



# 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 27, 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 April 13, 1993
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- 7:10 (A) 4. RESOLUTION: To Accept an Easement from David R. Bennett for Construction and Maintenance of the Sandy River Emergency Bank Protection Project. Galloway  
Declarations, Challenges, Ex Parte Contact
- 7:15 (A) 5. RESOLUTION: Authorizing the Mayor to Grant a Right-of-Entry to the U.S. Army Corps of Engineers for construction of the Sandy River Emergency Bank Protection Project. Galloway  
Declarations, Challenges, Ex Parte Contact
- 7:20 (A) 6. RESOLUTION: Authorizing the Mayor to Sign Supplement No. 6 to an Agreement with Multnomah County for Road Maintenance. Galloway  
Declarations, Challenges, Ex Parte Contact
- 7:25 (I) 7. STATUS REPORT: Animal Control Michael Oswald
- 7:45 (I) 8. STATUS REPORT: Construction Debris Barker
- 8:00 (I) 9. STATUS REPORT: Upcoming Amendments to Troutdale Development Code Barker

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- 8:15 (A) 10. APPOINTMENT: City Representative to Negotiate Real Property [Columbia Park]
- 8:30 (A) 11. DISCUSSION/ACTION: Selection of Mayor and Selection of Possible City Council Position Vacancy
- 8:45 (A) 12. SELECTION PROCESS: Planning Commission Vacancy
- 9:00 (A) 13. APPROVAL: Request for Proposals/City Attorney Services
- 9:15 (A) 14. DISCUSSION/ACTION: Set Aside Council Rules and Reconsider Policy Question
- 9:30 (A) 15. COUNCIL CONCERNS AND INITIATIVES
- 9:45 (A) 16. ADJOURNMENT.

  
Paul Thalhofer, Council President  
Dated: 4/21/93

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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 27, 1993

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

Council President Thalsofer called the meeting to order at 7:00 p.m. and asked Councilor Burger-Kimber to lead the pledge of allegiance.

City Recorder Raglione called the roll.

**PRESENT:** Burger-Kimber, Prickett, Ripma, Thalsofer, Thompson

**ABSENT:** Schmunk

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

**PRESS:** Lynn Nakvasil, Gresham Outlook  
Web Rubal, Oregonian

**GUESTS:** Walt Postlewait, Sally Wakeman, Howard Hanson, Runyon Jackson, Pat Smith,  
Tom Ross, Ed Lopes

**2. CONSENT AGENDA:**

City Recorder stated that Consent Agenda 2.1 minutes were not prepared for action and would be available at the next regular scheduled meeting.

**MOTION:** Councilor Prickett moved to change the wording on items #5 and #6 to authorizing the President of the Council. Councilor Burger-Kimber seconded the motion.

Jennings stated that would be a motion to approve subject to the signature of the President of City Council.

YEAS: 5 [Burger-Kimber; Prickett; Ripma; Thompson; Thalhofer]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

MOTION: Councilor Burger-Kimber moved #7 be stricken from the agenda. Councilor Prickett seconded the motion.

YEAS: 5 [Burger-Kimber; Prickett; Ripma; Thompson; Thalhofer]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

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

President Thalhofer called for public comment.

Howard Hanson, 2500 NE 201st, Troutdale - stated he had attended a meeting not too long ago in which the Council him out of and at that particular time he found out that the Mayor turned in his resignation. He had the copy here and, as usual, the newspaper and the people locally had selected those portions that they liked best about that resignation and ignored the rest. He felt it appropriate this evening to put the entire context of that into the record so that people might understand what did go on.

**"From Gene Bui. With regret I resign as Mayor of Troutdale effective midnight 17 April, 1993. I was elected to effect changes in the administration of the City practices. I believed that I could help the citizens of Troutdale make those changes. I found however that policies and practices are so deeply entrenched that this Mayor is unable to effect those changes. The personal battering has deeply affected me and the decision to resign is in my own well being."**

He stated this was a paragraph that was completely left out and he stated it needed some discussion here tonight.

**"It is still true that government does not possess rights and liberties to grant to its citizens but rather government's sole function is to protect the existing and continual rights and liberties of its citizens. This basic premise has been obscured by the current City management. I have not violated any codes or statutes but have diligently attempted to carry out the mandate of the voters and to perform the role of Mayor as Troutdale codes require."**

**For over ten years I have enjoyed being of service and thank all Troutdale citizens who have supported me in this growing City we all care about".**

I would like to congratulate our new temporary Mayor or the President here who has been defaulted into position by the incessant diatribe of those who have successfully driven the former Mayor Bui from office. I'm sure Mr. Bui is watching these proceedings from a comfortable chair and a less hostile environment than the Troutdale City Hall. I worked in Mr. Bui's campaign and had an opportunity to talk to many Troutdale citizens who indicated they wanted change. The entrenched bureaucracy at City Hall were not, in their opinion, looking after the average citizens interest appropriately.

Your civics teacher probably explained to you that this being a democracy we choose our own rules. Self government we call it. And, we have to pay taxes which are sort of dues we owe for membership in this democracy. In theory then we only pay for what we have chosen. Those things include our rulers themselves. Never mind our latest Mayor by default. Most of our officials in Troutdale aren't even elected. The great majority of these bureaucrats don't and won't answer to us. But, they do wheel power over us. I reiterate Bui's 4th paragraph in this resignation letter and again, its still true that government does not possess rights and liberties to grant to its citizens but rather government's sole function is to protect the existing and continual rights and liberties of its citizens. This basic premise has been obscured by the current City management.

The theory is that government works for us. The fact is that we work for the government. Mr. Bui campaigned for change. This, and won. But, as anyone can see change does not come easy to entrenched bureaucrats. Immediately after Mr. Bui won the election his opponents began the task of undermining, discrediting and using devious methods such as trying to convince the State Elections Division Bui had done something wrong. When that didn't work it was necessary to get the dissident left wing liberals to commence a campaign that included denial of his first amendment rights as a private citizen. This first amendment right has been railed on by a councilor who is pandering to a very noisy minority and using a councilor position to not only attempt to deny every citizens right to the initiative petition but to also force a perverted agenda on the populous of Troutdale.

I personally witnessed Mr. Postlewait at a recent meeting attempt to circumvent the agenda and then accuse the Mayor of not allowing his diatribe and Mayor bashing to take priority over the scheduled events. I want to thank Mr. Postlewait and his friend Patti Polly for introducing a new era into the City Council meetings where we can have truly open meetings without any restrictions, on time and without any restrictions on subject matter, no matter what the agenda might include. I want to thank all of you who will be in support of limiting the Mayor's authority and look forward to the ordinance introduction that will remove that authority that was called for following rules of procedure here at the City Hall. Ms. Polly should head up that committee and perhaps her mentor at the Planning Commission would like to serve as co-sponsor.

To our interim Mayor and you councilors, I offer my condolences and sympathy. During the last administration the Troutdale taxpayers were economically raped for over \$1 million dollars on mismanaged and ineptly handled sewer project. It might have, if somewhat correct, that would be about \$2,500 for every home in Troutdale.

While we have a Planning Commissioner unseating a duly elected Mayor, Councilors promoting their perverted agenda and social engineering, the new budget is being conducted with smoke and mirrors to dupe the Troutdale taxpayers who are too busy working for a living realize the rape continues.

Why do you think this entrenched bureaucracy was so intent on destroying Mayor Bui. Mayor Bui began his administration with change. Bui felt the bigger and more powerful City management becomes, the more its interests are at odds with ours. The power of coercion and the power to force us to do things we wouldn't do voluntarily is what its all about. Figure out what has happened and you will understand how this system really works. The thought of change is so frightening to entrenched bureaucrats in their \_\_\_\_ that they immediately gather forces to stop the incoming Mayor in his tracks.

Lets talk about the evaluation of the City Manager for instance. The Troutdale code enforced long before Bui's election was being ignored. Now the City is undergoing an expensive evaluation process that is the proximate cause of one of the many irritants to the entrenched bureaucracy's alive and well here at the City Hall.

When an election is won by a vote of the people, that elected official has a right to discharge any of the entrenched unless that entrenched person is protected by statutes or code. I want to thank the newspapers that assisted the dissident losers and their Mayor bashings.

I watched in awe as Mr. Postlewait lured Mr. Ruble into the hall at the recent Council meeting so that he could fill up with heresay and then write it up using the old stand by journalism jargon - a source told me.

The citizens of Troutdale have lost a hard working, honest, caring, and astute man with political savvy to a small group of entrenched politicians that will it seems, stop at nothing to maintain their status quo and business as usual.

I would like to thank the citizens who cared enough for the City of Troutdale to vote for Gene Bui for Mayor and I encourage all citizens to look carefully at the next mayoral election and the candidates. Unless the citizens voice their opinions, cares and concerns to the bureaucrats at their City Hall - its going to be business as usual.

If you citizens out there can afford a continuing, on going economic rate, continue to do what you're doing. Let entrenched bureaucrats handle your money for you without your concurrence or input. Now that we have a loose and open Council meeting I am sure we will all be back to

use this forum as a pulley pull for our agendas. In keeping with the examples set forth by many of your here tonight. In keeping with the Mayor bashing routine established here in this Council room, how did the President of the Council attain the level of Mayor tonight. Can it be that this body intends to use the Troutdale City codes to accomplish this? Councilors, does this mean the Troutdale City codes will be used selectively to accomplish what you deem to be politically correct? And, ignored if it tends to upset the entrenched bureaucracy?

I almost slipped and addressed this honorable group as Ladies and Gentlemen. I apologize and I will keep this gender neutral as it requires political correctness I am sure. In keeping with that political correctness I would like to give you a quote from the University of Oregon Common Mayor to kind of inflict a little humor into the session here. You all may want to take notes. They define a shoplifter as a merchandise liberator. A pervert as a nocturnal expressionist and a drunk as a person of alcohol. I'm sure Chief Collier appreciates the persons of alcohol definition especially after two police officers were recently murdered by a driving person of alcohol.

I fear a precedent has been established that may be regretted by those who fostered this liberal decorum at the Troutdale City Hall meetings. I'd like to close by stating that Mr. Bui, as Mayor succumbed to an attack that was nothing more or less than the equivalent of the Nazi, brown shirt, thought control movement of old; dressed up in a new \_\_\_ shirt. This new politically correct era where simply the charge of being bigoted is enough to destroy careers. It is my opinion this recent dispute illuminates the way dissent politicians can use their offices to disseminate propaganda and color our perception of it through emphasis, omission, semantics, forced analogies, melodramatic symbolism and downright false definition. I believe the silent majority of the City of Troutdale are aware of this homegrown viciousness displayed and will react appropriate in their selection of a new Mayor to serve out Mr. Bui's term. And, then the appointment of a Councilor to fill the vacant position.

As previously stated, most government officials aren't even elected. As a builder told me during the campaign "Do I feel like I'm talking to a civil servant in City Hall? Of course not. I am painfully aware we work for the government." The City has interests of its own and these interests are not the same as the interests of the citizens. Authority displayed by non-elected city government must be used for only necessary, carefully defined and authorized purposes, existing by the granting thereof by the electorate.

I thank you.

Bill Brookhart - 1852 SW Kings ByWay, Troutdale. Brookhart stated he understood from the newspaper that Council would be appointing a Mayor to replace the Mayor who resigned. What the Council was allowed to do and what they should do may be two different things as far as the citizens of Troutdale. Why should the citizens be denied an elected official for their Mayor? He asked if the purpose of Council was to try to consolidate power by appointment or to strive for democracy by allowing citizens to vote for Mayor?

Brookhart stated he was unsure of what the codes and charter stated, but unless Council exhausts every availability to call for special election it was his opinion it was an attempt to consolidate power. Citizens very concerned about all that had been happening during the past 4 months.

Councilor Ripma stated he sympathized with his position and wanted it known that the City Charter calls for a replacement by appointment of City Council. The Mayor would be appointed to complete the term. At the earliest, an election would be in the Fall with 1 year and 4 months term remaining. The City was in the midst of budget review which was very difficult. In his mind, for such a short remaining term it was doubtful that it would be worth doing. He stated his appreciation of the views and positions expressed and hoped Brookhart appreciated his as well.

Brookhart stated there would most likely be a special election this fall. It would be an opportune time for an election of Mayor to take place. It was a two year term and would still have over half of the term yet to serve. It would be in the citizens best interest to see that the position was filled by election, not appointment.

Councilor Ripma stated there would need to be an election to change Charter first, and once that was done then another election for Mayor. It was the Council's responsibility to appoint Mayor to fill term.

Brookhart asked if charter change wasn't by decision of Council?

Jennings stated he had been asked by several Council members about an election, however, the Charter states shall appoint and gives no latitude. State Statutes don't allow to call for special election for the position of Mayor. An amendment to the Charter could be initiated and then call for another election. That process would take, at a minimum, until the November election. Homerule City was required to abide by terms of Charter unless State Statute allowed otherwise. That isn't the case. Only to fill quorum if there are not enough Council members seated.

Brookhart stated a motion could be made that the City would appoint a Mayor as elected by voters of the city.

Walt Postlewait - 1624 SE 24th, Troutdale, [Tape 1, Side 1 22:50] requested a certified copy of the minutes of the meeting relating to the speaker who spoke first so they can be reviewed reviewed by Council for liable. The second item was in response to an agenda which was delivered to his home two days after he left town. He respectfully requested that Council consideration to address Item #10. Items #11 and 12 wasn't on the pre published agenda and he may wish to address Council on those items.

Thalhofer saw no problems with the requests.



Ed Lopes, 2232 SW Larsson, Troutdale, stated he had been robbed of his vote. He suspected the reason was because of sore spot on City staff which was the City Manager. So tonight, he felt the position should be abolished and all the department heads on staff report directly to the Mayor until a reorganization was initiated and completed. In the meantime, kindly return his vote because he didn't vote for this City Administrator. That was all he had to say.

4. RESOLUTION: To Accept an Easement from David R. Bennett for Construction and Maintenance of the Sandy River Emergency Bank Protection Project. Galloway

President Thalsofer called this agenda item, read the title of the resolution and asked for Declarations, Challenges, Ex Parte contacts.

Galloway gave background information stating that the City has a responsibility to obtain rights-of-way, easements, etc. to do the portion of work. The land is owned by Bennett. The Corps had been notified of one change -- the owner was notified of his right to fair market value. An independent appraisal was completed and he was so advised and is requesting that fair compensation. The first easement would reflect the amount of compensation prior to being recorded. Galloway anticipated no problems with signing of the easement and start-up of the project.

Councilor Ripma asked what the compensation was?

Galloway stated the fair market was \$3700.

Councilor Ripma asked if that was city money?

Galloway stated it would have been, however, the agreement stated charges can be put to the 25% share for the project. If not to the particular property owner, it would have been to the federal government as part of the share of the project.

Councilor Ripma asked where the project was located.

Galloway responded west bank of Sandy, I-84 and down about 600'. Triangular portion at southern most part of parcel.

Councilor Ripma - to allow access?

Galloway - yes restore and place rip rack to restore bank.

MOTION: Councilor Prickett moved and Councilor Ripma seconded to adopt the resolution as discussed.

YEAS: 5 [Burger-Kimber; Prickett; Ripma; Thalsofer; Thompson]

NAYS: 0  
ABSTAINED: 0

MOTION PASSED

5. RESOLUTION: Authorizing the Mayor to Grant a Right-of-Entry to the U.S. Army Corps of Engineers for construction of the Sandy River Emergency Bank Protection Project. Galloway

President Thalsofer called this agenda item and read title of resolution. Called for declarations, challenges, ex parte contact.

Galloway recommended adoption of the resolution.

MOTION: Councilor Thompson moved to adopt the resolution. Councilor Prickett seconded.

YEAS: 5 [Burger-Kimber; Prickett; Ripma; Thalsofer; Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

6. RESOLUTION: Authorizing the Mayor to Sign Supplement No. 6 to an Agreement with Multnomah County for Road Maintenance

Councilor Burger-Kimber asked for Council President to be read into the resolution changing from Mayor.

President Thalsofer asked for declaration, challenges ex parte after reading title of resolution.

Galloway reviewed background. He stated the amount recommended was \$15,000 which was budgeted and received blessing from Budget Committee. Staff recommended adoption of resolution.

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

YEAS: 5 [Burger-Kimber; Prickett; Ripma; Thalsofer; Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

7. STATUS REPORT: Animal Control Michael Oswald

This item was tabled to a later meeting.

President Thalsofer called this agenda item.

Barker gave the staff report.

Councilor Prickett asked if the legislation addressed collecting fees?

Barker stated independently like a garbage hauler.

Councilor Ripma asked if that would be a city franchise or how would it be paid for? Would each builder be required to pay?

Barker, stated no it wasn't a city franchise. Most builders would opt to pay for service. Contractor's law if not a licensed contractor would violate a solid waste franchise and would require a new bill being written.

Councilor Ripma stated he was one of complainants and commended Barker and city staff in the planning/building department for this approach. The cost was clear and it appeared to be rather costly to require each contractor having a dumpster etc. But, it was worth a try.

President Thalsofer called this agenda item.

Barker/Cline gave information regarding this item. 7 years since changed and lots of additional materials are handed out to have complete information. All aspects of development, public comments received over past 4 to 5 years. Public Works comments, inconsistencies to ensure complete code.

Cline stated creating a matrix was the most important piece and it wasn't complete now.

Councilor Ripma liked all the comments. Chap. 3 #4 - urged caution regarding schedule of conditional uses. #7 - duplexes in residential zones he favored dropping. He asked if Council could be kept advised and recommendation would be taken to the Planning Commission and then brought to City Council. #12 - favored extra control considered IP a restrictive zone and should be allowed under conditional but control IP. Chap. 5 #2 - what problems?

Cline stated builders with plans for a 2 1/2 story structure and roof line may be above 35'. RV garage or cover were the two primary concerns. Where the measurement is taken from also could be addressed.

Councilor Prickett stated when doing that remember the Building Code Chapter 5 Table 5D also limits height which is 5' higher than the 35'.

Councilor Thompson stated the fact that they would be reviewed didn't mean they would be passed.

Christian stated any issues Planning Commission changes would be back before the Council for adoption through the ordinance.

President Thalhofer asked if they would go to CAC first?

Cline stated there is not currently a Chair but ?

Christian stated it had been included in a report and requested that the CAC be called back. The Council as a whole had discussed this. One requested that Council individually bring back one or two names to recommend for appointment to a Citizen Involvement Task Force to address the issue{s} of appointing, establishing procedures would be reviewed. However, there had not been follow up to that request and there had been no names submitted for the Task Force. There also had been no decision regarding selection and formation of the task force or direction from Council in terms of mission for the task force.

The CAC was to advise and review to Planning Commission. She stated the City needed clarification how city staff should proceed. Call CAC which was established or hold off until Council formed a task force and came to a conclusion about task force citizen involvement as a whole.

President Thalhofer favored the one that is presently established.

Councilor Burger-Kimber stated she had received calls from CAC members asking about meetings on a regular basis. She favored using the current CAC members and present committee to share. It wouldn't hurt to encourage participation due to attrition. As Citizen Task Force, geared around citizens not bureaucrats, or elected officials. She voiced her concerns with each Council person recommending two people to sit on task force. The task force should be recruited from community not Council members.

President Thalhofer stated it was a way to get people to serve on task force.

Christian added that ads were run on Community television and newspaper for volunteers to serve on Citizens involvement task force. A paid add plus newsletter articles.

Councilor Burger-Kimber asked if it could be tried again.

President Thalhoffer asked for a special task force to put a date in of July 31 to submit applications for the Citizen Involvement Task Force.

If interested in participating -- Another ad that is continuing with no end date.

Cline stated he needed a motion from Council to continue the update of development code.

MOTION: Councilor Thompson moved to continue updating the Development Code.  
Councilor Prickett seconded the motion.

YEAS: 5 [Burger-Kimber; Prickett; Ripma; Thalhoffer; Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

Tom Ross, 434 SE 4th St., Troutdale - Street right-of-way SW corner 4th & Sandy. Considerable improvements around area but none adjoining his. Sidewalks/widening Average homeowner small area to maintain. His was considerable blackberries/varmints, fire hazard, rates/etc. more than reasonably expected to care for by average homeowner. City remove blackberries and level the area to enable him to maintain it and enjoy the ability to keep up with it. Appreciated any help he could get. [Written comments available at Office of City Recorder.]

Councilor Ripma asked if he was maintaining city property?

Ross stated the right-of-way and he was legally bound to maintain according to City rules.

Councilor Ripma asked if he had contacted the public works which sprayed but more than that constituted special assistance? He would welcome a report in an upcoming meeting from Galloway.

10. APPOINTMENT: City Representative to Negotiate Real Property [Columbia Park]

Christian addressed Exec session with consensus of opinion 2 issues to address

1] affirm in a public meeting that consensus in terms of selecting/appointing/ choosing someone.

2] Directed Lantz to follow up on two proposals that responded at Council places now. Council could choose to set the decision aside if choose to do so.

Councilor Burger-Kimber misunderstanding and asked for clarification - she was under the impression an outside party specializing in negotiating for City.

Christian asked for reaffirmation in an open session for the benefit of public.

MOTION: Councilor Burger-Kimber motioned to hire an outside consulting firm to represent City in negotiations of Columbia Park with Multnomah County and look at three firms to offer that service with a pricing cap on that service. The cap to be \$3,000. Prickett seconded motion.

Councilor Ripma stated he didn't participate in the executive session and would abstain.

YEAS: 4 [Burger-Kimber; Prickett; Thompson; Thalsofer]

NAYS: 0

ABSTAINED: 1 [Ripma]

MOTION PASSED

Wait until next meeting to consider proposals and they will be brought forward again.

Councilor Burger-Kimber reason going to put off discussing to later date is seeking three proposals and third proposal came in today and not enough time to review. She requested this be included on the May 11 agenda.

11. DISCUSSION/ACTION: Selection of Mayor and Selection of Possible City Council Position Vacancy

President Thalsofer called this agenda item.

Jennings stated the Charter requires specifically that Council shall [mandatory] choose a new Mayor upon resignation of old Mayor. No time frame for doing so but in reviewing ordinance it does appear to attach some urgency to doing that. The Charter didn't limit selection process to Council members, can be chosen from population at large resident of city, still resident and eligible to vote, as well as Federal regulations.

Councilor Ripma stated in addition to comments by Brookhart - mechanical problems of amending Charter first. There were other reasons to act quickly and he proposed to act tonight. It would eliminate the City from having a Mayor until an election, and create a Council being short one position. He didn't feel that would be good for Troutdale and wished to move ahead to select a Mayor and had a suggestion.

President Thalsofer asked to hear from the public first.

Martin, Michael, 123 SE 34th Circle, Troutdale. Opposed to selecting for the position at this meeting until their was a full Council. [Martin letter on file].

Councilor Ripma stated he had spoken with Schmunk and she would be gone for three weeks. She told him she didn't object to the Council proceeding. She had no objection to a selection and he didn't feel uncomfortable about making the recommendation.

Martin stated the voters made a choice in the election and spent a lot of time and effort as well as candidates did as well. He stated [even though biased] to wait since she did have a vote since her vote may be a deciding vote. He didn't know if the Council had made up their minds but it would only be fair to voters to wait until she returned. She had indicated to him something different than what Ripma spoke of.

Councilor Burger-Kimber [10:41 Side 7 which is 3]. Difficult time with this process, as citizen and had been frustrated with little control and felt strongly citizens needed input to process that is why she is on Council now. Ran in 1990 and lost to Thalhoffer. After that, a Council position was vacant and an appointment was made. Accepted process. In 1992 ran for Council and was successful. Her promise to the community was to promote change and encourage citizen participation. She was very concerned now and recognized there are legal restrictions within the Charter that mandate what Jennings stated earlier. She wished to challenge the restrictions and was very concerned. There had been a lot of publicity about divisiveness on this Council. An opportunity for differences of opinion, continue to do so, encourage others that do. Look at Mayor and two council positions - Prickett was an appointee - three appointed people in elected positions which were representing the community. She strongly disagreed. She believed there should be a full Council present. It wasn't necessary to rush into the process. The Council President was taking over role of Mayor temporarily and believed Council could get by until negotiation toward a solution could be affected and put elected positions back into hands of people.

Jennings reiterated his earlier comments. The only avenue available was a decision to amend the Charter to provide for direct election of the Mayor.

Councilor Ripma asked if Councilor Burger-Kimber was proposing they not follow the Charter?

Councilor Burger-Kimber made a motion to have a charter amendment to address vacancies on the Council whether Mayor or Councilors which would address elections in the next general election.

Councilor Ripma had concerns he had mentioned earlier. There was little more than 1 year in the term remaining. That would require two elections at x amount of money each. Challenge the arithmetic of three appointed positions. Appoint someone from Council the number of positions appointed [not elected] would still be Prickett and therefore, at the most would be two. He stated they were elected to do that job and he took it seriously. He suggested a very short term that someone would be appointed to and more for sake of appearance than the sake of the City. The Mayor was a unique position in the City and he believed the powers of Council President didn't carry over to acting Mayor status. You were content to go through the process when you could appoint someone to your liking and now suddenly the process was not suitable and challenged her motives.

Councilor Thompson stated in reading of code and charter Council can refer any matter to voters including the Mayor. If Council wants to refer to voters it is Council right to do that. Given a short term that was involved it didn't seem financially wise to spend money for a special election for essentially 1 yr. left of term. There were candidates on this Council that could fill the position. They would have experience in City government and a responsible person. Difficult to find from public in an interview process only. Because of experience on Council the next Mayor should be appointed by Council and a member of that Council. He sympathized with public that had commented. However, the fact that Bui resigned wasn't anyone on Council faults. He chose to resign. He resented being responsible for that. The City deserved a full time Mayor and full Council. He supported appointing a Mayor and appointing the vacancy that would be created. He saw no purpose in delaying this issue.

Councilor Prickett asked the City Attorney for clarification. President Thalhoffer was not a vice Mayor as President of Council?

Jennings spoke to issues relating to 'what President of Council can do. 'clothed with all powers and duties as the Mayor'. He wasn't able to state where that power ends and begins. He understands it to mean he can sign any legislation that comes in during the time. The Charter is a 1942 Charter. Jennings stated there was need to update the Charter and it was possible to come up with any conclusion you choose to in this document. The President sits as Mayor until a new Mayor is appointed.

Jennings stated his disagreement with Councilor Thompson about a special election.

President Thalhoffer asked if there were any more public comments? There were none.

Councilor Ripma nominated Paul Thalhoffer as the new Mayor of Troutdale to fill the term of Gene Bui. Councilor Prickett seconded the motion.

Councilor Burger-Kimber respectfully submitted her comments had no reflection on anyone here. She was still concerned and hoped all appreciated her concern and asked if it could be resolved somehow. If casting a negative vote, it was not a reflection on Thalhoffer but because she wished to wait for other options.

Councilor Thompson Sec. 24 simply states "by resolution Council may call for a special election" he took that to be as any type of election.

Jennings agreed except in Sec. 33 vacancies 'shall' be filled by appointment. A direct charge to council that it should be done by appointment.

Councilor Ripma stated that was the perfect ambiguity that needs something to be done.



Councilor Burger-Kimber asked Jennings if the appointment shall be made by Council to fill vacancy. It didn't say how much time, so a position could be filled temporarily and a special election called. The appointment to the vacancy could be temporary until the election could be held. He didn't agree with that however. There was no reason to do it tonight but didn't feel it would change the outcome. No objection to taking additional time to meditate on matter to decide what should be done.

Councilor Ripma urged to go forward and called for the question.

Jennings method of voting not specified. President Thalhoffer would have the right to vote.

President Thalhoffer asked the Council choice in a roll call or voice vote.

President Thalhoffer roll call.

YEAS: 4 [Prickett; Ripma; Thompson; Thalhoffer]

NAYS: 0

ABSTAINED: 1 [Burger-Kimber]

Thalhoffer called an official end to break at 8:45 p.m

Jennings stated for clarification - Thalhoffer served as Council president until sworn in. Raglione would make preparations for the next meeting.

Dealing with Council vacancy same mandates as Charter. Appointed by Mayor/President with approval of Council. He could vote until taking office as Mayor.

Resolution stating vacancy as Mayor. Discussion for purposes of method of filling vacancy and nominations of people to be discussed.

Councilor Ripma no objection to waiting but, why aren't we swearing him in now?

City Recorder Raglione administered the oath of office as Mayor to Paul Thalhoffer.

Mayor Thalhoffer expressed his thanks and stated this would be an open and allowed to speak at appropriate times. If for reason made a mistake and not been able to speak we would make time for them. Reasonable time frames should be kept. Government of the people, by the people, for the people. Elected by the people to serve the people. All Councilors realize that and they have no rights greater than the voter/citizen. You will find one to suggestions, criticism - a good deal received earlier this evening. probably displayed a lack of decorum. We were hear to listen, even though we didn't like what was said about us or other officials of the city. Accepted it for what it was worth and willing to move on. Servants of the people, elected people should remember at all time. As far as a power up here, none have an economic interest in this

City, hardworking people as are the rest of the people. Put in lot of time trying to serve to the best of our ability. In this era lots of diversity and points of view needed to accept and be listened to. Address all people, not just some.

Having made the short statement. Here to serve people, hope that viewers will understand that of this Council.

**DISCUSSION:** City Councilor possibilities.

Councilor Ripma read a letter from Walter Slusarczyk of interest in the Council position.

Councilor Burger-Kimber stated Slusarczyk was an unknown, not in the community a long time no close familiarity with council, staff. Because of that, a fresh viewpoint could be brought to Council without a lot of political baggage. In finding out about position, frustrated that when it was mentioned in the press there were names and the impression was that it was a done deal. She expressed her concern about the appearance of a done deal in the community. Because he brought that to her attention, her desire that the position remain open or addressed in an election process.

Councilor Thompson read a letter from Wakeman [included in packets]. He stated it would be most appropriate to appoint Wakeman since he was elected to Council. He was also the only applicant having been elected to the position. As Councilor Burger-Kimber pointed out earlier it was difficult to have people elected, not appointed. It would be a method of having the position be that of an elected individual.

Councilor Prickett, as an appointee, had no comments at this time.

Mayor Thalhoffer asked the Council their wishes? To have a decision tonight or hold over to next meeting?

Councilor Ripma went along with waiting until the next meeting and allow time for the input received this evening.

Councilor Thompson no problem holding over until next meeting.

Councilor Prickett asked about length of time of appointment to be filled [2 yrs.]

Councilor Burger-Kimber preferred to hold over to next meeting.

Jennings asked Councilor Burger-Kimber if she wished formal review of council via a via for formal memorandum on the issue for Council position, as well as Mayor position?

Mayor Thalhoffer discussed a Charter Review Committee. No elected officials but let people take outdated Charters and suggest what should go to voters. In order to have election to these type positions in future.

HOLD OVER TO 5/25/93 MEETING

12. SELECTION PROCESS: Planning Commission Vacancy

Mayor Thalhoffer called this agenda item.

Councilor Ripma recommended the usual process be used. Interviews, etc.

Councilor Thompson stated appointing an individual that should have originally been appointed was appropriate and would be appropriate for the Mayor to do so.

Councilor Ripma stated he spoke to Patti Polly today and she wasn't sure of her interest.

Councilor Thompson felt it should be offered to her and wasn't concerned if she accepted it now or not.

Councilor Ripma didn't object to ascertaining her views and decide at the next meeting what to do based on that.

Christian asked if there was a Planning Commission recommendation in terms of considering this vacancy?

Don Lloyd stated there was no formal recommendation.

Councilor Ripma stated she should be invited to get her views.

Walt Postlewait, 1624 SW stated, as President of the Planning Commission, next month they would get the Development Code and he urged that the vacancy be filled before that to have a full commission in order to do that.

Mayor Thalhoffer stated he would like to appoint a selection committee of the Mayor/President of Planning Commission, and one other Councilor, to promulgate policies for selection processes.

MOTION: Councilor Thompson moved to postpone this item to the next meeting. Councilor Prickett seconded.

YEAS: 4 [Burger-Kimber; Prickett; Ripma; Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED TO HOLD OVER TO 5/25/93

13. APPROVAL: Request for Proposals City Attorney Services

Christian stated this was before Council for suggestions, and/or changes. Two issues for review in particular 1] schedule included was based on filling as rapidly as possible which wouldn't be prior to Jennings resignation takes effect. She asked Council to address continuing until he is replaced; 2] City prosecutor duties was somewhat confusing - continue with Reader w/letters of support - at the end Councilor Burger-Kimber stated the proposal could include proposals either way [with Municipal Court or without] Sec. 5 para. b. She asked for clarification.

Councilor Burger-Kimber stated it wouldn't be a bad idea if someone wanted to make a proposal including that it would give Council an idea of whether or not the City was in line with Reader but not make mandatory of the RFP.

Councilor Ripma asked Jennings if he had reviewed the RFP?

Jennings stated yes. He was willing to pend his resignation until they are concluded with current activities. He felt strongly that this should be advertized state-wide in a legal journal to get the best applications. For The Record - OCAA [Oregon City Attorneys Association in conjunction with the League of Oregon Cities. Get an ad in for mid-May Oregon State Bar and probably mid May for the OCAA. Suggesting 30 days to collect responses and another 30 days to evaluate responses [mid-July now] Will pend resignation to Aug. 1 and get opportunity to get another councilor on board for final decision.

Councilor Ripma appreciated the extension. He didn't understand the deadlines proposed.

Jennings: Assuming applications taken through June 30 and deliberation and action on applications by Aug. 1. RFP can be solicited from COT, 104 SE Kibling, etc. liked description done by Christian. If no one applies then there is no one for the position other than Reader. If people will apply separate into two functions or possibly no one would apply. Or decide whether or not Reader's application is appropriate.

Councilor Ripma favored leaving Reeder as handling Municipal Court [prosecutor] and didn't wish to confuse issue by including that in the RFP. He stated the City was seeking only a replacement of Jennings.

Jennings stated their firm would match whatever proposal could come in.

MOTION: Councilor Ripma moved to accept the draft RFP deleting references to municipal court services and set application deadline of June 30, 1993. Councilor Thompson seconded the motion.

Councilor Burger-Kimber asked for clarification.

Jennings stated eliminating 5B, 2F, 2H, 2I

Councilor Burger-Kimber stated in eliminating the municipal court issue we are making it clear we aren't requesting municipal court services.

Jennings stated General -including advising police on non-criminal matters. Serve as the district attorney as opposed to county counsel.

**FRIENDLY AMENDMENT:**

Councilor Burger-Kimber made a friendly amendment to include in RFP that the proposal will not include Municipal Court services under other provisions.

Motion accepted by Councilor Ripma and seconded by Councilor Thompson.

YEAS: 4 [Burger-Kimber; Prickett; Ripma; Thompson]

NAYS: 0

ABSTAINED: 0

**MOTION PASSED**

Councilor Ripma addressed where it would be advertised.

Christian suggested leaving it blank for the selection committee.

Councilor Ripma stated a selection committee will review and will not be identified.

**MOTION:** Councilor Ripma moved to delete words consisting of and the blank. Councilor Burger-Kimber seconded.

YEAS: 4 [Burger-Kimber; Prickett; Ripma; Thompson]

NAYS: 0

ABSTAINED: 0

**MOTION PASSED**

Councilor Ripma asked as to where it should be advertised?

**MOTION:** Councilor Ripma moved to advertise in For the Record, OCAA Newsletter; Oregon State Bar Bulletin - to the extent possible - Multnomah Bar Association; Oregonian. Councilor Prickett seconded the motion.

YEAS: 4 [Burger-Kimber; Prickett; Ripma; Thompson]

NAYS: 0

ABSTAINED: 0

**MOTION PASSED**

**14. DISCUSSION/ACTION: Set Aside Council Rules and Reconsider Policy Question**

Mayor Thalsofer asked for discussion.

Councilor Ripma suggested leaving things as they are. Councilor Prickett thought the Budget Committee was making headway.

CONSENSUS

No action to be taken.

15. COUNCIL CONCERNS AND INITIATIVES

City Administrator Christian: 4 cities participation in meeting set for 5/22 - A questionnaire from Sylvia Rose for council to fill out and return to staff or mail it directly to her.

Councilor Thompson stated he would not be able to attend due to a previous engagement.

Mayor Thalhofer asked that Council get the questionnaires completed and returned.

City Attorney: Nothing to add. Remind Council OCA ballot title argument 4/30 and he will report at the next meeting.

Public Works: Wastewater Management Lease update. Rent paid and proof of insurance was received but some information lacking and they will be notified for correction. O&M Manual still had not been received. Holman indicated they would be received on time.

Councilor Ripma asked if they were out of bankruptcy?

Jennings stated the final plan had been received today for continuation of Chapter 13 bankruptcy. Copy can be available. The City and its lease specifically is accorded any remedies provided in State Court.

Councilor Ripma asked if the clock began to run to pay taxes?

Jennings stated 30 days and that was in the Plan. The Plan wasn't approved yet and that is scheduled for 5/10 for the final meeting to do that.

Public Safety: Collier updated on CLEO and stated the main body meets Thurs. 5-7 at Sheriff's Office. A Subcommittee report would be received

Councilor Burger-Kimber thanked Galloway for a tour of City facilities. Particularly impressed with the Wastewater Treatment Plant tour. Odor abatement considerably well addressed.

Galloway invited others to do same.

Councilor Prickett stated since Thalhofer was now the Mayor, there wasn't a Councilor President.

Councilor Ripma stated Schmunk might be a logical choice and she wasn't here now.

Charter was silent as to the selection of Council President. No help from Charter.

Mayor Thalhofer Council Rules will be done soon to enable smoother running.  
Council consensus was to wait until Schmunk was back.

Councilor Thompson was concerned about earlier testimony. Labeled council person and staff in negative ways. Hoped it didn't continue. Council not reluctant to hear testimony, time donated.

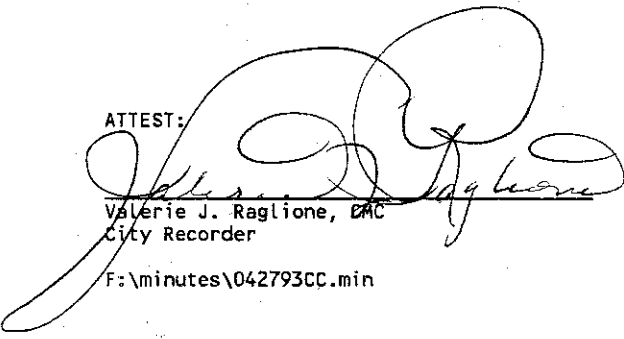
Mayor Thalhofer spoke to issue of Bui resignation. Friend for a long time [10 years]. Saddened him and shocked him. To try to lay blame for resignation on members of Council was from far afield. There were disagreements but they were worked out. Good ideas and doing good things. Please believe I was saddened when he resigned. Give credit for not forcing him to resign or asking him to. Move on for the citizens of Troutdale. Any suggestions will be heard. Call any councilor/city hall [9:00 -10:00 a.m.] other councilors have access to office. Have lunch or coffee, please contact us.

16. ADJOURNMENT.

MOTION: Councilor Thompson moved to adjourn. Councilor Ripma seconded.

The meeting was adjourned at 9:50 p.m.

ATTEST:

  
Valerie J. Raglione, CAC  
City Recorder

F:\minutes\042793CC.min

  
Paul Thalhofer, Council President

Dated: May 25, 1993

# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE 4/27/93 TYPE Council

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
DANNY WAKEMAN	200 SW 21st	467-5937
Scott Cline	104 SE. Kishico	365-5143
HOWARD HANSON	TTD 2500 N.E. JOINT AVE	666-2178
Ruynon Jackson	2117 SE, BEMER CREEK	667-9365
Pat Smith	1200 SW Kendall Ct	666-8912
Tom Ross	434 SE 4th	667-9169
ED LOPES	2232 S.W., LARSSON	