

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

7:00 P.M. - MARCH 24, 1992

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

Mayor Cox called the meeting to order at 7:00 p.m. Councilor Thalhoffer was called to lead the pledge of allegiance.

City Recorder Raglione called the roll.

PRESENT: Bui, Cox, Fowler [7:07], Schmunk, Thalhoffer, Thompson

ABSENT: Wakeman [Excused for Pkwy. meeting in Gresham]

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

GUESTS: Don Schmidt, Linda Kotta, Stuart C. Ford, Valerie Ford, Lynda Erskine, Colin Ersking

AGENDA UPDATE: Mayor Cox asked Christian if there were any agenda updates/changes.

Mayor Cox stated Mr. Riley would be present to discuss the Copenhagen letter response and it would be added as agenda item 3a.

ITEM 2. CONSENT AGENDA:

Mayor Cox called this agenda item.

MOTION: Councilor Schmunk moved to accept the consent agenda as written [2.1 Minutes, Regular Session March 10, 1992. Councilor Bui seconded the motion.

YEAS: 4

NAYS: 0

ABSTAINED: 0

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

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

Mayor Cox called for comments from the audience on non agenda items. There were none offered.

ITEM 3a

Mayor Cox called on Dick Riley to respond to the Copenhagen letters in relation to the bid process and contract documents for the Wastewater Treatment Plant expansion project.

Riley stated he was present and available for Council questions, if any.

Mayor Cox called for questions.

Councilor Bui asked if Copenhagen firm was a bidder in the project and if there were additional comments from Riley that weren't included in his response?

Riley stated he was a holder of plans but bids weren't going to be opened until later so that was unknown at this time. Riley stated he had comments from other contractors but felt it inappropriate to offer some of them at this time. Generally, the comments were defined as a sour grapes nature and perhaps he was trying to position for the bid. Riley stated he had called to talk with Copenhagen but he had been unavailable to talk. Riley had left messages to return the calls, collect to Riley, but Riley had heard nothing to date. Riley added that in talking with suppliers there were 16 general contractors still interesting in bidding 6-8 would bid the job and were reputable contractors. He saw no problems at this time with the bid process.

Councilor Fowler asked about he disposal of sludge, how would that be done? Haul it up the river? What about control of odor?

Riley stated it would be disposed of in local disposal sites. It would be a good soil amendment which was of interest to nurseries and farmers. Riley stated the odor control had been discussed in the past and the anerobic digester would control that. He gave brief explanation of the processing.

Riley stated a tour of two sites was being scheduled - Silverton and Corvallis. Riley added that his concern regarding the letter[s] would have impacted the bid process resulting in higher bids to the City. Other contractors Riley contacted stated they had totally ignored the letter that they received from Copenhagen.

Mayor Cox thanked Riley.

ITEM 4a. PUBLIC HEARING: ORDINANCE: Amending Ordinance 471-0 Troutdale Zoning District Map Assigning an Aggregate Resource Overlay for Extraction of Top Soil [Tax Lot 8, Section 25, T1N, R3E, W.M.]

First Reading

Mayor Cox closed the Council meeting and opened the Public Hearing at 7:12 P.M.
No declarations, challenges were offered.

.1: Open Public Hearing - 7:11 p.m.

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

.3: Summation by Staff - Cline stated this was an unusual request. Development Code identified what can and can't be done with property and should be viewed on a case by case basis. Property was zoned A-2 apartment residential; an identified aggregate resource [topsoil].

Cline stated that a permit was initially issued 3 years ago to Mr. Fugii for soil removal. It was inactive for 6 months which invalidated the permit. Recently, it was noticed that there again was excavation on the site. Cline viewed the site and issued a stop work order. An explanation was given regarding the aggregate resource overlay to allow this work on the site. Now, there is a delima regarding a public safety issue of the amount of soil removed. He issued a permit to Don Schmidt - Circle S Landscaping to recontour the site. This would eliminate the steep slope and eliminate public safety danger.

The site didn't appear to be contoured, and another stop work order was issued. An explanation was given to Schmidt regarding the need for the permit. Schmidt complied and his application was taken to the Planning Commission February 19th. The Planning Commission approved his application with 11 conditions [included in the Ordinance].

Cline stated the Development Code identifies aggregate resource as [i.e., Obrist Pit] and allows staff to review on case-by-case basis to ensure no problems arise similar to those in the past. The applicant was requesting a permit for a two year period - with limit of top soil to be removed. Unlike Obrist Pit it would be a developable site when completed.

Council Questions:

Councilor Thalhoffer asked how many people from general public were in attendance at the Planning Commission meeting? He asked if notices had been sent to affected property owners?

Cline stated two people testified on the issue and all property owners within the 250' were notified.

Councilor Bui asked if there were any inquiries from the general public prior to the meeting?

Cline stated there were, however, not opposition of the proposal.

Councilor Thalhoffer wanted it clarified, due to the neighborhood concerns on Cherry Park Road project of the manufactured houses, the importance of notification to the affected public to ensure everyone has a full understanding of the potential development issues.

Councilor Thompson was unclear how the site would be developed after the soil extraction and asked if there was a plan now?

Cline stated there was not currently a plan but the site would be hydroseeded after the slope was graded, or site preped and would be left in condition for development.

Councilor Thompson asked if the extraction was done would reclamation be done as extraction occurred, or after the extraction was completed?

Cline stated it would be an on going process, however, seeding would be done until after extraction. There were no special provisions for drainage but it wouldn't be changing where water naturally flowed.

Councilor Thompson was concerned with the application being for 2 years with no plans for development.

Councilor Bui asked if on a practical basis were there any problems with this if the applicant adhered to all the conditions, as approved by the Planning Commission?

Cline stated that if the applicant adhered to the conditions approved by the Planning Commission the City could control the extraction to alleviate the problems before they developed.

Councilor Bui asked Cline if there were any conditions not included that should be included? Cline stated no.

Councilor Bui stated it was Council responsibility to provide protection to the neighbors.

Councilor Thalhofer asked if a cyclone fence was required? What about kids playing in and around the excavating area? **[Side 2]**

Cline stated that had been discussed at the Planning Commission level. Barricades across the property wasn't normally mandated nor was it a requirement to fence the property. The Planning Commission felt comfortable with barricades in front and stepping the excavation itself. He asked the applicant if he would be willing to fence the property for security?

Schmidt stated he was not objectionable to considering the fencing.

Councilor Thalhofer expressed concerns about insurance and if this would constitute an attractive nuisance where kids could be injured. He felt the Council had a responsibility to look out for children in the area. He stated he had a tough time visually figuring out how it would look when it was completed.

Cline described the process that would take place during construction. The site would be stepped but not at completion. No more than 10' of topsoil could be removed from any point of the site - series of steps of 5' to step back to eliminate public danger.

Councilor Thalhoffer asked if there would be access and egress off of 257th? Cline correct.

.4: Public Testimony: Proponents

Don Schmidt - Circle S 22420 NE Halsey St., Troutdale. Stated they were basically trying to extract soils to be used in businesses and construction which was going on in the general area. He wasn't trying to create a hazard or nuisance or create danger. A soils engineer -would be included to ensure the least impact to the area. He stated they could leave as high as a 200' buffer to property. He responded to comments about test holes stating they weren't done in case the application wasn't approved. Soil layer gets thinner - less than 4' slope doesn't pay to excavate so it would be tapered off. He assured Council that he would do his best to keep potential hazards to a minimum.

Councilor Thompson asked what sort of reclamation to the area was in mind for the future?

Schmidt stated that was up to Fugii who owned the property. He was aware that it was on the market for development property. Fugii was getting older and had been ill, those were reasons for his not attending this meeting.

.5: City Council Questions

.6: Public Testimony: Opponents

Colin Erskine, 4418 SE Circle stated he resided south of property being discussed. He discussed three points: 1 - safety of children on site [equipment used for excavation]; soil erosion - once topsoil removed erosion with rainfall in area [water drains to 257th and after topsoil removed; trucks onto 257th dragging dirt/mud onto roadway; after topsoil removed erosion problem would be longterm. 3 - What guarantee would residents have if there was slippage or movement in the hill - how would residents be protected financially after site is finished - longterm concerns.

Erskine stated his main concern is that houses would move after period of time - slidding of hillside would affect houses above. It could be a long time before this would be noticed but, if that happened 4 years down the road what is situation regarding property owners and where would they go for restitution? Would the City provide that?

Mayor Cox: How long is \$2 million insurance good for?

Cline stated it was his understanding that would be for actual time operation was on site only, not beyond that.

Councilor Fowler: To develop land would require moving of soil. 10' at maximum point and 5' steps, not tremendous slopes. He saw no problem. If there was one, have an engineer tell the City what it is. That was in the request [#10 in ordinance was a condition].

.7: City Council Questions

.8: Rebuttal -0-

.9: City Council Questions

.10: Recommendation by Staff - Cline stated the Planning Commission had deliberated for a considerable time on the same issues addressed in this hearing. Two people testified at that time. Mr. Erskine was one. The potential slumping or concern of adjacent property - #10 requires an engineer report for providing coverage, time, what type vegetation on slopes - slumping/slidding problem for adjacent property owners. The Planning Commission felt comfortable with responses and the conditions listed in their approval. Cline pointed out that the Planning Commission did recommend Council approval.

Councilor Thalhofer: Why do we have testing soils after ordinance rather than as a condition of the ordinance? This should be done prior to passing an ordinance.

Councilor Schmunk stated the City would have to pay for it.

Councilor Thalhofer asked what kind of check is done with the soil testing to ensure the conditions are being met?

Christian stated that the Professional registered engineer becomes responsible for what they stamp as a professional engineer and the responsibility is theirs. Chicken and egg question. Someone could spend a considerable amount of money in hopes Council would approve an ordinance. Might want to make application. Engineer issue before ordinance coming before Council. The ordinance would be void if the conditions aren't met.

Cline: By granting an overlay that would allow the City to place conditions to the applicant.

Councilor Fowler stated the earth has to move for fill site to become developable. Ultimately it will happen or the site will stay as is. This is the method to begin that process.

Councilor Bui asked if it could be rewritten in the future [special conditions only] require applicant to perform the soils testing at the time making application. Since it would probably come up as condition from the Planning Commission?

Cline stated it could be incorporated as a change to requirements. The Planning Commission didn't have to make recommendation on this, they could have requested that information be provided before they acted on it, but they felt comfortable with it as a condition and bringing it forward to Council.

.11: City Council Questions

.12: Close Public Hearing Process.7:55 p.m.

ITEM 4b. ORDINANCE: Amending Ordinance 471-0 Troutdale Zoning District Map Assigning an Aggregate Resource Overlay for Extraction of Top Soil [Tax Lot 8, Section 25, T1N, R3E, W.M.] First Reading

Mayor Cox called this agenda item and read the Ordinance by title. He called for any Declarations, Challenges, Ex Parte Contact. There were none offered.

MOTION: **Councilor Schmunk moved to pass the ordinance amending Ordinance 471-0 Troutdale Zoning District Map Assigning an Aggregate Resource Overlay for Extraction of Top Soil [Tax Lot 8, Section 25, T1N, R3E, W.M. as written. Councilor Fowler seconded the motion.**

Councilor Thalhoffer commented soils testing should be done before ordinance is passed. He stated it was too easy to let things slip through and have attractive nuisances for children. Not only excavation but the equipment. The insurance was wonderful, but not enough safety was provided for children.

Councilor Schmunk called for the question.

YEAS: 2 [Fowler, Schmunk]
NAYS: 1 [Thalhoffer]
ABSTAINED: 2 [Bui, Thompson]

Councilor Thompson stated he would be happier if there was a particular plan in place so it was known when extraction was done what would be located there. He was not comfortable with topsoil coming off that piece of property due to steepness of slope now. There was a lot of rain in Troutdale and he just wasn't comfortable with it.

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

ITEM 5. RESOLUTION: Adopting City of Troutdale Yard Debris Plan

Mayor Cox called this agenda item and asked if there were any Declarations, Challenges, Ex Parte Contact? None were offered. Mayor Cox read the resolution by title.

Tony Norris and Linda Kotta were present to respond to comments on this item.

Norris stated staff recommendation was for Option "E". All plans included home composter exemptions. [Ege Sanitation had placed sample sized receptacles in the entrance hallway.]

Norris stated that DEQ had verbally approved the concept but it must be submitted to them for final approval. The program would end up broader than had originally been envisioned. It was stated that within two weeks the plan will be submitted to DEQ for initial review. He stated the main goal was to ensure maximum diversion from landfill. Customers would be exempt if they complied with standards, once they were set out.

Kotta stated the basic concepts were currently being developed. The goal was to reduce materials from the landfills and still ensure that it was dealt with responsibly and that it not be dumped illegally. "Responsibly" would be to recycle or compost the yard debris. Kotta then asked Council if there were thoughts or concerns that could be input for consideration and incorporated in the final plan? She expressed appreciation for the assistance Norris had given throughout the entire process.

Mayor Cox stated he wanted the City to be included rather than Metro. Inspections should be done within City to gather a stronger support for the plan.

Kotta stated each jurisdiction would be and should be responsible for it. Gresham at same point in the process as Troutdale. It would be before the Gresham Council on May 5th. They felt some kind of plan was essential to encourage home composting, but other residents shouldn't pay for services they don't use.

Norris emphasized that the hauler shouldn't be viewed as the code enforcer for the City. Information would be distributed to citizens in the form of newsletters, phone interviews, signing an agreement [which would basically state that the individual would take care of yard debris responsibly] it would be a privilege to be exempt from the program; if hauler saw debris in can he would initially dump it and pass a notice to the customer reminding them of their responsibility and the agreement with the City; the address and pickup day would be noted and passed on to City staff [code enforcer]. The cans would be inspected within a reasonable time frame to ensure they were not continuing to dump yard debris materials. It was foreseeable that the City would hire someone to go out 1 or 2 times per year to inspect entire City.

Kotta stated that enforcement would be a difficult part of this program but they were approaching it optimistically with pro-active approach. There were always a few that would find a way around a program, however, most would enter into it in good faith. Enforcement will take time and effort, but was not the driving force of the program.

Norris stated he had 20 calls/visits from residents regarding yard debris. Not all were angry and most were pleased with the effect of the newsletter that was mailed out. Some felt that there was no use for a yard debris program because they were already taking care of it [home composting]; landscape services expressed concerned about how the program would affect them. Some were confused with the non customer rate - cost of program added to garbage rate were currently paying. The home compost exemption seemed to be most successful. The discussions he had with those 20 calls/visits were positive after the information was clarified to them.

Terry Ege then discussed a trial test program that had been done on Laura Ct. which mirrored the program the solid waste committee had recommended. 60 gallon rollercarts were placed in Troutdale, 22 homes were invited to participate in program at no charge for the test program. The conditions and an explanation was provided during this program. Only 1 of the 22 homes did not participate. Many were avid composters, but expressed that they would like certain times of the year to have the program made available to them. Ege stated that the program ran for 12 weeks; an average of 2 times per month carts were put out for pick up. Surveys were then sent to customers participating in program. They were asked if they were willing to pay \$4.50 per month for the program. Of the 17 returned, 14 stated they would be willing to pay; some felt it shouldn't be a year round program; 1 felt the cost should be 50% of \$4.50.

Kotta stated that the curbside collection was year round; and they had found the volume less in winter months however, considering the climate here -- typically people prune in February; mowing, weeding, fall cleanup and yard work. December was the month that was quite low - however, there were Christmas trees that month. January of this year was the highest collection of yard debris of a year. Year round was strictly for customer convenience. It was not a good business practice to hire drivers then lay them off, considering the certifications required to be a driver. A cost analysis was done and reducing service to monthly 4 months per year only reduced the cost .09 cents per month. So, for convenience, it made sense to make it a year round program and eliminate any confusion about when it was and when it wasn't available.

Christian asked Kotta if areas in Gresham were done as part of a pilot program also? Kotta stated no.

Christian asked where it was hauled? Ege stated McFarlane's initially.

Christian asked if state law stated the hauler didn't have to absorb recycling or program costs, is that correct?

Kotta stated Chapter 459 stated solid waste haulers shall recover cost of recovering and cities could recover their costs.

Christian asked if part of costs, or all, was it only what it costs to provide the service? Would it be reasonable to assume costs would be less if transfer center or station was located in East County?

Kotta stated that the Yard Debris processing facility [i.e., McFarlanes or Grimms]? Collection center so residents in east county aren't paying....would depend on what location charged for disposal.

Christian stated Metro made the decision in Yard Debris recycling, Metro can determine or find if the market is not there for material as recycled - they can do something about yard debris requirements.

SIDE 4

Kotta gave an overview of the responsibilities and where they were as of now. Who is responsible for what. It could be done separately; Regional Plan was with Metro; regional problems weren't

specifically a local problem. DEQ dictated the fines; east county cities did the regional plan; regional solid waste yard debris plan was submitted to DEQ, and DEQ set standards for local governments to follow for implementation. Minimum standards [1 mo. depot collection]; 1993 Metro will evaluate capacity of yard debris processing facility, if able to handle volumes local governments shall implement weekly as of 7/1/94. Indications were that processors would be able to handle it.

Christian stated could be 1 per month and be within minimum; 1993 they will make a final determination whether or not it should be weekly curbside pickup or less than that.

Councilor Thalhoffer asked if it was 1 time per month, would that reduce the rate at all?

Ege: Many use yard debris monthly during from Mar-Sept.

Councilor Bui asked what professional landscapers say about this process?

No comments to Kotta, Norris or Ege. It was noted in a regional study that 25% of garbage is yard debris waste going into landfills.

Councilor Bui asked if it was a problem with Troutdale choosing an option different than other east county cities in area?

Norris stated there would be a redesign of details in order to be similar and to coordinate as much promotional information as possible. Kotta stated program best stating concerns. Option A was not as responsive to the concerns expressed to Norris. Option E gives customers most amount of options and gives weekly on route collections throughout year and simple to upgrade program to higher level. He stated it was far better to give people options and can enter into program at the choice of a lesser cost.

Councilor Thalhoffer asked Ege what he supported?

Ege stated Option D.

MOTION: Councilor Bui moved to adopt the resolution with Option D. Councilor Fowler seconded the motion.

YEAS: 4

NAYS: 0

ABSTAINED: 0

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

Councilor Thalhoffer stated Council could address this again if we find it a problem with the residents.

Christian stated reason to bring to Council is all 4 cities share same media and it may need to be revisited.

Norris: Presently with Gresham in rate study, some adjustment would need to be made. Customer base seen as all 4 cities; all haulers provide same program - if three cities choose different program it could impact rates. Keep that scale in mind if reasons to keep programs fitting together.

ITEM 6. RESOLUTION: Recognizing the Completion of Sweetbriar Meadows Subdivision and Accepting the Public Facilities Into the City's System as a Fixed Asset.

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

Ortega stated the final inspection had taken place and there were only a few remaining items on the punchlist to be done. Assurance of not accepting a project that wasn't 100% complete forced a change in wording to include defective items to be satisfactorily completed. It was his recommendation that Council accept the project into the city system.

Bui asked if there was a timeframe for completion. Ortega stated 1-2 weeks and is to their advantage because building permits won't be issued until it is completed.

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

YEAS: 4

NAYS: 0

ABSTAINED: 0

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

ITEM 7. RESOLUTION: Supporting an Am Trak Stop in the City of Troutdale

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

Christian stated Council had discussed this item at the March 10 meeting and it was their decision that a formal resolution of support be submitted from the City. This item was fulfilling Council direction.

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

YEAS: 4

NAYS: 0

ABSTAINED: 0

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

ITEM 8. COUNCIL CONCERNS AND INITIATIVES

o Schmunk - -0-

- o Fowler - -0-
- o Thompson - -0-
- o Cox -
- o Wakeman -
- o Thalhoffer - Lot of time at hearings regarding the roads issue. Encourage attendance at Thursdays' meeting at the County Commission hearing.

Thalhoffer asked Cline if he had time to survey other cities work rules times/days that construction crews could work. Cline would have information available at next meeting departmental report.

- o Bui - Spent time in California and impressed with Parks and recreational activities there in a smaller city than Troutdale.

Notice from Mult. Cable Regulatory Commission - Bill in Congress and HR 3560 asking for city support - it allows Commission to get back authority that it once had. Rate schedules have increased substantially since they assumed control. Let cities have responsibility of setting cable rates. Would like to have support from city and allow Mayor write letter to delegation.

MOTION: Councilor Bui moved to approve. Councilor Fowler seconded the motion.

YEAS: 4

NAYS: 0

ABSTAINED: 0

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

Mayor Cox asked Councilor Wakeman to discuss meeting at Gresham regarding parkway. Very preliminary. Overall view - some concerns about impact parkway would have on zoning, residential areas, etc. backed up concerns about parkway going eastern part of city. Very preliminary and intend to attend all meetings.

Councilor Wakeman stated the road transfer issue was more of a topic of discussion outside of meeting. Gussie lobbying strongly - will take to vote; vote impact Gresham has, other three cities should ensure other voters understand impact of the issue. Tell the truth; Gussie has access to papers and other medias so city should support side to great degree.

Councilor Thalhoffer: Felt citizens would vote and not worried about it.

Christian requested a date be considered for a Budget strategy meeting and did Council wish to include Budget Committee members? Council consensus was yes. The date was scheduled for April 4, 1992 at 9:00 a.m.

ITEM 9. ADJOURNMENT.

Mayor Cox called this item.

**MOTION: Councilor moved Thompson to adjourn the March 24, 1992 Council meeting.
Councilor Bui seconded the motion.**

YEAS: 4

NAYS: 0

ABSTAINED: 0

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

Meeting adjourned at 9:20 p.m.

Sam K. Cox, Mayor

Dated: _____

ATTEST:

Valerie J. Raglione, CMC

City Recorder

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