

CITY OF TROUTDALE

AGENDA

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

7:00 P.M. -- APRIL 13, 1993

NOTE: All times listed are approximate; items may not be considered in the exact order listed.

- 7:00 (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
2.1 Accept Minutes - Regular Session March 23, 1993
2.2 Business Licenses - Month of MARCH, 1993
2.3 Proclamation: Drug Awareness Month - May
2.4 RESOLUTION: Recognizing the completion of Sweetbriar Meadows Phase I Subdivision and Accepting the Public Facilities Into the City's Fixed Asset System.
- (D) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- 7:15 (A) 4. APPROVE: FY 1993-94 Consolidated Cable Communications Commission Proposed Budget
- 7:25 (A) 5. RESOLUTION: Providing for Budget Transfer and Making Appropriation Changes for FY 92-93 [City Picnic and Parade Coordinator]
- 7:35 (A) 6a. PUBLIC HEARING/ORDINANCE: Adopting a Revised Sewer Use and Pre-Treatment Program for the City of Troutdale; Amending TMC Title 13, Chapter 16.

First Reading

PUBLIC HEARING:

- .1: Open Public Hearing
- .2: Declarations, Challenges, Ex Parte Contact
- .3: Summation by Staff
- .4: City Council Questions
- .5: Public Testimony: Proponents

PAGE 1 OF 27



CITY OF TROUTDALE

- .6: City Council Questions
- .7: Public Testimony: Opponents
- .8: City Council Questions
- .9: Rebuttal
- .10: City Council Questions
- .11: Recommendation by Staff
- .12: City Council Questions
- .13: Close Public Hearing Process.

7:45 (A) 6b. **ORDINANCE: Adopting a Revised Sewer Use and Pre-Treatment Program for the City of Troutdale; Amending TMC Title 13, Chapter 16.**
First Reading

7:50 (A) 7a. **ORDINANCE: An Ordinance Adopting an Illegal Dumping Program Regulating Dumping and Littering in the City of Troutdale; Setting Forth Procedural Requirements for Enforcement and Administration; Amending Troutdale Municipal Code Title 8, Chapter 20.**

First Reading

PUBLIC HEARING:

- .1: Open Public Hearing
- .2: Declarations, Challenges, Ex Parte Contact
- .3: Summation by Staff
- .4: City Council Questions
- .5: Public Testimony: Proponents
- .6: City Council Questions
- .7: Public Testimony: Opponents
- .8: City Council Questions
- .9: Rebuttal
- .10: City Council Questions
- .11: Recommendation by Staff
- .12: City Council Questions
- .13: Close Public Hearing Process.

8:10 (A) 7b. **ORDINANCE: An Ordinance Adopting an Illegal Dumping Program Regulating Dumping and Littering in the City of Troutdale; Setting Forth Procedural Requirements for Enforcement and Administration; Amending Troutdale Municipal Code Title 8, Chapter 20.**

First Reading

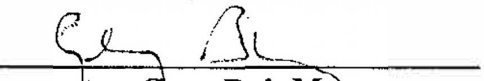
8:15 (A) 8. **PUBLIC HEARING: To receive testimony concerning the possible changes in traffic patterns on Frontage Road which would make North Frontage Road one-way westbound and South Frontage Road one-way eastbound.**

- .1: Open Public Hearing
- .2: Declarations, Challenges, Ex Parte Contact
- .3: Summation by Staff

PAGE 2 OF 27

- .6: City Council Questions
- .7: Public Testimony: Opponents
- .8: City Council Questions
- .9: Rebuttal
- .10: City Council Questions
- .11: Recommendation by Staff
- .12: City Council Questions
- .13: Close Public Hearing Process.

- 8:35 (A) 9. RESOLUTION: Affirming Mutual Agreements with Multnomah County for Sharing of Property Tax Revenue for Fiscal Year 1993-94
Christian
- 9:05 (A) 10. APPROVAL: Requesting authorization to speak as a Proponent of the Multnomah County Three Year Serial Levy to Continue Jail Operations
- 9:10 (I) 11. STATUS REPORT: Columbia Park Burger-Kimber
- 9:20 (A) 12. DEPARTMENT REPORTS:
 - Finance
 - Public Safety
 - Community Development
 - Public Works
 - City Attorney
 - Executive
- 9:30 (A) 13. COUNCIL CONCERNS AND INITIATIVES
- 9:40 (A) 14. ADJOURNMENT.



Gene Bui, Mayor
Dated: 3/7/93

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

7:00 P.M. -- APRIL 13, 1993

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Bui called the meeting to order at 7:00 p.m. and asked Councilor Thalhofer to lead the pledge of allegiance.

City Recorder, Raglione called the roll.

PRESENT: Bui, Burger-Kimber, Prickett, Ripma, Schmunk, Thalhofer, Thompson

STAFF: Barker, Christian, Collier, Galloway, Gazewood, Raglione

PRESS: Lynn Nakvasil, Gresham Outlook
Web Rubal, Oregonian

GUESTS: Howard Hanson, Thomas Driscoll, Frank Windust, Jr., Pat Smith, Sally Wakeman, Jim Wakeman, Pat Schauer, Curt Price, Don McGinnis, Darrell Goodall, Ed Lopes, Laura & Wally Slusarczyk, Joyce Prickett, Ed Ashley, Lee Mireiter, Carol Mack, Mike Tharp, Bob Oberst, Robert Kriss

Mayor called a moment of silence in memory of Gladys McCoy, Chair Multnomah County Commission.

2. CONSENT AGENDA:

Mayor Bui called this agenda item.

MOTION: Councilor Ripma moved to accept the consent agenda as presented [2.1 Accept Minutes - Regular Session March 23, 1993; 2.2 Business Licenses - Month of MARCH, 1993; 2.3 Proclamation: Drug Awareness Month - May;

2.4 RESOLUTION: Recognizing the completion of Sweetbriar Meadows has I Subdivision and Accepting the Public Facilities Into the City's fixed Asset System.] Councilor Thompson seconded the motion.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalhofer, Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

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

Mayor Bui called for public comment not on the agenda at this time.

Pat Smith, 1200 Kendall Ct., Troutdale made comments of her support of Council taking action to set policy stating revenues should equal expenses. She stated that carry over shouldn't be included in monies allocated in the budget so there would be money and the city wouldn't run in the red.

4. APPROVE: FY 1993-94 Consolidated Cable Communications Commission Proposed Budget

Mayor Bui called this item. Julie Omelchuck was present for comment.

Mayor Bui read highlights of the Cable Commission report. He stated that the CCCC had successfully merged in Multnomah County; the budget would allow the citizenry to receive more monies than in past which was due to a new perspective of the Cable Commission - \$4,913 budgeted was now estimated at \$10,534, a 53% increase. That would apply to all cities in the county. All estimates were over 50% of what had been received in past years.

Julie Omelchuck, CCCC Cable Regulatory office stated the information was fairly self explanatory and would answer any questions.

Mayor Bui asked for an update on the latest federal rules relating to Cable regulatory fees. An increase in fees would require going through regulatory processes.

Omelchuck stated the Federal communication issued a rule making regarding rate regulation to local jurisdictions. She stated they were still awaiting the full test which would explain the specifics of the process. Cable rates were frozen for 90 days. July rate increase was put on hold to see how federal rule rate may affect them. Benchmarks to judge rates was not received as yet but would be judged on a per channel basis. If a benchmark was 40 cents per channel - Paragon had been @ 53 cents per channel rates could be rolled back to 10% of the benchmark.

Omelchuck stated she would be back within approximately 1 month for rate regulatory resolution to certify City to regulate the rates. This was a simple process and CCCC would regulate rates for all east county cities, Multnomah County and the City of Portland. Hopefully the money will get back into the communities to help the citizenry.

MOTION: Councilor Prickett moved to approve the FY 1993-94 Consolidated Cable Communications Commission Budget as presented. Councilor Thalsofer seconded the motion.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalsofer, Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

5. **RESOLUTION: Providing for Budget Transfer and Making Appropriation Changes for FY 92-93 [City Picnic and Parade Coordinator]**

Mayor Bui called this agenda item.

Councilor Burger-Kimber stated she had attended a meeting to discuss the parade and the possibility of not utilizing staff but rather to hire someone and extend services of a proposed budget item for next year. The recreation Coordinator position could be extended from 3 months to 4 months. In the resolution information was presented to give idea an of costs. Due to the nature of the position two budget years 92-93 and 93-94 would be affected and costs should be divided accordingly. She asked for discussion to guide staff whether or not this should be pursued. How much should be appropriated in the budget?

Mayor Bui asked Gazewood to present statistical data. Should this item be postponed for further information?

Gazewood stated the resolution wasn't complete and blanks were left in the body of the resolution in order for Council to discuss and determine what direction staff should take from this point. He recommended holding this item over to the next Council meeting.

Councilor Ripma asked if it was possible to appropriate the full amount for the recreation coordinator?

Gazewood replied Yes.

MOTION: Councilor Ripma moved to complete the resolution with \$1,800 and finalize it at the next regular meeting. Councilor Prickett seconded the motion.

DISCUSSION:

Councilor Thalsofer asked if Gazewood would prefer to hold this item to the next meeting? Gazewood stated 1 1/2 months computed out to \$1818. He was satisfied with that.

Councilor Thalsofer asked if 1 person could do both jobs of recreation coordinator and parade director? He hoped next year the Western Paraders could be contacted to discuss contracting with them for parade purposes.

Christian asked if it was the intent to hire a recreation coordinator early?

Councilor Burger-Kimber stated it appeared the most reasonable and cost effective.

Valerie Lantz submitted a report which illustrated what needed to be covered. In the past, a recreation coordinator played a major role in carrying out the role for parade and picnic. An event coordinator or recreation coordinator could do the tasks. If an event coordinator \$4,500 would do all Berg duties and several of Lantz duties. That would reduce amount compared to what was being spent now. Lantz would still be required to supervise the person hired to do task. The approach could be scaled down, service organizations could be included more so which would reduce the costs expected now.

Lantz stated the amount - 2/3 time needs to be in this budget year and 1/3 in the next budget year.

Councilor Schmunk asked what the hiring process was for this type position?

Lantz stated University programs asking for interns or graduating students have been successful in the past, as well as including volunteers.

Councilor Thalsofer asked Christian for her recommendation.

Christian stated she hadn't been involved with the meeting. Her opinion was based on 16 years of parade activities. She believed someone would be willing to, for a personal services contract \$1,800 and agree to coordinate parade and be on an 'end result' you do what works for you. Requirements that were laid out by Lantz, however, must be met. She expected someone in the community might be interested and that would eliminate use of 'free' hands in City Hall. The program could be added to if desired. Budget position unknown at this time. She stated it may be difficult due to time frame to hire person from schools as suggested.

Councilor Burger-Kimber asked Christian and Gazewood about personal services contract for a specified dollar amount for this budget year. Could contract be submitted knowing it would finish this year.

Christian benchmarks could be set for specified times - make a carryover amount to next year staying within the same contract. Plus not responsible for all taxes if not required to be here specified times. Not an employee and City was not responsible for personal services contract employees.

Councilor Ripma supported that concept and withdrew his motion. Councilor Prickett withdrew his second. **MOTION WITHDRAWN**

MOTION: Councilor Ripma requested city staff present Council with another motion for personal services contract in the amount of \$1200 with benchmarks, etc. to be presented for consideration at the next meeting. Councilor Schmunk seconded the motion.

Christian asked if the Mayor would accept proposals from service groups - i.e., Boy Scouts group; or do you want a person.

Mayor Bui had no problem as long as job gets done. Scouts hid eggs at Easter Hunt and eggs were broken and prizes got away. Thought a good way to encourage local groups to get into the parade.

Councilor Thompson did not support contract employees.

Councilor Burger-Kimber agreed with Thompson on individual personal services contract involving worker's compensation. She stated she was distressed also about the amount.

Gazewood stated the issue in terms of group type doing it versus in house employee could be decided in the process. Once decided, an appropriate resolution could be brought back to Council.

Councilor Ripma withdrew his motion. **MOTION WITHDRAWN**

MOTION: Councilor Ripma moved that city staff bring program including amount of \$4500 to hire staff person for this project. Councilor Burger-Kimber seconded the motion.

Councilor Schmunk asked if the person would be hired for picnic/parade

Christian asked for direction 1] hire a separate person for parade/picnic - if so advertise for a part-time person for the event @ an hourly rate; [2] hire a recreation coordinator early.

Councilor Thompson supported hiring earlier if the recreation coordinator would be hired, hire for the parade also.

Councilor Burger-Kimber withdrew her second on the Ripma motion.

Councilor Thompson approved the resolution assuming the recreation coordinator position was budgeted.

Christian asked if the recreation coordinator would be hired early or make it a separate person?

Mayor Bui called for consensus on hiring one person as recreation coordinator and hire early.

Councilors Schmunk, Ripma, Thompson, Prickett, Thalhoffer, Burger-Kimber. Consensus was reached. **CONSENSUS REACHED**

Mayor Bui asked staff to bring back information at the next meeting.

Councilor Ripma withdrew his motion. **MOTION WITHDRAWN**

Councilor Burger-Kimber Harding had accepted the offer of Grand Marshall of the Parade.

6a. **PUBLIC HEARING/ORDINANCE: Adopting a Revised Sewer Use and Pre-Treatment Program for the City of Troutdale; Amending TMC Title 13, Chapter 16.**

PUBLIC HEARING:

.1: Open Public Hearing - Mayor Bui opened the public hearing at 7:56 p.m.

.2: Declarations, Challenges, Ex Parte Contact - None

.3: Summation by Staff - Galloway stated there were a number of code deficiencies needed to be corrected. The definitions weren't consistent with current EPA and DEQ usage and it contained SDC information that had been changed by other ordinances and resolutions, user rate data conflicted with other portions of the Code, and several pretreatment and discharge requirements weren't fully explained which left much discretion to the Director. Galloway listed 13 features that the program would include. Galloway stated the ordinance was delayed until receipt of DEQ comments which had now been incorporated into the document.

Councilor Ripma addressed concerns on page 11 [paragraph d] and proposed changing the first two lines; pg. 18 3.4 second line; pg. 39 delete word 'business'.

.4: City Council Questions

.5: Public Testimony: Proponents -0-

.6: City Council Questions

Councilor Ripma asked if the City was required to adopt this?

Galloway stated no.

Jennings stated that it had been addressed and was included during negotiations with Wastewater Management. It was an existence of pre treatment as a potential regulatory tool.

Councilor Ripma stated Council should realize that by adopting the ordinance it was tightening up on all industrial users in city and could have an adverse impact on attracting business to city. He asked other than Wastewater Management, why would the city be doing this?

Galloway stated it was adding and filling in the blanks of what already existed in the Code. Industrial users could be permitted. The remedies and fines currently existed in the code. It wasn't a matter of creating something new but rather filling in blanks.

Councilor Schmunk stated there was a need to protect the city's treatment plant and that was the Council's charge. This would do that.

Councilor Thalsofer stated the pre treatment ordinance was one considered strongly when the lease was put together with Wastewater Management, as well as other businesses in Troutdale. Troutdale wasn't the only city that would have a pre-treatment ordinance and it was to drive away business. If they weren't already in a jurisdiction, they will be. Businesses will have to decide their location based on other factors.

Councilor Burger-Kimber stated she understood Galloway had sent letters to affected property owners. She had asked for a copy of the letter as well as the list of people it was sent to. She was concerned about the figures that would be imposed on industrial users for implementing the pre-treatment ordinance and asked what the financial impact would be to specific or general businesses in area?

Galloway stated little or no impact. The listing was derived from the list of business licenses in the City. If the use was normal domestic sewage there was nothing additional for them to do and there was no additional cost. More information would be needed before he would be able to give a dollar figure.

Councilor Burger-Kimber stated when sending out letters it should be stated that might impact them. It was important to be straightforward with industrial users and advise them what they may be faced with, as well as make an assessment of what their needs may be before imposing the ordinance on them.

Galloway stated there had been no lack of truth. There would be a survey of each potential industrial user to determine if they actually are. One problem in identifying costs would be that it means what a business would need to do to come into compliance. Wastewater Management perhaps there is something that wouldn't meet standards and would require pre-treatment. They would need to determine whether or not it was economical for them to build some type of pre-treatment or stop delivery of material that creates the problem for them.

.7: Public Testimony: Opponents

Terry Welner, Toyo Tonso. Stated he was unsure whether or not he was in opposition. It was good business and necessary to take procedures to minimize impact. Solvent used in shop, contained after use then was removed and taken away. However, applying for and obtained their own MPD discharge - so not much going into city sewage system. In describing prohibitions pg. 13 E13 sounded like an absolute statement. He stated it could be implied to be very restrictive. Prohibiting any radioactive substance at all. Boiler flyash - Pg. 14 Item 20 - he asked if there could be some levels given. He didn't disagree with the intent. Lot of teeth, with the penalties. It would mean, however, nearly a full time person for a company plus sending samples to a lab. The level and amount of discharge was clear but not where a company would fit in as far as treatment.

Mayor Bui asked if Welner saw it as a hindrance for new business in this community?

Welner, I think it is. He didn't disagreed with minimizing any discharge, they [Toyo] wished to be good corporate citizens, and not affect citizens or plant negatively. In reality industrial businesses create waste and it will get into system.

Councilor Ripma asked if he was familiar with other city ordinances like this? Are we going overboard in those ways you identified?

Welner stated it appeared to be something that would apply to a paper mill. He asked if there was a possibility of a watered down version to somehow apply to small businesses. He stated they weren't against the principle of what was going on, just some particulars.

Councilor Thalsofer asked if his company would be able to comply with this ordinance?

Welner stated a very small amount depending upon the interpretation. Do we generate waste? yes. Is there enough to require a full time person to monitor? Unknown. We may be disposing of 5% of industrial waste stream to city sewer system. 95% to Wilson...

Councilor Thalhofer - generally speaking you could comply with the spirit of the ordinance?

Welner - Yes, the spirit but the monitoring? Costs could discourage businesses from locating here.

Galloway - Stated this ordinance followed a model used by other jurisdictions. He stated he had called EPA and DEQ and used a model ordinance and it had been reviewed by DEQ. DEQ didn't indicate this was outside the norm for other jurisdictions. He stated in trying to recognize the question of business and the impacts the city was not trying to make something so that businesses didn't comply. If they can't comply, do you truly want that business in city?

Councilor Prickett asked what impact would there be with the existing ordinance?

Galloway stated the language referred to pg. 13 item 11 radioactive waste was in the current ordinance; item 13 - sludge screens for industrial waste - he couldn't recall; the other is currently in ordinance. Language on two of three currently in code.

.8: City Council Questions

.9: Rebuttal

.10: City Council Questions

.11: Recommendation by Staff - Staff recommendation was to adopt the ordinance.

.12: City Council Questions

Councilor Ripma asked if sampling and testing were pretty much same as current code?

Galloway stated this ordinance spelled it out in much more detail than the current code.

Councilor Ripma favored reasonable requirements. He believed it was reasonable enforcement for the City. His original concern was that businesses looking for places to locate wouldn't know how reasonable this City was. The strict letter of code seemed harsh and he asked the City Attorney his thoughts regarding no radioactive isotopes i.e., could there be modest changes to that portion?

Jennings stated there was a buffer for overzealous enforcement. Strikes type of process mediates against onerous enforcement reasonable people in reasonable fashion. Can there be a loosening of requirements? Troutdale wasn't the only local jurisdiction with

requirements like this. He stated the City of Portland's was similar. The City wouldn't be in the rear, but not a head of everyone either.

Christian stated the issue was it would only take once or twice with a serious breach of permit in Sandy to find the City in a position of not only adopting and implementing but DEQ would set forth how the City would apply this in future. This was like an insurance.

Councilor Thalsofer stated if it was found that the ordinance worked hardships on businesses or business down road. it could be reviewed for adjustments. It was his opinion that this was a good ordinance and would protect the City.

Councilor Burger-Kimber stated items #11 and #13 and using the term 'any', was there a possibility of having a standard that wouldn't globally encompass - 5% or 2% or something?

Galloway stated he wasn't aware of any specific standards. There were some nationally mandated limitations and these didn't fall under that criteria. The City could establish local limits - i.e., 1 part per ___ would be acceptable amount. That step wasn't taken due to the cost factors. The costs of testing and analyzing how much? Couldn't be done overnight, or cheaply.

Councilor Thompson stated there were lots of substances that could be discharged into the system. What is a permissible amount for each and every amount. This covers generally by stating 'any'.

Jennings stated that a provision allowing special agreement could be entered into with special users as long as not violating federal limitations.

.13: Close Public Hearing Process - 8:35 p.m.

6b. ORDINANCE: Adopting a Revised Sewer Use and Pre-Treatment Program for the City of Troutdale; Amending TMC Title 13, Chapter 16. First Reading

Mayor Bui called this agenda item and read the ordinance by title.

MOTION: Councilor Ripma moved to adopt the ordinance with amendments 13, 11, as noted by Galloway. Councilor Prickett seconded the motion.

YEAS: 6. Burger-Kimber - Yea; Prickett - Yea; Ripma - Yea; Schmunk - Yea; Thalsofer - Yea; Thompson - Yea;

NAYS: 0

ABSTAINED: 0

Mayor Bui called for a 5 minute Recess.

7a. ORDINANCE: An Ordinance Adopting an Illegal Dumping Program Regulating Dumping and Littering in the City of Troutdale; Setting Forth Procedural Requirements for Enforcement and Administration; Amending Troutdale Municipal Code Title 8, Chapter 20. First Reading

Mayor Bui called this agenda item and called for the reading of the ordinance by title.

PUBLIC HEARING:

.1: Open Public Hearing - 8:45

Christian stated this followed the model ordinance already adopted by Metro and it had been distributed to all jurisdictions in a three county area. It was aimed at illegal dumping which was occurring throughout the metro area. Once garbage rates were increased illegal dumping increased. She represented the ordinance early on.

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

.3: Summation by Staff - Galloway gave background [material in packet].

.4: City Council Questions

.5: Public Testimony: Proponents -0-

.6: City Council Questions

.7: Public Testimony: Opponents -0-

.8: City Council Questions

Councilor Burger-Kimber asked Galloway in departmental enforcement of the ordinance it listed 5 items [complaints, fines, costs]... Does that mean you issue a citation? It doesn't state that [pg. 3].

Jennings stated pg. 4 is the form and is a citation for lack of better wording. It shortened the process by actually issuing complaint. The City Attorney's office wouldn't be involved in this. Either an Officer or a member of Public Works and the illegal dumper testifies in front of the Judge. This also keeps the attorneys out of court. It speeds the process and it really does work.

Galloway stated the complaint as shown on pg. 4 would be signed by a member of Public Works, an Officer or ?

Councilor Prickett stated in code enforcement you find material on piece of property but prima facie evidence that it is there and he gets the citation. That often happens.

Galloway stated that wasn't a violation under the terms of this ordinance. Violation is without the intent of property owner.

Jennings stated pg. 5d language was intentional in dumping something occurs over and over operate with presumption that is the person dumping. This allows the court to make the same presumption.

Christian stated the only enforcement tool was the nuisance ordinance which put the responsibility on the property owner regardless of how it got there.

.9: Rebuttal

.10: City Council Questions

.11: Recommendation by Staff - Galloway stated the staff recommendation was to adopt the ordinance.

.12: City Council Questions

.13: Close Public Hearing Process.

7b. **ORDINANCE: An Ordinance Adopting an Illegal Dumping Program Regulating Dumping and Littering in the City of Troutdale; Setting Forth Procedural Requirements for Enforcement and Administration; Amending Troutdale Municipal Code Title 8, Chapter 20.** **First Reading**

Mayor Bui called this agenda item and asked that the title be read.

MOTION: Councilor Thompson moved to adopt the ordinance. Councilor Ripma seconded the motion.

YEAS: 6 Burger-Kimber - Yea; Prickett - Yea; Ripma - Yea; Schmunk - Yea; Thalhofer - Yea; Thompson - Yea;

NAYS: 0

ABSTAINED: 0

8. **PUBLIC HEARING: To receive testimony concerning the possible changes in traffic patterns on Frontage Road which would make North Frontage Road one-way westbound and South Frontage Road one-way eastbound.**

Mayor Bui called this agenda item.

.1: Open Public Hearing - 8:55 p.m.

.2: Declarations, Challenges, Ex Parte Contact

Councilor Burger-Kimber stated members of the community had asked her to bring this forward for discussion and have notice to businesses. Burns Brothers and Shari's Restaurant were spoken to several months previous to this by her.

.3: Summation by Staff - Galloway stated Burger-Kimber had asked him to prepare information for this item. The testimony would be taken only for a course of action Council wished to take.

ODOT - traffic counts were included along with accident data 1989, 1990, 1991 [materials included in packet]. Comments received from business would be brought up at the appropriate time [i.e., opponents at this time].

.4: City Council Questions

.5: Public Testimony: Proponents

.6: City Council Questions

.7: Public Testimony: Opponents

Burger-Kimber read into the record a letter which involved information from a person who wished to remain anonymous [available at office of City Recorder].

Gresham Fire Department letter was read into the record [available at office of City Recorder].

Galloway read into record - Port of Portland; Mt. Hood Aviation Incorporated; Northwest Aero; Esra Ribae

Mayor Bui asked if it ever was a one way grid?

Galloway stated someone thought it was years ago. But he had found no one on staff that remembered it as being so.

Councilor Prickett stated truck drivers coming from west are tired and probably wouldn't want to make the loop twice so they would just go on to the next city - Wood Village. He didn't believe they would make the extra loops.

Galloway - west bound traffic exiting 17 down 257th having observed a business on south frontage rd., exits, turns at intersection then what? He stated none of the options appeared very good.

Councilor Schmunk asked if ODOT only gave information on the counts.

Galloway stated they were not asked for additional information. Informally they were asked and stated they may be somewhat receptive to the idea but impetuous should come from the City.

Pat Shower, Burns Brothers representative. Concerns stated were safety factor and time frame of fire department response; local police department response was also a concern. He stated there was a need to respond quickly and it had always been there. No desire to slow that response time down. The biggest problem otherwise was mass confusion coming westbound entering off ramp of I84 down to 257th where truck drivers frequent area but not familiar with signage that may take place re-routing them. Truck drivers were usually impatient when keeping time schedules. He saw a convey of trucks going into City which would really torque them. Looking for a place to turnaround quickly could be a problem. If too much hassle, they just won't frequent the businesses along frontage and would be a loss to the city also.

Councilor Thalhofer asked how could they now make a wrong turn?

Shower stated as it was now, there was no problem. If changed it would be a problem. If the proposed change went into affect there could be numerous problems. There was a congestion problem there now. He agreed with Port of Portland stating that a center turn lane could alleviate some of the congestion there now.

Councilor Thalhofer stated a thorough traffic analysis was needed to review the best method of moving the traffic in the best manner.

Councilor Thompson stated he had problems also. People assuming it was a one way on Frontage Road was a nightmare and a really good study was needed to alleviate the problem. Maybe the freeway and exit changes could be made.

Councilor Burger-Kimber stated heading west to Troutdale exit and in order to get to Burns Brothers would need to take a left under over pass and then take a right. A one way grid you would go straight and take two lefts.

Shower stated 257th wouldn't be a one way.

Councilor Burger-Kimber suggested a recommendation had been made to make a turn lane. How did Shower feel about that if it was nearly in their front yard?

Shower hadn't discussed that. However, currently there wasn't a lot of impact on the north side. The safety aspect of confusion and 257th there was no way that could be a one way under overpass and the same with Marine Drive on the other end.

Councilor Burger-Kimber stated this was brought to the attention of the public to get feedback. She asked that ODOT be requested to make a proposal and clean up the process to address the issue before it gets worse. She asked if Shower would be willing to participate and defer to ODOT if their suggestion was that a solution be, in part, taking some of Burns front yard?

Shower stated if there was a happy solution that could be feasibly worked out and solve the problem without causing a detriment to people, they would be receptive in working with whomever.

Councilor Thompson was already confused without one ways being made. He didn't think that could be the problem just not the solution to the problem - it could help however.

Shower - the truck driver doesn't generally live in the metro area. They are accustomed to the changes that might occur.

Councilor Thompson stated they could learn real fast.

Gresham Fire Dept., Tom Driscall, Captain Troutdale Fire Station. Most calls on south Frontage Road, very few on north. Increased response time considerably. Didn't remember accident since they had been the fire department responding.

Councilor Burger-Kimber asked about consideration of fire service lane that could address those problems?

Driscall - that would be fine. He hadn't seen it on a one way though.

Councilor Ripma asked for clarification, a lane of traffic against traffic?

Councilor Burger-Kimber stated usually a fire lane is specifically for a fire lane whether on north or south side of street.

Driscall - You would have a tough time keeping people out of there.

Councilor Burger-Kimber asked to hear from the Police Chief.

Chief Collier stated a traffic study would be the thing to do.

Councilor Burger-Kimber stated it might be worth looking at the congestion issue, it may end up with more delay time later.

Chief Collier - A center turn lane would be beneficial.

Councilor Ripma stated he couldn't let Burger-Kimber's comment stand. He couldn't believe she was serious that emergency vehicles should go around on north Frontage Road and make all the turns to south Frontage Road.

Councilor Burger-Kimber Okay you made your point.

Mayor Bui stated letting ODOT know comments and sit down to discuss traffic concerns in that area.

Galloway stated there was no staff recommendation since testimony only this evening. There didn't appear to be a strong favor for one ways. His recommendation was to draft a letter for Mayor signature to ODOT asking for traffic study with possible solutions i.e., turn lane, stop sign arrangement on west end to equalize traffic flow somewhat.

.8: City Council Questions

.9: Rebuttal

.10: City Council Questions

.11: Recommendation by Staff

.12: City Council Questions

.13: Close Public Hearing Process. 9:35 p.m.

9. RESOLUTION: Affirming Mutual Agreements with Multnomah County for Sharing of Property Tax Revenue for Fiscal Year 1993-94

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

Christian stated this served two purposes in terms of trying to present jurisdictional agreement not mandated by state legislature. A bill was in committee requiring a tax coordination plan making it mandatory under the auspicious of Tax Supervising Conservation Commission [TSCC]. Chief Collier had recently been asked to speak on behalf of a county levy. It makes a statement to community that the two levies won't cut into Troutdale's portion of \$10 tax rate at this time. The City won't be asking for an increase in tax levy beyond what the tax base is. Neither Multnomah County nor the City intend to increase portion of tax revenues.

MOTION: Councilor Prickett moved to accept the resolution. Councilor Thompson seconded the motion.

YEAS: 6 [Burger-Kimber; Prickett; Ripma; Schmunk; Thompson; Thalhofer

NAYS: 0

ABSTAINED: 0

MOTION PASSED

10. APPROVAL: Requesting authorization to speak as a Proponent of the Multnomah County Three Year Serial Levy to Continue Jail Operations

Mayor Bui called this agenda item.

Chief Collier was before Council to request permission to speak, in uniform, to support a three year serial levy which would continue jail operations. He would be speaking for this on his own time during his lunch hour.

MOTION: Councilor Thalsofer moved to approve the Chief's speaking for the Serial Levy. Councilor Thompson seconded the motion.

YEAS: 6 [Burger-Kimber; Prickett; Ripma; Schmunk; Thalsofer; Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

11. STATUS REPORT: Columbia Park Burger-Kimber

Mayor Bui called this agenda item.

Councilor Burger-Kimber stated she had the opportunity to discuss and update what participation has been prior to becoming a Councilor as well as after being seated on the Council. She wanted the Council to be aware of the activities she had been involved in as a citizen of the community.

1. Set committee; 2 set process; 3 begin negotiations 4 begin community meetings in October at Reynolds High for feedback and participation; 5 - help with group dedicated citizens phase plan for park development. Asked to elicit continuing efforts.

Mayor Bui asked for questions or comments.

Councilor Thompson asked about taking formal action and what the intent is regarding Columbia Park?

Councilor Burger-Kimber wished to have Lantz discuss the presentation made earlier for a grant proposal for funds for Columbia Park.

Postlewait asked if that required 7 days notice.

Councilor Burger-Kimber asked if he objected. If council requested and rest concurred.

Postlewait stated what is fair for one is fair for all.

Councilor Burger-Kimber asked if there was objection from Council to hear Lantz' presentation?

Jennings clarified by stating anyone that is not member of Council must ask 7 days before.

Mayor Bui directed Lantz to go ahead.

Lantz began stating it was crucial to obtain grant funding to get initial development on ground and useable. McCoy represented Reynolds Little League and got \$15,000 to get ballfields in the first phase. Not a lot to do a very good job - if conservation fund could be a \$46,000 project comprised mostly of grants, funds, donations, staff time as a coordinator to put together. She supported acquiring the park so the public could begin using it. She believed there was a good chance that the City could get the grant but it wouldn't be known for 3-4 weeks.

Councilor Burger-Kimber stated the attachments in the packet materials were received from organizations willing to participate in this project.

Collier stated the Police Department could use areas of it for fitness and wellness programs since it was his understanding that there may be a pathway with workout stations which would fit perfectly into fitness plans. Testing for regular and reserve officers was currently done at north Clackamas in Milwaukee.

Councilor Burger-Kimber stated Reynolds High School had passed an education bill addressed for graduation in a two year plan. Looking for community service projects to be included in that plan and it could be a possibility for that plan.

Councilor Thompson asked how much to acquire land for park?

Lantz stated the appraisal was \$8,000 an acre - 18.4 acres = \$147,000 for 21 acres determined for site with the western section added = \$168,000. That was the negotiating beginning.

Councilor Thompson would money come from the bond levy passed?

Lantz stated it was included = \$80,000 was earmarked for Columbia Park. Other acquisition sites were over the next ten years so there was need to be careful where dollars were used. GSL's contribution of \$50,000 was also to be considered. That money may be best utilized for infrastructure into park.

Councilor Thompson asked what the total development cost of the park was expected to be?

Lantz stated she didn't have those costs. The initial phase as far as could get unless outside funds and other possibilities for SDC's to park. Only identified costs of initial phase with baseball fields in, play equipment area, soccer field area with grass; water irrigation in softball field area; backstops - very minimal development to the park but enough to make it useable for people.

Councilor Thompson again asked how much?

Lantz stated \$46,000 was represented in the grant application fund just submitted.

Councilor Schmunk stated that after meeting with Parks she didn't get the impression they wanted all of the dollars to go into Columbia Park.

Lantz stated there was some controversy on that.

Councilor Schmunk stated the Parks Task Force and Council members were touring on Saturday the park areas. They hoped to come back with discussions of whether to put all the eggs in one basket. She didn't believe that people investing time in getting the bond passed intended to spend all dollars on Columbia Park. They had lots to do with raising money and this should be considered.

Lantz stated this would be an incentive to come to the Parks Tour to help formulate ideas and opinions. She stated this was an open invitation for everyone to come and to bring rubber boots. At this point it would be best to know what we are looking at - at each of the sites. She would be pleased to get ideas because staff needs to begin putting projects together asap to make use of the construction and growing seasons.

Councilor Ripma stated it was his recollection that \$80,000 was specifically designated in the literature with the bond proposal. Columbia Park was in top three.

Lantz agreed. She stated there was agreement to not put all the eggs in one basket but this did get a lot of community support and a good chunk of it was paid for. What's needed now is an offer - as the next step.

Councilor Schmunk stated there seemed to be some vacillating between Councils - Sunrise Park was the park before - all plans, restrooms; police dept. - Plans have gone to hell and back. Look at Sunrise before Columbia. Look at parks bond fund and what we want to do with money and how to use it before deciding to commit all dollars to Columbia Park.

How far apart were the sales for bonds?

Summer 1993 and Summer 1995. Gazewood stated. Money to be spent out within three years take down.

Councilor Thompson voiced concerned about not spending the money all at once on one park.

Councilor Burger-Kimber stated the County would be flexible and allow good terms. If we decided to go through approach it in a real aggressive fashion and ask for terms. Make it clear the money won't come for a while. Sunrise Park was in the making right now. The Plan would be addressed before it would take place.

Councilor Thalsofer stated after the Parks tour on Saturday the Parks Advisory Board could make recommendations to Council after consideration of all facts. Columbia Park has a high priority and Council needs to take action very soon. He voiced concerned about someone purportedly representing the City with no authority to do so. Although that now Councilor stated she hasn't represented the City she goes to meetings and talks about all the people regarding Columbia Park even though there are disclaimers stated. The memorandum from Burger-Kimber was when she was not a councilor - follow-up to May 12, 1992. Council asked her to bring forth written papers and that wasn't done to his knowledge. As per a unanimous endorsement GSL properties --- etc. Thalsofer didn't know the City made an endorsement. That bothered him.

He noted Burger-Kimber had a great deal of interest the past number of years. He had no problem with going to meetings not representing and representing. Flies in the fact of Council procedure and protocol. The Council needed meetings where rules were set up pertaining to Columbia Park. In the meantime, we need to do something to ensure no one thinks anyone represents the City in the Park negotiations. No matter what intent - does not have authority. Sort of saying

Councilor Thalsofer recommended taking action for some procedure on negotiations and actually appoint people and endorse somebody to do so.

Councilor Schmunk stated the staff was not wholly in this process. Staff reviews what are technicalities and what the next steps are. There were concerns about percentages of discount.

Christian stated there was an ordinance passed requiring a deposit of 3% of county owned land in natural space open preservation fund.

Mayor Bui asked for Council consensus since this issue was brought up.

Councilor Ripma to Thalsofer those were reports to Council weren't they?

Councilor Thalsofer responded report and minutes to Park Task Force. Memo to Council; minutes.

Councilor Ripma - being elected doesn't disqualify her from representing with Columbia Park. Spoke in behalf of Burger-Kimber. Not holding herself to outside agencies. Know Lantz worked hard as well as other members of staff. I think she's careful about not representing herself. I know of no confusion on the part of GSL or anyone else whether she is negotiating on behalf of city.

Councilor Thompson stated there should be an official negotiator, if there was going to be any negotiations.

Christian - Under law of executive sessions, purchasing property is a legitimate reason for an executive session. Lantz followed up with need to move due to the grant application pending. If the City was not following through with grant shouldn't apply for it.

This discussion is the reason nobody has chosen to make recommendations, or otherwise. Involves staff in something we don't want to be involved with. She suggested calling an executive session to discuss limits of negotiations - if okay - talk about hiring a representative. Its been for sale, let's do it.

Councilor Ripma suggested setting an executive session for 6:30 prior to next Council meeting.

Councilor Thalsofer stated he wished to ask for the Parks recommendation to Council and decide who will do negotiating.

Councilor Burger-Kimber stated that was the whole purpose in giving the status reports, etc. She had worked to get to this point and don't know now how to argue with it.

Mayor Bui stated there would be an executive session at 6:30 April 20, before the Budget meeting. 192.660 deliberate w/person to negotiate property transactions.

12. DEPARTMENT REPORTS:

Mayor Bui called this agenda item.

- Community Development - Ripma commended Barker on letters to developers.
- Public Works - Galloway discussed 4 items under the lease agreement with Wastewater Management which should have occurred 4/1. 1] payment of rent for April, 2] certificates of liability insurance; 3] providing proof of fire insurance; 4] copy of O&M manual. He had sent a letter of non compliance giving them 6 days or in default of the lease agreement.

Councilor Ripma asked if they were out of bankruptcy?

Jennings stated they were on schedule. They had applied to the bankruptcy court to inject substantial amount of money to keep it operating. In discussions, no decisions when and if to go out of bankruptcy.

Councilor Ripma stated they can't make payments of property tax until a plan is approved. He asked if that was consistent with the agreement?

Jennings: Yes. Upon plan approved or them exiting bankruptcy.

Councilor Ripma Asked if in bankruptcy were they also unable to pay rent?

Jennings: No. They were ordered to pay rent. \$430 rent when a \$1.5 million business.

- City Attorney Jennings stated the OCA ballot measure argument is scheduled for 4/30. He projected the earliest election date to be 9/30 and latest would be the November election. It would perhaps interplay with the current bill before legislature.

- Executive - Christian stated there were vicious rumors in City Hall of bugging rooms. She didn't know where it was coming from or why. Everything was public information.

13. COUNCIL CONCERNS AND INITIATIVES

Councilor Burger-Kimber stated during the budget meetings there was recommendation of adopting a policy that revenues = expenses. Towards that end not use cash carryover in budget.

MOTION: Councilor Burger-Kimber moved to adopt as Council policy revenues equal expenses in the budget. Councilor Prickett seconded the motion.

DISCUSSION:

Councilor Ripma as for clarification of adoption by Council of a policy for use or direction to the Budget Committee. He reviewed the memo from Tax Supervising and had listened to arguments pro and con. He favored the motion and agreed with adopting the policy.

Councilor Thalhofer asked how long ago since the last budget meeting?

Christian stated 24 hours.

Councilor Thalsofer understood there to be an agreement at the meeting to read the materials and understand both ends of the argument; the Budget Committee would come back with recommendations to Council for action on the recommendation. He stated the process would be short circuited. He stated his reasons for not supporting the motion.

Councilor Ripma stated this was a Council decision which didn't require a consensus for a recommendation from the Budget Committee.

Councilor Schmunk stated she had commented to the issue that it was a Council decision to set policy at the Budget meeting, however, the Budget Committee could send their recommendation to Council to make a policy. If the Committee thought it was important enough they could show up at the Council meeting... only 1 did. She stated the Budget Committee should make the recommendation as was discussed.

Councilor Burger-Kimber presented a proposal to the work shop 3 weeks ago as an information item for discussion. She stated it was a straightforward, clear cut fashion to think about and consider. She offered the opportunity to clarify. It was a simple concept. If there were concerns they could have been addressed. Provided formal information and backup information. There was a concern that if addressed at Council there wouldn't be adequate time before the budget process would be completed. She believed she was being respectful of the process.

Mayor Bui called for the vote.

Schmunk - No; Ripma; Yea; Thompson - No; Prickett - Yea; Thalsofer - No; Burger-Kimber - Yea

To break the tie: Bui - Yes.

YEAS: 3 [Burger-Kimber; Prickett; Ripma]

NAYS: 3 [Schmunk; Thompson; Thalsofer]

ABSTAINED: 0

Mayor Bui voted to break the tie - Yea

YEAS: 4

MOTION PASSED

Mayor Bui - reminded of the Special Meeting scheduled for Saturday at 1:00 p.m.

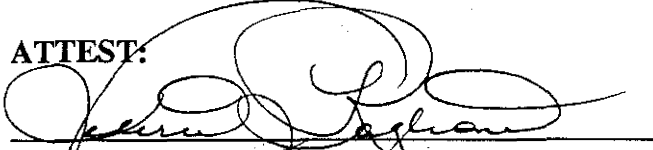
Councilor Thompson voiced concern about Council meetings degenerating. At the last meeting Postlewait was denied the opportunity to speak. Even though Mayor Bui sent out his interpretation of the Code, Thompson stated it wasn't justified. He believed there was an error in procedure and didn't want it to continue. Believe in citizen input, want people to tell us what they think, whether we like what they say or like them.

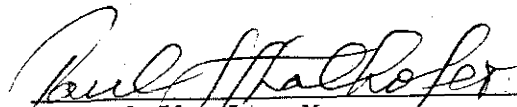
14. ADJOURNMENT.

MOTION: Councilor Prickett moved for adjournment. Councilor Ripma seconded the motion.

The meeting was adjourned at 10:55 p.m.

ATTEST:


Valerie J. Raglione, CMC
City Recorder/F:\MINUTES\041393CC.AGE


Paul Thalhofer, Mayor

Dated: May 12, 1993