian stated that was West Cherry Park by the high school.

Thalhoffer stated there were no established residences there now right.

Christian, correct right. No zoned and need to create capacity to answer the development -only charges legal to include in SDC's. Projected need to meet development of property in future.

ITEM #7. RESOLUTION: Setting System Development Charges for Sewer

Mayor Cox called this agenda item and asked for Declarations, Challenges, Ex Parte Contact. There were none offered.

Christian stated same as resolution passed previously regarding methodology and had been done for the sake of uniformity.

Mayor Cox read the resolution by title.

MOTION: Councilor Wakeman moved to adopt the resolution. Councilor Thompson seconded the motion.

YEAS: 4

NAYS: 1 [Fowler]

ABSTAINED: 0

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

ITEM #8.RESOLUTION: Setting System Development Charges for Streets

Mayor Cox called this agenda item and called for Declarations, Challenges, Ex Parte Contact. There was none offered.

Mayor Cox read the resolution by title.

MOTION: Councilor Schmunk moved to adopt the resolution. Councilor Thalhoffer seconded the motion.

YEAS - 4

NAYS: 1 [Fowler]

ABSTAINED: 0

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

ITEM #9. RESOLUTION: Setting System Development Charges for Storm Water

Mayor Cox called this agenda item and asked for Declarations, Challenges, Ex Parte Contact. There were none offered.

Mayor Cox read the resolution by title.

MOTION: Councilor Thompson moved to adopt the resolution. Councilor Wakeman seconded the motion.

YEAS - 4

NAYS: 1 [Fowler]

ABSTAINED: 0

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

ITEM #10. RESOLUTION: Setting System Development Charges for Parks

Mayor Cox called this agenda item and called for Declarations, Challenges, Ex Parte Contact. There was none offered.

MOTION: Councilor Thompson moved to adopt. Councilor Wakeman seconded the motion.

YEAS: 4

NAYS: 1 [Fowler]

ABSTAINED: 0

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

ITEM #11. RESOLUTION: Declaring Certain Personal Property as Surplus and Authorizing Disposal.

Mayor Cox called this agenda item and called for declarations, challenges, ex parte contact. There were none offered.

Cline gave a brief background stating that a new City policy of allowing the Multnomah County Sheriff's Office to handle the sale of surplus property was in place. Council would still be asked to authorize the listing of property as surplus prior to any sale. The Sheriff's Office held surplus auctions more often than the City had and the Council would, therefore, see listings to auction more often than they had in the past.

Christian stated that under this new procedure, the County was responsible for all public notices announcing the auction.

Mayor Cox read the resolution by title.

MOTION: Councilor Fowler moved for adoption. Councilor Wakeman seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM #12. ORDINANCE: Relating to the City Records Management Manual

Mayor Cox called this agenda item and asked for declarations, challenges, ex parte contact. There were none offered.

Christian stated this was a first reading should Council not wish to pass at this time it could be held over for second reading.

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

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

ITEM #13. COUNCIL CONCERNS AND INITIATIVES

Mayor Cox called this agenda item.

Christian brought to Council attention the materials in the packet regarding financing of the Multnomah County Animal Control and updated Council that it would be financed until first of fiscal year 92-93. The meeting of the 4 Cities on March 28 would include discussions on options and alternatives [if necessary] at that time. Mayor Cox urged Councilors to attend these meetings.

Discussion of meetings at County regarding proposed road transfer ensued.

Councilor Thalhoffer stated the recent Joint meeting held at Troutdale City Hall was excellent. He favored the Councils of Fairview, Wood Village, Maywood Park and Troutdale attending County meeting Thursday evening February 27 at 7:00 p.m. He stated support of continuance and coordination with other cities as well.

Councilor Schmunk felt that it was redundant and wouldn't be attending.

Councilor Thalhoffer asked Christian if it could be coordinated to carpool to the meeting. Christian stated she would and Council members would be contacted as to when and where to meet.

Councilor Thompson stated he was impressed with the unified voice at meeting held in Troutdale.

Councilor Thompson reminded Council of a recent RGC packet questionnaire passed to at last meeting. He stated it was critical to everyone as to what the makeup of the Metro Council would be. He invited any and all input to this end and asked that Council please complete form and return. Questions regarding - How many members on Metro Commission, and should they get paid? should have the City's input. If an additional copy is needed, Christian stated she would get them to Council members.

ITEM #14. ADJOURNMENT.

Mayor Cox called this agenda item.

MOTION: Councilor Thompson moved to adjourn the meeting. Councilor Wakeman seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

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

The meeting was adjourned at 8:15 p.m.

Sam K. Cox, Mayor

Dated: _____

ATTEST:

Valerie J. Raglione, CMC

City Recorder

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