

# 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. -- AUGUST 10, 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
- 7:05 (A) 2. CONSENT AGENDA:  
2.1 Accept Minutes - Special Session July 21, & Regular Session July 27, 1993  
2.2 Business Licenses - Month of July 1993  
2.3 Resolution Approving IGA with Multnomah County for Nuisance Control Enforcement Officer.  
2.4 Resolution Authorizing Award of a Construction Contract for Improvements to Harlow Court.  
2.5 Resolution Authorizing the Award of a Construction Contract for Improvements to S.E. 6th Street, S.E. Dora Ave. and S.E. Harlow Avenue.
- 7:15 (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- 7:30 (A) 4. APPOINTMENT: Cable Regulatory and Fire Master Plan Commission Vacancies.
- 7:35 (A) 5. RESOLUTION: A Resolution Declaring the City of Troutdale's Opposition to the County Road Initiative.
- 7:45 (A) 6. PUBLIC HEARING: Establishing a Storm Drainage Utility.  
FIRST READING - (CONTINUED) Galloway

### PUBLIC HEARING:

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

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

- 8:05 (I) 7. PRESENTATION: Report on Property and Liability Insurance by Don Stamm, Jr. Agent of Record. Gazewood
- 8:20 (I) 8. DISCUSSION: Resolution Regarding Membership in City/County Insurance Services Trust Self Insurance Pool. Gazewood
- 8:35 (A) 9. RESOLUTION: Resolution Authorizing Foreclosure of Delinquent Assessment Liens. Gazewood
- 8:45 (A) 10. RESOLUTION: A Resolution Establishing the Effective Date for Assessment of System Development Charges. Galloway
- 9:00 (A) 11. PUBLIC HEARING - ORDINANCE: An Ordinance to Prohibit Erosion onto Public Ways and Establishing Penalties for Violation thereof. (FIRST READING) Galloway

**PUBLIC HEARING:**

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

- 9:20 (A) 12. PUBLIC HEARING - ORDINANCE: An Ordinance of the City of Troutdale Adopting Codes Regulating Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the City of Troutdale Providing for the Issuance of Permits and Collection of Fees therefore: Providing for Penalties for the Violation thereof, Repealing Ordinance No. 535-O of the City of Troutdale. (FIRST READING) Cline

9:40 (A) 13. **ORDINANCE: An Ordinance of the City of Troutdale Adopting Codes Regulating Excavation and Grading, Agricultural Buildings and the Abatement of Dangerous Buildings. (FIRST READING) Cline**

**COMBINED PUBLIC HEARING ITEMS 12 AND 13:**

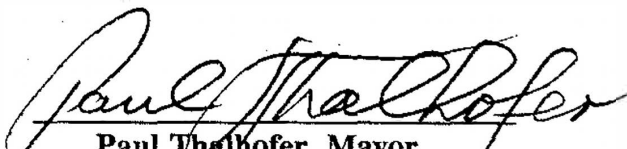
- .1: Open Public Hearing
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- .10: Recommendation by Staff
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- .12: Close Public Hearing Process.

10:10 (I) 14. **DEPARTMENT REPORTS:**

- Finance
- Public Safety
- Community Development
- Public Works
- City Attorney
- Executive

10:30 (I) 15. **COUNCIL CONCERNS AND INITIATIVES**

10:45 (A) 16. **ADJOURNMENT.**

  
Paul Thalhofer, Mayor  
Dated: Aug. 3, 1993

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

**AUGUST 10, 1993 - 7:00 P.M.**

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

*Mayor Thalsofer opened the 7:00 P.M. and called on Councilor Burger-Kimber to lead the Pledge of Allegiance.*

*Deputy City Recorder Martinez called the roll.*

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

*STAFF: Christian, Cline, Collier, Galloway, Gazewood, Jennings, Martinez*

*PRESS: Oregonian - Webb Ruble*

*GUESTS: Bruce Stannard, H. G. Hanson, Jonathan Smith, Peter Dechant, Jim Wakeman, Don Stamm, Patti Polly*

**2. CONSENT AGENDA: 2.1 Accept Minutes - Special Session July 21, & Regular Session July 27, 1993; 2.2 Business Licenses - Month of July 1993; 2.3 Resolution Approving IGA with Multnomah County for Nuisance Control Enforcement Officer; 2.4 Resolution Authorizing Award of a Construction Contract for Improvements to Harlow Court; 2.5 Resolution Authorizing the Award of a Construction Contract for Improvements to S.E. 6th St., S.E. Dora Ave. and S.E. Harlow Ave.**

Mayor Thalhofer called this agenda item.

**MOTION:** Councilor Ripma Moved to Accept the Consent Agenda. Councilor Prickett Seconded the Motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Peter Dechant of Multnomah County stated that he is looking forward to serving the City of Troutdale in the agreement to provide Nuisance Control.

Mayor Thalhofer presented City Attorney Jim Jennings a Plaque for the fine service he has given to the City of Troutdale.

Jennings thanked the City of Troutdale and stated that the city should be proud of the government that they have.

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

Mayor Thalhofer called this agenda item.

Howard Hanson 2500 NE 201st, voiced concerns over ability of packet materials to the public. Addressed the "Red Tape" and costs involved in development, ie. Kravitz apartment complex, feels that the staff and council should be held accountable for what they say. Concerned about over regulation in government. Addressed drainage into Beaver Creek and the cost of the study to address the Environmental Sensitive areas. Voiced concerns of conflict of interest in having a Planning Commissioner involved in The Friends of Beaver Creek and having City Employees acting as the Liaison to the group.

Patti Polly 410 Penguin Place, stated that the Friends of Beaver Creek are not interested in additional bureaucracy they are interested in working with City hall to maintain the quality of life in Troutdale.

4. APPOINTMENT: Cable Regulatory and Fire Master Plan Commission Vacancies

Mayor Thalhofer called this agenda item.

Troutdale City Council Minutes  
August 10, 1993

Councilor Schmunk stated that the selection committee recommends Jonathan Smith for the Fire Master Plan Commission and Larry Michon to the Cable Regulatory Commission.

Jonathan Smith stated that he is looking forward to serving as the Troutdale Representative to the Fire Master Plan Commission.

**MOTION:** Councilor Ripma moved to accept the recommendation of the selection committee. Councilor Burger-Kimber seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Christian stated that Mr. Michon had a previous engagement but would like to meet the council at another meeting.

5. **RESOLUTION: A Resolution Declaring the City of Troutdale's Opposition to the County Road Initiative.**

Mayor Thalsofer called this agenda item.

Councilor Ripma stated that this issue was first discussed about six weeks ago and was tabled until after the four cities meeting. All of the cities as well as the county attended that meeting. The Resolution before us tonight expresses my concerns.

Councilor Ripma read the resolution.

**MOTION:** Councilor Schmunk moved to approve the resolution. Councilor Ripma seconded the motion.

Councilor Brurger-Kimber voiced concerns regarding the resolution stating that this would be a detriment to the citizens of Multnomah County, the only way to decide that would be to let the voters decide, it will take a while to determine if this will be a detriment, also the resolution states that the process will be costly, disorderly and confused. She has researched this issue and believes we should take a wait and see stance, what is the hurry.

Mayor Thalsofer stated that there has been several meeting on this issue.

Councilor Thompson sympathized with the citizens of Gresham feeling that they do not

*have control of their roads. By going through with the amendment to the charter Gresham would be forcing all the cities to deal with what ever road department is left after they take their share. Multnomah County Road Department has been very effective in the past. I am very hesitant about breaking up the that road department and I see no reason for the council to delay in taking a position against this initiative.*

*Councilor Lloyd stated that he agrees with councilor Thompson and that the burden of proof lies with Gresham.*

*Councilor Prickett stated that we know what standards the county has but we do not know what Gresham will do.*

*Councilor Schmunk called for the question.*

YEAS: 5  
NAYS: 1  
ABSTAINED: 0

*Schmunk, Yea; Ripma, Yea; Thompson, Yea; Prickett, Yea; Lloyd, Yea; Burger-Kimber, Nay*

**6. PUBLIC HEARING: Establishing a Storm Drainage Utility. (Continued)**

*Mayor Thalhofer recessed the Council Meeting and opened the Public Hearing at 7:43 P.M.*

*2. Declarations, Challenges, Ex Parte Contact*

*3. Summation by Staff*

*Galloway stated that council gave direction to staff to look at two issues, 1, the monthly fee that may result from this issue and 2, to do the preliminary consulting work with out incurring a debt on a utility that had not yet been formed. I will address the second item first, by adjusting the public works budget we could do the preliminary consulting work with out incurring a debt. The monthly charge is addressed in a couple different scenarios, cost sharing by the jurisdictions involved which would result in a monthly fee of about \$3.50 per month. The second scenario with out the other jurisdictions would result in about \$5.00 per month per residence.*

*Councilor Ripma asked how much the consulting would cost?*

*Galloway stated about \$9,000.00.*

Troutdale City Council Minutes  
August 10, 1993

4. *Public Testimony: Proponents*

5. *City Council Questions*

6. *Public Testimony: Opponents*

*Howard Hanson addressed the monthly charges being very vague, and addressed storm drainage systems which included creeks, which is a problem facing the city.*

**MOTION:** *Councilor Ripma moved to continue the hearing until we have more details regarding the storm drainage utility. Councilor Prickett seconded the Motion.*

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

*Mayor Thalhofer Closed the Public Hearing at 7:54 P.M.*

*Councilor Ripma suggested that we direct staff to get more details about the plan and costs and to adjust the public works budget to cover the cost of consulting.*

*Councilor Burger-Kimber added to make the plan as natural as possible.*

*Galloway Clarified that the initial consulting that has been discussed does not get into the specifics of the storm drainage plan, the consulting would be to determine the impervious surface we have so that we can more accurately determine costs.*

**MOTION:** *Councilor Ripma moved to direct staff to hire a consultant to map the impervious surface in the city to get a more accurate picture of our storm water drainage needs and have staff further investigate the costs in particular look into a long term low cost fee to home owners and businesses. Councilor Burger-Kimber seconded the motion.*

*Councilor Ripma added to his motion the monthly fees should be around \$2.00 per month.*

*Councilor Thompson asked Jennings if this could be construed as a tax?*

*Jennings stated that it has already been determined in the Roseburg case that this is not a tax.*



YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Councilor Burger-Kimber asked Galloway to address the following three questions the next time this issue is addressed. 1. How did we arrive at a cash flow projection of \$55,000.00 pre year, 2. How did we get a \$200,000.00 beginning balance, 3. Have the cash flow projections also include administrative costs.

7. PRESENTATION: Report on Property and Liability Insurance by Don Stamm, Jr. Agent of Record

Mayor Thalhofer called this agenda item.

Gazewood introduced Don Stamm Jr. of Stamm, Stuart and Bybee.

Stamm discussed the summary that was included in the council packet.

Councilor Burger-Kimber asked about the possibility of self insurance?

Stamm stated that he would not recommend it unless we could see an initial fund of \$75,000.00 to \$100,000.00.

Councilor Burger-Kimber asked what a safe pool of money would be?

Stamm stated he would have to research the issue more.

Councilor Ripma asked stamm to look into the possibility of higher deductibles.

8. DISCUSSION: Resolution Regarding Membership in City/County Insurance Services Trust Self Insurance Pool.

Mayor Thalhofer called this agenda item.

Gazewood stated that the information in front of the council is basically for information purposes only. We are looking for direction from council.

The council discussed the possibility switching insurance carriers.

Staff was directed to prepare a resolution regarding this matter.

**9. RESOLUTION: Resolution Authorizing Foreclosure of Delinquent Assessment Liens.**

Mayor Thalhofer called this agenda item.

Gazewood stated this item pertains to delinquent assessments on the Marine Drive - Sundial Road water and Gravity sewer. The property owner is out of state and is 12 months delinquent.

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

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

**10. RESOLUTION: A Resolution Establishing the Effective Date for Assessment of System Development Charges.**

Mayor Thalhofer called this agenda item.

Galloway stated this resolution would establish the date the assessment is determined as being the date that permits are being pulled for a particular project.

Mayor Thalhofer asked if estimates would be stamped estimate only - not final until permits are pulled?

Galloway stated that staff is working on language to that effect for the forms.

Councilor Burger-Kimber stated that she would like to have included wording to the effect of "and not on previous estimates or quotes" on all forms.

Councilor Lloyd asked what other jurisdictions do?

Cline stated that most jurisdictions it is at the time the permits are issued.

Councilor Lloyd asked if they pull one permit but don't do any other work for 2 years are the SDC's set at that time?

Cline stated that it is only building permits.

Council discussed this agenda item.

**MOTION:** Councilor Ripma moved to adopt the resolution. Councilor Prickett seconded the motion.

Councilor Burger-Kimber made a friendly to include the wording "and not on previous estimates our quotes".

Councilor Ripma declined the friendly amendment.

Councilor Lloyd stated that the resolution is very straight forward, but is not convinced that there couldn't be more flexibility.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

11. PUBLIC HEARING - ORDINANCE: An Ordinance to Prohibit Erosion onto Public Ways and Establishing Penalties for Violation thereof. FIRST READING

Mayor Thalsofer called this agenda item.

Mayor Thalsofer opened the Public Hearing at 9:10 P.M.

2. Declarations, Challenges, Ex Parte Contact

3. Summation by Staff

Galloway stated that there has been several complaints from residents who live on the down hill side of properties that are being developed, the majority of complaints have come from the Mt. Vista Subdivision area. We have done research into the city code and have found nothing that requires property owners to prevent this. As Proposed this ordinance would prohibit the erosion of mud and other products onto the public way and out of the drainage system.

6. Public Testimony: Opponents

Howard Hanson stated that the city is at fault because the park above Troutdale rd. is a major contributor to the problem. Mt. View is draining into Beaver Creek. The Planning Commission is allowing this to happen. You came down hard on one property owner, even though there was no erosion into the creek. This happens at every development but

*you keep letting it happen. I don't understand why we want more ordinances to restrict people and cause more problems to builders when it would be quite simple to just ask them at the time they go out and start to build that they keep the ground from washing out into the street. The city should be the first one to stop the erosion onto Troutdale rd.*

*Councilor Burger-Kimber asked Hanson why he felt an ordinance wouldn't take care of the problem?*

*Hanson stated that in his opinion an ordinance does nothing but cause a great deal of problems to anyone coming into an area and trying to develop. In this instance the Planning Commission should see that when you have development on a slope when it rains there will be erosion. If you would just ask the developers to control erosion they will probably comply. With every ordinance there comes more costs and more red tape. This should be handled at the Planning Commission.*

*Councilor Prickett stated that the ordinance would give the Planning Commission the Authority to control this problem.*

*Hanson stated that before the Planning Commission approves the subdivision plans they should tell the developer they that they must control the erosion or they will not approve the plans.*

*Councilor Prickett stated that the Planning Commission can not put stipulations on something with having the authority to do so and the ordinance gives them the authority.*

*Hanson asked if the city would comply?*

*Councilor Prickett stated that the city should be the first to comply.*

*The council discussed the ordinance.*

#### *10. Recommendation by Staff*

*Galloway recommended approval of the ordinance.*

*Mayor Thalsofer closed the Public Hearing at 9:32 P.M.*

**MOTION:** *Councilor Burger-Kimber Moved to adopt the ordinance with the addition of the notification attached to the citation, the notice should read; The City shall notify by separate document served with the citation that a respondent may be represented by a retained attorney provided that ten working days written notice of such representation is received by the city. Councilor Prickett seconded the motion.*

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

**MOTION:** Councilor Burger-Kimber moved to direct staff to prepare a informational flyer regarding this ordinance to be passed out during the building and planning process. Councilor Thompson seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Thalhofer stated that the city is in the process of correcting it's erosion problems.

12. PUBLIC HEARING - ORDINANCE: An Ordinance of the City of Troutdale adopting codes regulating erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings of structures in the City of Troutdale providing for the issuance of permits and collection of fees therefore: providing for penalties for the violation thereof, repealing Ordinance No. 535-O of the City of Troutdale. FIRST READING

13. ORDINANCE: An Ordinance of the City of Troutdale Adopting Codes Regulating Excavation and Grading, Agricultural Buildings and the Abatement of Dangerous Buildings. FIRST READING

COMBINED PUBLIC HEARING ITEMS 12 & 13

Mayor Thalhofer called this agenda item.

Councilor Prickett stated that it is an advantage to adopt item 12 because it allows us to cite violators into our court instead of the state court. Even if we don't adopt it we would still have to adhere to these codes because it is state law.

Councilor Prickett asked Cline to outline the changes in item 13.

Cline stated that there are not alot of changes more or less just clarification, even the fees have not changed.

Mayor Thalhofer opened the public hearing at 9:51 P.M.

2. *Declarations, Challenges, Ex Parte Contact.*

3. *Summation by Staff.*

*Cline stated that there had been questions raised about what codes were in effect and if we had some sort of compilation of ordinances that have adopted different codes. In the past we have adopted codes seperatly when they were adopted by the state. This would be a comprehensive ordinance that lists all applicable codes and it would make it possible to modify this ordinance each time it changed instead of coming back to you with a new ordinance each time one code changed. As Councilor Prickett we are required to abide by these codes when they are adopted by the state. Item 13 adopts parts of the code that the state does not.*

5. *City Council Questions*

*Councilor Lloyd asked why the state does not adopt the items in number 13?*

*Cline stated that the state for as long as he knows has not adopted those items but he is not really sure why.*

6. *Public Testimony Opponents*

*Howard Hanson asked what the difference between the 88 edition and the 91 edition is?*

*Cline stated that it is mainly in the section on grading inspection it is further clarification.*

*Hanson asked if the all of the changes were included in the packet?*

*Cline stated that all of the are not in the packet.*

*Hanson asked how the council could act on something they have not read?*

*Councilor Prickett stated that is why Cline reviewed the information.*

*Cline stated that it is clarification of language, what is expected and required of the applicant, the soils engineer and on the part of the jurisdiction issuing the permit.*

*Hanson stated that his point is how can the council put in place something that they have never read. We don't have copies of the information and there should be copies available for review before any action is taken.*

## 7. City Council Questions

Councilor Ripma stated that if Hanson has a specific concern to let us know.

Hanson stated that Chapter 70 is not adopted by the state just by the municipality so they at that point can bring out the items that they want. We don't see the changes. This affects the property that is being questioned at this time.

## 10. Recommendation by Staff

Cline stated that the application that is pending is in no way affected by chapter 70, it is being held because of requirements of the Troutdale Development Code and conditions imposed by the Site Design and Review Committee. This is an attempt to bring us current with the state. If the council feels more comfortable with copies for review I will be more than happy to get them for you, but I think you will be more bored than anything, again there are no major changes.

**MOTION:** Councilor Ripma moved to continue this hearing and to have staff provide us with a summary of changes regarding item #13. Councilor Lloyd seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

## 14. DEPARTMENT REPORTS

### Finance

Gazewood stated he had nothing to add.

### Public Safety

Collier thanked Jennings for the service he has given the city.

Schmunk commented on the high number of survey responses.

### Community Development

Cline discussed the METRO 2040 Project.

**MOTION:** *Councilor Burger-Kimber moved to have staff work with Wood Village on recommended site and come back at a later time with an update. Councilor Thompson seconded the motion.*

*Councilor Ripma made a friendly amendment to also recommend a site south of the railroad tracks and West along Columbia and Halsey.*

*Councilor Burger-Kimber accepted the amendment.*

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

City Attorney

*Jennings stated that he had nothing to add.*

Executive

*Christian had nothing to add.*

**15. COUNCIL CONCERNS AND INITIATIVES**

*Councilor Ripma raised concerns regarding the problems with the Sassalos property, suggested having DSL of Army Corps of Engineers inspect the property before issuing grading permits.*

*Council discussed this issue and reached a consensus to have this item placed on the agenda for the 24th of August.*

*Mayor Thalhofer discussed the Mayors Conference.*

*Councilor Prickett thanked Jennings for the years of service he has given the City of Troutdale.*




**16. ADJOURNMENT**

**MOTION:** Councilor Ripma moved to adjourn. Councilor Burger-Kimber seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Thalhofer adjourned the meeting at 11:02 P.M.

  
Paul Thalhofer, Mayor  
Dated: 10/12/93

Wake Man  
Wela  
Stam

# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE Aug 10, 1993 TYPE Council

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Jim Galloway	City Hall	665-5175
Bruce Sarned	3475 SE Elizabeth Troutdale Or 97060	665-1959
Brent Conner	Troutdale Police	665-5175
H.G. HANSON	2500 N.E. 201st Ave TROUTDALE, OR 97060	665-1002
JONATHAN SMITH	400 SE 42ND CIRCLE Troutdale, OR 97060	666-7077
Peter Dechant	Multnomah Co. Nuisance 5235 N. Columbia Bv. Portland, OR 97203	248-3464
L. Scott		665-5175
Bob Gazewood	" "	" "