

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

7:00 P.M. -- MARCH 10, 1992

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

Mayor Cox called the meeting to order and asked Councilor Schmunk 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

GUESTS: Don K. Lloyd, Ted Davenport, Mark Turpel, Lori Wheeler, Kristin Raglione, John L. Sullivan, Kurt Jenson, Jean Dilworth

AGENDA UPDATE: Mayor Cox asked Christian if there were any updates to the agenda. Christian stated that unless Council had questions or concerns Item #10 should be tabled until a later date. Item #9 was only a portion of the classification plan at this time. She was requesting Council direction before completing the classification plan.

ITEM #2. CONSENT AGENDA:

Mayor Cox called this agenda item.

MOTION: Councilor Thompson moved to approve the Consent Agenda [2.1 Accept 2/25/92 Minutes 2.2 February, 92 Business Licenses]. Councilor Thalhoffer seconded the motion.

YEAS: 5

NAYS: 0
ABSTAINED 0:

Fowler - Yea; Schmunk - Yea; Thalhofer - 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 offered.

ITEM #4. PRESENTATION: Purpose and Scope of Region 2040 Project and Expected Schedule of Events Metro Staff

Mayor Cox called this agenda item.

Mark Turpel, Sr. Regional Planner, METRO. Turpel stated the basic intent was to provide a forum for the region to enlist methods of accommodating growth over a longer period of time [Year 2040]. A handout was provided which discussed transportation and land use concepts, Phase I.

He outlined the Purpose was to better understand alternatives for accommodating expected growth within the region in the next 50 years and the choices that may be involved. The project was results from recommendations which led to the adoption of the Regional Urban Growth Goals and Objectives and was intended to provide guidance for testing and implementation of concepts in RUGGO.

Products was a brief explanation of the expected outcome relying on current transportation and land use plans to accommodate growth in the region; 5 additional regional transportation and land use development alternatives; and criteria to evaluate the alternatives.

Participants would include citizens, cities and counties in the region, special districts, business and trade organizations, environmental organizations and Metro committees [RPAC, JPACT and technical committees] as well as Metro Council.

Timing - Phase I a 12 month effort which began January, 1992 and would include 2 rounds of public involvement. The Regional Growth Conference [April 21] would be the kick off. Phase II was scheduled for 1993 and would include a detailed evaluation of each alternative and selection of the preferred alternative. Funding the work effort would be ODOT, Tri-Met and Metro.

Turpel gave a schedule of public involvement events for Phase I. Other than the April 21 Annual Growth Conference date there were no specific dates as yet but, the City would be receiving information once they were calendared.

He gave reasons for opposition as: definition of broad concepts in RUGGO's; urban reserves [outside present urban growth boundary] where growth would occur; balance of transportation modes; mixed use urban centers [combinations of urban/residential]. These items needed specificity. Engaging elected officials and the public in discussions would define the above listed items.

Mayor Cox called for Council questions.

Christian asked what was the emphasis on information from annual growth conferences in Portland? A concern was that the conferences served self selected groups of people. Special interest groups with strong opinions about how to deal with growth. She asked how can a balance be reached to get a true community opinion? How does the value system of community get conveyed and put into the models?

Turpel stated she was correct and it was a true characterization of players. April 21st wasn't the only conference that would be held there would be 4 public workshops held throughout the region; a telephone survey sampling 400 residents of the region; in addition to PW shops/growth conference/telephone survey. These would be discussed in the areas affected and be resubmitted in draft form to areas in the region. The policies would be set by policymakers not by the planners.

Councilor Thalhoffer asked why conferences were held during the week? It was difficult, if not impossible for working people to attend during the work week. They should hold then on Saturday so more working people could attend. It would benefit local elected officials to provide input.

Turpel stated there was an inherent scheduling problem no matter when/what date. They were trying to overcome problems by having public work shops in evenings. There would be some revisiting all elected bodies to provide an abbreviated version of workshop agendas and use for formulating alternatives.

Councilor Thompson asked what sort of provisions for flexibility to the community, within the framework of this plan, would there be to enable the City to express its own desires? We don't wish to be dictated to?

Turpel stated that one way was to encourage participation in the 2040 plan. He saw the plan as the region trying to accommodate several issues. He gave Happy Valley as an example.

ITEM #5. LEASE AGREEMENT Between Sullivan-City for Old Gas Station at Community Park.

Mayor Cox called this agenda item.

Jennings gave brief background. Two issues were raised by Council: 1] length of time for lease of city property [ORS 271.270 - could be done legally] 2] subject to public bidding process 279.001 [5] [2]. It was not required to be done since the City owned the property it didn't require a public bid process.

Sullivan would be required to maintain step sewer system [grease trap to be installed; pay appropriate SDC's; meet all building codes; use premises only for purposes of restaurant; meet zoning requirements]. Special terms included Sullivan have rights to food concession at City Park except

during City scheduled special events; pave designated parking for patrons only. Balance of terms remain standard.

Councilor Fowler asked if there was any inclusion of actual costs of what is being done and performance standards to indicate that it is being done? Could requesting a performance bond be included?

Jennings: If the improvements aren't done the lease would end. The bond was a legitimate question.

Councilor Thalhoffer asked what the process would be if Council decided there was a need for its public purpose?

Jennings stated that the lease couldn't be renewed if/when the need for public purpose was present.

Councilor Thalhoffer wanted to ensure that at the end of 5 years, the City could step in and end the lease. As long as Sullivan entered into the lease with the knowledge that it could be a risky venture for him.

Jennings stated if Council anticipated a public need within any length of time, that should be disclosed. It probably would affect quality and type of improvements would be put into property.

Councilor Fowler asked what residual would Sullivan have?

Jennings - There is none. The lease was structured to front end load development costs by having a low lease rate, and Sullivan was undertaking a risk in doing so. He assured Council that this lease wouldn't be a City risk, it would be the rentors risk. If City deems now necessary for public use then the lease would terminate after any 5 year review period.

Mayor Cox stated he knew of no reason why the City would want to use building. It had been available for a considerable amount of time. It was in bad shape and getting worse. It had been looked at for tourism type businesses but nothing has happened yet. He then called on Mr. Sullivan.

John Sullivan stated that the arguments appeared to be spread out but he felt the building was savable. He stated he knew risks and was willing to gamble. He knew no vendors had been successful to date. He felt he had something to give and felt it would succeed, he was willing to take the risk. Seating inside would only be 14-16 seats with an average of \$5.00/each. He felt 5 years would be a break even point for him. If it went longer then fine. If it was for a public use and later opened a food place, however, then he wouldn't be happy about that.

Councilor Schmunk stated State had buildings that were rented all the time. She anticipated no problem with that. She didn't feel there was a problem with how many restaurants there were in Troutdale. She had no objections at all.

Christian asked about the type of menu.

Sullivan - Burgers, corn dogs, chili, chicken strips - no alcohol beverages. If wanted to expand to Italian food later maybe consider beer and wine only. But no packaged beer/wine to go out the door and add to the liquor concerns on the beach.

Councilor Fowler asked Sullivan if he was willing to put up a performance bond?

Sullivan stated he was awaiting information to subcontract the work for the grease trap. He would be willing if it wasn't unreasonably expensive.

Councilor Fowler stated it would protect the City against problems with the building.

Sullivan discussed some construction ideas such as a deck on outside 16' wide 30' long with a walkup window, blacktop area for 6 cars, no structural changes to building re-do floors, ceilings, and meet handicap accessible requirements.

Councilor Thalhoffer discussed the statements of subsidy to Sullivan by the City. He expressed concern regarding the expense of one business for another.

Sullivan - \$40,000 invested into it though he would be doing the work himself. He wasn't selling anything that would hurt another business.

Councilor Wakeman asked Sullivan how he became aware of the building and got the idea of a restaurant there?

Sullivan stated originally he was interested in the building on the corner - aware of vendor for parkfood concession. He had seen the station sitting there with nothing going on and gradually deteriorating. The idea just grew.

Mayor Cox called on President of Troutdale Chamber of Commerce, Don Lloyd.

Don Lloyd, 1540 SW 25th, Troutdale. Lloyd stated he wasn't against City developing property, this was public land with a limited resource, prized land being on banks of Sandy River. He felt public bid as a matter of general interest to the citizens of Troutdale. Other concerns were in the language of the lease: paragraph 27 dealing with food [i.e., boy scouts use Great Hall, can bring own food]. He felt subject to argument as written now. Subject to statutory limitation of public need - lessee would have good argument that had he a right to renew the lease - ensure no right to sue from lessee. Not just building value but the piece of land having access to the Sandy River. He stated that the City and the citizenry have a right to the land. He didn't feel that the insurance was adequate as stated.

His basic concern was that the property/building structure was a limited resource and felt that the City should make sure that this was the highest and best use at this time. He wanted assurance that the City could recapture the property/structure at such time as there was found to be a public need for property.

Councilor Thalhofer stated there was merit to Lloyd's comments and it should be spelled out to ensure there was no misunderstanding.

Jennings stated that the language was pretty clear on that issue. He stated that Lloyd had a valid point regarding terms or conditions of lease or operation of food concession, except where use of park individual gets permission to use the property and when Troutdale gives right to use, gives right to concessions - city-wide basis should have the language changed to reflect same. There was always a danger of quoting statutory sections should that be changed by renumbering or amending. Regarding the insurance issue - Oregon Tort Claims Act spelled out that a City cannot be sued for an amount greater than indicated in the lease. The lease meets that amount.

Councilor Thalhofer asked if there were any problems with point of access?

Sullivan described the location of the property. It appeared to satisfy Council concern.

Christian clarified stating that this was a separate tax lot, considerably smaller tax lot on edge of bluff.

Councilor Wakeman stated the Chamber complaint was that it wasn't properly explored. What has been past history?

Christian gave background on the purchase by the City of the property. 1984-85 Windust wished to sell since Council didn't approve of a business selling liquor [zoning for a 7-11] voted down by Council because of issue of carrying out beer/wine and litter that would result. City wanted to assure open access from bridge the entire front of park. Council decided to buy. Two years ago, when step system constructed - money problem to keep up building and problems with breaking in to building; on Columbia History Highway Commission from 20-30's era Inventory. Regardless of City use it would require restrooms. City pays on step system which was installed, however, the building itself wasn't hooked up yet. The tank is in the ground. City would pay SDC's as anyone else. City paid directly out of sewer system not on LID.

Councilor Wakeman asked if other proposals since 1985 other than Sullivan's?

Christian stated yes but none that had followed through. They apparently didn't want to meet requirements to bring up to Code.

Kurt Jenson - 1609 NE Corbett Hill Rd., Corbett, OR - As a business owner opinioned that City was subsidizing. Standard policy, assuming private property - value before improvements and rent taken off afterwards. He expressed concern over unfair competition; saw loss of rent as loss to taxpayer and therefore, a subsidy; value of property, minus improvements amortized over 5 years. Value of property being lost on this issue - riverfront 5 acres fairly valuable piece of property.

Mayor Cox stated there were several restrictions on property.

Councilor Thompson stated the City would have to invest the money to get it back. The City isn't investing the money now.

Jenson - City doing something anyone with common sense wouldn't do. Pure rent value and property value the return on investment would be negligible. There would be a base rent for the value of the property.

Mayor Cox stated the City has spent quite a bit of money over the past years to maintain it.

Jenson stated the City was creating an unfair advantage for other businesses to compete because he wasn't being charged rent when every other person was. He could charge less and do less and compete in the summer months with charging less to make money. He didn't feel City should subsidize another person in the market.

MOTION: Councilor Fowler moved to accept the proposal with changes to include: Performance Bond; exclude the Great Hall and specific Community events [i.e., City Picnic/Sandy River Blues]; and a meets and bounds description of the property; ground for necessary parking only and subject to meeting Development Code for impervious area to be covered. Councilor Thompson seconded the motion.

Councilor Thalhoffer stated since he wasn't clear on the subsidy issue, he would be voting no.

Councilor Thompson stated he was responding to audience. The property had been vacant for 5-6 yrs. and the current proposal was the only one to come forward. He wasn't concerned about the public bid process. He would be happy for someone to come in and invest \$40,000 to make the property useful. If that is what lessor was willing to do, then he supported it.

Councilor Fowler clarified that there was to be no alcohol unless Council approved beer/wine license.

Councilor Schmunk called for the question.

YEAS: 3
NAYS: 2 [Wakeman, Thalhoffer]
ABSTAINED: 0

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

ITEM #6. PRESENTATION: Troutdale Chamber of Commerce Support for Am Trak Stop in City of Troutdale. Don Lloyd

Mayor Cox called this agenda item.

Don Lloyd, President of the Troutdale Chamber, made a brief presentation. The proposal had been discussed with the Gresham Chamber, and the I-84 Corridor who supported the proposal. The Chamber was asking City support in pursuit of the proposal. This was a long term proposal and asked for a resolution of support. Lloyd stated this would be included with other supporters when presented to Am Trak.

Christian stated Troutdale's history began as a railroad town and there could be comments made reflecting that in the resolution.

MOTION: Councilor Thalsofer moved for adoption of a resolution in support of an Am Trak Stop in Troutdale. Councilor Fowler seconded the motion.

**YEAS: 5
NAYS: 0
ABSTAINED: 0**

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

Mayor Cox called for a 5 minute break at 8:40 P.M.

ITEM #7. RESOLUTION: Adopting Second Annual Waste Reduction Plan
Declarations, Challenges, Ex Parte Contact Norris

Mayor Cox called this agenda item.

Tony Norris stated Metro had approved the second annual waste reduction plan. Several things had been completed prior to this coming out and once approved City could receive grant monies from Metro. The money to be received was for completing the plan.

Christian stated this was under Metro's functional plan. City agreed to participation in the regional solid waste reduction plan. Under the conditions of that the City needed to file a plan each year which would reduce household waste going into landfills. This was the second year's plan and required Council approval.

MOTION: Councilor Thalsofer moved for Adoption of the City of Troutdale's Second Annual Waste Redcution Plan. Councilor Wakeman seconded.

**YEAS: 5
NAYS: 0
ABSTAINED: 0**

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

ITEM #8. RESOLUTION: Adopting City of Troutdale Yard Debris Plan
Declarations, Challenges, Ex Parte Contact Norris

Mayor Cox called this agenda item.

Norris stated he would like this to be changed to an information item since the newsletter hadn't yet been received by the citizens in time to attend this meeting. He asked that this be tabled for action at the next meeting.

Linda Kotta, Gresham staff stated that the City of Troutdale had an intergovernmental agreement with the City of Gresham

Christian stated when Troutdale entered into the agreement there were specific reasons for doing so: media is shared by all neighboring east county cities; the belief that the kind of media coverage there is; and to eliminate City clean up days and the confusion as to who could participate in using the facilities because it wasn't 'their' day. The intergovernmental agreement didn't mean that the City wasn't married to an idea that any another city had, if Troutdale didn't agree.

Kotta stated the intent was to share staff not policies. The Gresham Council had not made a decision on the Yard Debris Program. The options included in the Solid Waste report had been reviewed by the Council. The Solid Waste Advisory Committee was appointed by Gresham's Council to review and make recommendations only. They aren't a policy making board and do not make decisions. They had done a thorough analysis of the programs. As a policy making board other political issues need to be reviewed and taken under consideration. Wood Village, Fairview and Troutdale had taken a very active part and that was much appreciated.

Norris gave a brief background on why we had a yard debris program. In 1988 EQC labeled yard debris a principal recyclable. Choices were to develop plan on own, cooperatively, or with them. Out of the Solid Waste Management Plan the City was required to follow along. Monthly/weekly curbside; options were discussed with the advisory committee and Gresham Council - Yard debris options were listed in materials available to Council and public. Options A-F rate needs to be included with the base rate - charge for first unit of yard debris at curb. 60 gal. rollercarts uniform size and color to distinguish yard debris from solid waste; extras \$2.50 for 2 gal. can or yard debris bags; City was responsible for education of yard debris - solid waste; composting needed specifications.

Option A was what the CAC came up with - best, cheapest alternative. Cost per customer \$4.45/month per customer. Convenient/cost-effective/hauler 'friendly'. If cities approve a home composting program - it was possible to opt out of the yard debris recycling program. Norris stated other options are a step down from this option because they begin to change the goals of the program also. He continued on with explanation of packet materials and stated that the Yard debris program would be evaluated in 1993. A rate analysis would also be done at later time.

Christian asked if Depot option would become obsolete after a time?

Kotta stated that during 1993 Metro has the charge of reviewing the capacity and facilities of yard debris processing facilities. If it is determined that the processing capacity is adequate to handle the

program as suggested they would implement plan July 1994. If not, it could be that programs continue as they are - there was an edge of unknown.

Christian stated in that case, a serious investment could be made for a depot which could become obsolete after 1994.

Kotta stated the figures for the costs wouldn't be known until after end of March.

Councilor Thalhofer asked about non users? No garbage service but would like to have yard debris service. Norris stated that the rates would be higher for a non customer.

Christian asked Council how long they wanted to put off decision making? After Gresham's Council decides, or decide on own? It could be on the agenda agenda until they were comfortable making decision.

Councilor Fowler asked that there be time allowed to have a public meeting and then make the decision afterwards.

Council consensus was to schedule it for public hearing at next meeting.

Councilor Wakeman asked if Metro was going to watch for a year and then evaluate it?

Kotta stated that was correct but, there was a requirement to implement yard debris programs.

Christian asked Council if they wished Linda Kotta to be present for questions at the next meeting.

Council stated yes.

ITEM #9.DISCUSSION: Classification and 1992-93 Salary Plan

Mayor Cox called this agenda item.

Christian stated there had been controversy about the hiring process. She needed to have Council direction -- did Council wish to continue with the usual process, using the current job description or change? This was only one piece of the process, because there were several other considerations also. The agenda stated classification plan but at this time. Council needed only to decide what to do with the PW Director position.

She stated that the creation of an assistant public works director position, due to the amount of demands related to field projects and the need for coordination between the field crews themselves would be effective for the Department, and leave the PW Director job description as was approved.

Christian had several discussions with the Public Works department supervisors, as well as Ortega, and it appeared that the work load was more than what one person can realistically deal with. An

Assistant Public Works Director would better be able to handle the projects and coordination between the water/sewer/streets/ crews. A Public Works Director could then better deal with the EPA/DEQ/other jurisdictions - the work load being what it now is with all the projects going on.

Councilor Fowler voiced his continued support of Ortega as the Director and place a leg man under him.

Councilor Thalsofer stated there had been problems filling the position and it had been out two other times prior. This was a difficult discussion to have in an open session. However, since there is someone running the department satisfactorily, and it has been difficult to fill - with all the supportive comments - he didn't know why the City should advertise a third time with someone on board that could handle the job adequately. He favored promotions from within because it is good for morale and a demonstration of loyalty. All other things being equal -- promote from within.

Mayor Cox called for other comments.

Councilor Schmunk stated her comments weren't because of Jerry's job, but some duties Jerry isn't able to handle, capital improvements, rate structures - too many other things to do. To make Jerry assistant public works director there was no problem. But, it appeared Council would need to authorize a re-write of the description for the Director position. Christian needed direction from Council.

Christian stated there was a job description for the Director position that had been approved by Council. Ortega did not meet those minimum requirements. She stated her job was to hire someone meeting the approved job description. The requirements were put there because of the demands of the job. She would follow Council direction but didn't feel that a public meeting was appropriate for this type of discussion on a specific employee.

Ortega stated when Wilder was here the City was already in need of an additional person to handle the mapping needs. Ed, Mike, Jerry got together and decided to add a person on the technical side of it - i.e., Asst. PW. Director or operations superintendent.

Councilor Wakeman stated the approved job description was appropriate for the position and it should remain as approved.

Ortega stated his experience would be more benefit as manager of operations and division heads. He wanted to keep the position he was originally hired for or as an assistant.

Councilor Fowler stated outside consultants could continue to be hired to perform some of the functions that Ortega either didn't have time for or wasn't able to perform.

Councilor Thalsofer supported maintaining the current job description for stick with standards for PW Director position.

Discussion of the Public Works Director job description ensued.

Ortega capsulized his reasons for additional management person. He had discussed the departmental needs with the the Superintendents of Wastewater/Water. Using a title such as Project/Operations Manager and changing the titles of the Superintendents to division supervisors would spread the major responsibilities into three main areas: Area 1 Wastewater Division Supervisor over the Wastewater Treatment Plant; Public Works Shop Division Supervisor over streets/water/sanitary sewer/storm. They would all work closely to ensure the City's compliance with DEQ/EPA and other governmental agencies; and have responsibility for periodic staff reviews; The Operations/Assistant Director would be responsible for implementation and calculations of projects; generate daily/weekly/annual work program/utilizing computer stations and in-house operations. Area 2 would involve construction management coordination and include review of private/public subdivisions; water/sewer - extensions. Area 3 would involve responsibilities for mapping department supervisor.

Councilor Fowler moved to approve the additional position and promote Ortega to it.

Jennings has to be put open to public, don't recommend decision to do hiring now. Whether or not open to public - scrutiny.

Councilor Wakeman stated that the new PW Director should review any functions that the new position would involve.

Councilor Thalhofer stated if there wasn't enough qualified applicants when re-advertising the PW Director position he would like to review the job description at that time.

ITEM #10. DISCUSSION: Formation of LID - Street Plan for Wastewater Treatment Plant Access.

Mayor Cox called this agenda item and stated it would be tabled to a later meeting.

ITEM #11. DEPARTMENT REPORTS:

- Public Safety - Chief Collier introduced Sergeant Mark Berrest.

- Executive Christian requested a meeting prior to April 6 to review budget requests.

She stated that it would make the process less complicated if the Council had a mission and discussion of priorities for the future. In that manner, the budget could reflect the needs of Council. The budget requests had been received by Christian and she stated there were some serious policy issues to be prioritized in order to know what types of requests should remain in the budget and what items were a lower priority and not be funded.

Christian stated that the increase in population added to a growing demand on services. General fund services continue to grow also where there are no revenues.

Christian asked Council direction as to whether or not to include Budget Committee members in this 'Goal setting'. A Saturday meeting could be scheduled.

Christian then addressed a request for a tour of WW Treatment Plant. The Mayor supported the 1st or 2nd weekend in April which would be before the Council meeting to award bids for the expansion project.

Council members supported the tour being scheduled for a Saturday.

ITEM #12. COUNCIL CONCERNS AND INITIATIVES

Mayor Cox called this agenda item.

Councilor Thalhoffer announced yet another Multnomah County Commission hearing on roads and stated this had been a heated issue. He urged people to go to make their wishes known.

Councilor Thalhoffer also expressed concern in that he had received complaints he had received regarding the hours that contractors were beginning and ending construction work. He stated that 6:00 a.m. on Saturdays was too much for some of the neighbors where projects were in progress. He asked if there was a specified time for work to begin where large equipment was making lots of noise could be kept at a minimum.

Cline stated no earlier than 7:00 a.m. and no later than 10:00 p.m. He would look at hours on weekends that construction work goes on in neighborhoods and also would poll other jurisdictions to see how this concern was handled.

ITEM #13. ADJOURNMENT.

Mayor Cox called this agenda item.

MOTION: Councilor Schmunk moved to adjourn the March 10, 1992 regular City Council meeting. Councilor Fowler seconded the motion.

**YEAS: 5
NAYS: 0
ABSTAINED: 0**

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

The meeting adjourned at 10:17 P.M.

Sam K. Cox, Mayor

Dated: _____

ATTEST:

Valerie J. Raglione, CMC
City Recorder
F:\MINUTES\031092CC.MIN