

CITY OF TROUTDALE

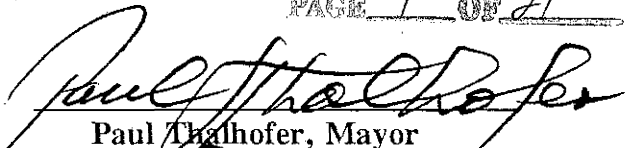
AGENDA

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

7:00 P.M. -- OCTOBER 12, 1993

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept Minutes - 8/10; 8/24; 9/14; 9/28 Regular Sessions
 - 2.2 Accept Business Licenses [Month of September]
 - 2.3 RESOLUTION: Building Official Status - Tom Sheirbon
 - 2.4 RESOLUTION: Approving Multi-Family Recycling Grant Application City of Gresham/City of Troutdale
- (D) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (D) 4. DISCUSSION: Property Abandonment Request SE Sandy - Mannings
DISCUSSION: Sandy Avenue Dead End Street - Coffee
- (A) 5. RESOLUTION: A Resolution Authorizing the Mayor to Enter Into an Intergovernmental Agreement with Multnomah County for the Undergrounding of Utilities on Stark Street.
- (A) 6. RESOLUTION: Accepting Fleur de Lis Phase III and Accepting the Public Facilities Into the City's System as a Fixed Asset
- (A) 7. CDBG Policy Advisory Board -- Selection of Representative
- (A) 8. DEPARTMENT REPORTS
 - Finance
 - Public Safety
 - Community Development
 - Public Works
 - City Attorney
 - Executive
- (A) 9. COUNCIL CONCERNS AND INITIATIVES
- (A) 10. ADJOURNMENT.

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Paul Thalhofer, Mayor
Dated: 10-6-93

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

7:00 P.M. -- OCTOBER 12, 1993

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer called the meeting to order at 7:00 p.m. The Mayor then gave the audience a brief explanation of ground rules for testifying to agenda items and welcomed comments.

Councilor Thompson was asked to lead the pledge of allegiance.

City Recorder Raglione, called the roll.

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

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

PRESS: Web Ruble, Oregonian

GUESTS: Howard Hanson, David and Janice Manning, Paul and Ann Coffee, Patricia Knowlton, Janice Larsen, Lani Staab

Agenda Update: Christian asked that the minutes of August 24 and September 14 meetings be stricken from the consent agenda. Item #7 be tabled due to lack of information in the Council packet materials and placed on the next Council meeting agenda.

MOTION: Councilor Burger-Kimber moved to table Item #7 to the October 26 Council meeting. Councilor Prickett seconded the motion.

POSITION VOTE:

#1 - Schmunk - Yea; #2 - Ripma - Yea; #3 - Thompson - Yea
 #4 - Prickett - Yea; #5 - Lloyd - Yea; #6 - Burger-Kimber - Yea

MOTION PASSED

2. CONSENT AGENDA:

Mayor Thalsofer called this item.

MOTION: Councilor Burger-Kimber moved to approve the Consent Agenda with item 2.1 be exclusive of the August 10 and September 28 Minutes and act on item 2.3 separate from the Consent Agenda. [2.1 Accept Minutes - 8/10 and 9/28 Regular Sessions; 2.2 Accept Business Licenses [Month of September]; 2.4 RESOLUTION: Approving Multi-Family Recycling Grant Application City of Gresham/City of Troutdale]. Councilor Ripma seconded the motion.

POSITION VOTE:

- #1 - Schmunk - Yea; #2 - Ripma - Yea; #3 - Thompson - Yea
#4 - Prickett - Yea; #5 - Lloyd - Yea; #6 - Burger-Kimber - Yea

MOTION PASSED

Mayor Thalsofer discussed legislative action that changed an election date and created a conflict in the use of City Hall for a regular scheduled Council meeting. The November 9 Council meeting would need to be held at the Sam K. Cox Community Building. Changing the meeting place required a motion to suspend Rule #26 of Council Rules and Rule #21 allowed for Rule #26 with a unanimous vote of the Council.

MOTION: Councilor Thompson moved to suspend Rule #26 change of time and place of a Council meeting. Councilor Prickett seconded the motion.

POSITION VOTE:

- #1 - Schmunk - Yea; #2 - Ripma - Yea; #3 - Thompson - Yea
#4 - Prickett - Yea; #5 - Lloyd - Yea; #6 - Burger-Kimber - Yea

MOTION PASSED

Mayor Thalsofer stated the Chair would entertain a motion to designate the Community Park Building as the location of the November 9, 1993 regular City Council meeting.

MOTION: Councilor Prickett so moved. Councilor Burger-Kimber seconded the motion. seconded the motion.

POSITION VOTE:

- #1 - Schmunk - Yea; #2 - Ripma - Yea; #3 - Thompson - Yea
#4 - Prickett - Yea; #5 - Lloyd - Yea; #6 - Burger-Kimber - Yea

MOTION PASSED

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

Mayor called for speakers and asked that comments be kept to 5 minutes.

Howard Hanson had signed up and stated that his issue was already dealt with and he had no comment at this time.

4. DISCUSSION: Property Abandonment Request SE Sandy - Mannings;
DISCUSSION: Sandy Avenue Dead End Street - Coffee

Mayor Thalhoffer called this agenda item and asked that Sue Barker step forward for comment.

Barker stated the City had received two letters from property owners in the immediate vicinity asking that City Council consider vacation of a section of street on SE Sandy. It is approximately 90' of street in Ceraghino Acres. There is a 50' right of way with two houses that directly abut it and was a dedicated street with dedicated utilities in the area. The street would not be continued and there was a request to vacate and divide the property to the abutting property owners.

Councilor Prickett asked what utilities were involved? Barker stated a water line was there. Councilor Prickett stated there would be a need to maintain an easement.

Councilor Burger-Kimber requested better maps be provided to determine where the concern was.

Councilor Lloyd asked why this hadn't gone before Planning Commission prior to Council?

Barker stated there were two processes for vacating streets. This had been brought before Council as a request from the property owners.

Councilor Lloyd asked if Council agreed to a street vacation would the property owners have to go back before Planning Commission?

Barker stated yes.

Christian clarified that the request was to make a presentation to Council and Council can make one of the two choices available.

Mayor stated testimony could be taken at this time.

David and Janice Manning, 424 SE 15th owned property bordering the east side of the stubbed street known as SE Sandy. David Manning stated he had personally policed and maintained the area including keeping storm drains cleaned out, rebuilding barricades at the end of Sandy to keep vandals out of the area. There were constant problem with kids drinking, parking, and urinating on the side of the street. After he started parking cars on the property next to his home, however, the problem went away. Kids couldn't congregate in the area and that relieved the problem of kids. Currently, someone parks on opposite side of Sandy 512 SE 15th [Pachelli] and drives by the rental property on occasion. They see vehicles parked on the opposite side of the street and call the police. The police asked them to move the vehicles - which they must do

something to act on a complaint. Manning sent a letter requesting to be on an agenda before Council. Officer Ross stated until the situation was resolved vehicles could be parked adjacent to his home. Tonight, however, they were personally tagged for abandoned vehicles by City officers. They aren't abandoned vehicles and less than 72 hours prior Manning has driven one of the vehicles over the weekend. He asked for Council permission to park vehicles next to his home until this matter could be resolved. Numerous vehicles parked all around Troutdale. Street goes no further than the back end of his home. Only adjacent neighbors would be in area. It made more sense than taking up police officer time and creating other problems. Photos were presented to Council members.

David Manning stated he now had a parking problem with the Pachelli's contacting and complaining to the police dept.

Mayor asked for questions from Council.

Councilor Ripma stated he had viewed the property and there was ample reason for the street not going anywhere. He had concerns about the City giving property to adjacent property owners. He requested staff look into the issues of drainage and how better the street could be closed off and whether or not the City should initiate street closure or the Mannings should pursue it. Tagging was a notice that there was 72 hours to get a vehicle off of the street, it was not a citation. Tagging is what starts a clock running on getting a vehicle moved.

Manning stated he had notified Officer Ross that Council had this issue on the agenda for a meeting and the date of the meeting. They were trying to comply with procedures, however, were still having problems in doing so. Manning stated he wasn't a rich person but would do what he could to resolve the situation. Block it off somehow and probably do what was necessary. Manning stated a main water line was there and phones but no power. There were major utilities in the area. He would work something out so it was neat looking. A fence could be put across which would block off Sandy.

Councilor Prickett stated to vacate it would make it look like a lot and not a street, then the drain wouldn't work.

Manning, agreed with Councilor Prickett. In the past during heavy rains it looked like a river coming down 15th turning onto Chapman. He had personally cleaned it out to prevent flooding homes in the area.

Janice Manning stated removing the existing asphalt would be a problem.

Councilor Prickett stated utilities would have to be moved almost 90' it could be a problem in the future if they ever sold their home.

Councilor Burger-Kimber discussed the possibility of the City retaining the property and make it into a basketball area or bicycle track?

Manning stated from a safety standpoint he felt there would be problems with that. He had seen numerous incidents. He was in a nice neighborhood with a large park and tennis courts and

basketball courts. There were adequate facilities for kids to go. In construction and neighbors work shift work and there would be noise problems.

Councilor Burger-Kimber discussed another neighborhood park, CP Park, which was nearly in peoples front yard and there had been no complaints about that. A small neighborhood park with nice features would not necessarily be a big vandalism problem. This was a stub street off of main street.

Manning stated there had previously been kids learning how to ride there but if it was open it would also be open to other kids and bring about as stated earlier the problems. The way the street was -- busy right there, and used as an arterial to get into the rest of the neighborhood, it wouldn't work well.

Paul Coffee, 511 SE 16th Circle. Commented about Council from a meeting he had previously attended and he was very impressed by the way the Council handled issues. Each issue was debated and discussed completely and hats off for doing a good job. Two ladies on the Council were especially concerned about money outflow and watching the budget. Due to the fact that the property was bordered by 3 parcels, if abandoned by the City and divided equally between the three property owners it would save a lot of money and time. It would be a win win situation for all by saving City taxpayers money and time and passing the responsibility on to property owners costing the City nothing. Regarding basketball court - [apologizing for his shaky voice, by he worked rotating shifts], a basketball court wouldn't allow any sleep at all for him. When Officer Ross came by at 2:00 p.m. that woke him up. His recommendation was to divide the property three ways. Had too had handouts for Council and passed them out. He was opposed to the basketball idea.

He had applied for and received a building permit and at that time asked if everything in order. He had heard horror stories about the City which caused him to wait 6 weeks before building the fence, he had ordered landscaping materials and waited again, another 6 weeks to avoid confrontation with the City. If he had known of a problem, he wouldn't have installed the gate where it was located and would have located specific landscaping elsewhere. The access was for safety. He had a long driveway by 16th Circle and there were lots of toddlers in the area. On occasions, he had his son get out of the vehicle to let him know if it was clear to enable him to back out. He used the gate to enable himself an easier access. He didn't want to think of a small child getting hurt. He received a letter from the City on September 21 and stopped using the gate immediately. It was during a routine inspection that the gate was noticed. Why wasn't it noticed prior to this? There had been 5 sacks of garbage blocking the driveway that should have been noticed, and a clogged drain that should have been noticed. After receipt of the letter, he stated he called and was told another nasty letter would be coming and informed an angry individual that he had a permit and the date it was received. It would have only taken two minutes to look it up. He was told he would receive another nasty letter. The gate doesn't give permission to use it. Why a permit then? He was warned he would be bullied against by the City. He was led to believe that in process of getting this resolved this wouldn't happen. The City might wish to pay for the gate? He requested Council approval to use the gate for access to his property and asked that the barricade be removed.

Councilor Lloyd asked what the request was for? To vacate the street? Barricade it? A proposal should be before Council for consideration if they want to vacate the street and one wants to continue to use the street.

Manning stated the bottom line was they wish to use it but, because of City ordinances and an officer comes by and they were getting tagged for abandoned vehicles. All vehicles are in running order. Coffee went through all the procedures at City Hall and was approved by the City. He starts to use it and the City barricades it and states no, you're not going to use it. We are trying to use property without being harassed by other folks.

Janice Manning stated they didn't want a basketball court though.

Manning, Pachelli's own rental property adjacent to the street. They complain. I live there and the police come by and give me a hard time about it. We are telling you what happened to us.

Councilor Lloyd asked if the request was to vacate the City street but use it as a private street?

Councilor Schmunk stated she understood with stub streets the City owns a piece into land. She couldn't see how the permit was issued to build a fence that would connect property to a stub street. A mistake was made at City Hall about issuing a permit from a personal property line onto a stub street. There was no way that there was a right to travel through there. It was blocked when the subdivisions were built. Where Manning lives [subdivision] was built first and future plans would be that a stub street would connect into other subdivision where Coffee lives. There are a number of stub streets in the City that have/have not worked out. As to the gate, the City was wrong to issue a permit to build it. She understood that gates are expensive. She stated she couldn't right a mistake but there was a need to take each item in order to resolve the problems. However, Council, couldn't make the problems go away tonight. She mentioned the gate because Coffee wouldn't be very happy about it.

Coffee stated he had heard horror stories about City Hall and tried to go it the right way and get a permit.

Councilor Schmunk stated Council could direct staff to help alleviate Coffee/Manning/Pachelli's problems in order to work something out. She reiterated it couldn't be done this evening. She stated she wouldn't want a basketball court next to her either.

Coffee stated he didn't appreciate getting woken up at 2:30 p.m. when he had worked all night only to get woken up by a Police Officer and, he didn't appreciate the tagged vehicles, or threats and nasty letters from City staff.

Councilor Schmunk stated that the tagged vehicles could be straightened out as well as angry letters and comments from staff.

Mayor Thalhoffer stated he personally would look into any nasty comments and from whom they were made. That was something he always pursued if he was made aware of it.

Councilor Thompson asked if all three property owners had discussed this?

Coffee stated he hadn't met the other lady but that could be worked out, he was pretty sure. If not for Manning the storm drain would have overflowed and his house would have been flooded. Working it out together was no problem.

Councilor Thompson had no problem with vacating the property but, if the asphalt was to stay, then the City should own it. Otherwise, the asphalt should go if the property was vacated.

Coffee asked will the City keep up the street? He found it difficult to believe so, when garbage bags remained there as long as they had.

Councilor Prickett asked the City Attorney about the 2 subdivisions, Coffee would be adding it to the Ceraghino subdivision if it was divided among the property owners, without going through everything again. The other couple could split the property and be within same subdivision.

Tim Sercombe stated it was not a problem with two subdivisions. How to divide in case Council choose to divide it.

Councilor Prickett stated it would be adding land to another subdivision.

Mayor Thalhofer stated it could be worked out with what they wished to do. However, it wouldn't be vacated and then used as a drive through. Staff will work with them.

Janice Manning asked if parking of vehicles could be resolved.

Mayor asked Sercombe if Council could make that decision?

Sercombe stated he would have to review the code and provisions. It seemed to allow with permission. It should be communicated also, so the right hand knows what left hand doing. Consider in Charter context don't make decision ad hoc. It could be reported back to Council on whether or not Councils has given permission in past.

Councilor Schmunk asked if vehicles could be parked on street for x number of hours but not for storage -- use like normal streets...

Mayor Thalhofer asked Chief Collier for his opinion.

Chief Collier pointed out that officers don't actively search for vehicles parked 72 hours. This only occurred when asked to respond and receiving a request. A complaint was received and acted to it as would anywhere else in City.

Councilor Ripma recommended directing staff to look into - suggested putting unfair question to ask Chief about a specific issue when unfamiliar with specific problem.

Councilor Burger-Kimber reiterated Councilor Schmunk's statement about precedence. She was glad to have an ordinance that didn't allow people to store vehicles in the street. She asked for staff report to ensure Council was not setting precedence in allowing storage of vehicles on streets. She recommended storage of RV or other car and put the daily driver car on the street.

Daily driver can be put on street, since it was used daily which precluded the street being used for storing vehicles. She asked if he could put the car on his property?

Manning, not with the way the driveway and approach, and sidewalk was. He couldn't put a vehicle in his driveway the way the driveway was built up crowns and he would high center. His vehicles won't go into his own driveway.

Mayor Thalhoffer stated this should be referred to staff for a complete report.

Councilor Ripma asked if Pachelli's would be interested in a triple property deal?

Janice Manning stated Pachelli's had been interested in dividing it in half, and she didn't know about thirds. There appeared to be no problem when spoken to about splitting the property.

Mayor thanked the Manning's and Coffee for attending. He commented that regarding hearing horror stories, there were a number of comments heard and lots of stories about how easy it was to work with the City's building and planning departments. One developer stated that of all 30 jurisdictions up and down the coast, Troutdale's had been the easiest to do business with. If someone was having a problem, there was something wrong somewhere. If discourteous treatment by an employee, he assured them he would find out about it. You are our bosses - we are elected and want to do the best.

MOTION: Councilor Ripma moved to propose Council request staff to look into issue of whether City should initiate vacation of the street, if in City's interest. Any property owner can initiate a street vacation by petitioning. The issue was whether City should initiate and if it was in the best interest of the City. Staff look into abandoning stub section of Sandy, what to do about drain referred to, how best to close off street, how or whether a three way split could be done? Issue for consideration about whether they should be allowed to park while issue is being resolved.

Councilor Ripma proposed that staff look into the issue of abandoning this stub section of Sandy, in particular the issue of what to do about the drain that was referred to; how best to close off the street; how/whether a three way split could actually be done? Issue for consideration about whether they should be allowed to park on the street while the issue is being resolved.

Councilor Schmunk asked about the issue of the gate? Have staff look into if the street is vacated. Her concern was about it still looking like a street. If people want the property, it was no problem but if it looks like stub street - if it looked like a street then the City should take care of it; otherwise it shouldn't look like street.

Councilor Burger-Kimber stated an engineer's report on the feasibility of removing the drain, and asphalt removal would be necessary to make it a non street space. She asked that the feasibility of various options toward that end be made.

Councilor Thompson stated although their proposal was to vacate there must be other options and he wished to review some other options.

Council Burger-Kimber asked to revisit the issue at the November 9 meeting in the Community Building.

Mayor Thalsofer asked if staff had sufficient direction?

Christian stated yes.

Councilor Burger-Kimber asked if a specific date should be set to allow for opportunity to contact the Pachelli's?

MOTION: Councilor Burger-Kimber moved to table this item and place this on the November 9 agenda. Councilor Thompson seconded the motion.

POSITION VOTE:

#1 - Schmunk - Yea; #2 - Ripma - Yea; #3 - Thompson - Yea
#4 - Prickett - Yea; #5 - Lloyd - Yea; #6 - Burger-Kimber - Yea

MOTION PASSED

ITEM 2.3: BUILDING OFFICIAL

Christian asked Mayor Thalsofer if Item 2.3 be moved and addressed at this time. Tom Sheirbon was in the audience.

Councilor Prickett favored appointing the Building Official as Peace Officer and asked staff to copy his granting authority of Peace Officer. He had problems with Section 5 and asked that it be reworded. It now stated the authority granted by this resolution shall be limited to the enforcement of the State of Oregon Specialty Codes and the Troutdale Municipal Code. He could see a problem in the future where when someone wasn't here, he was convinced that the Building Official had all the authority over all the City Codes and the Code is pretty big and he might be out there writing things for something the police officers do.

Christian asked if wording such as 'ordinance and resolutions typical to the divisions of Building and Planning" [Department of Building and Planning would be consistent] would suffice?

Councilor Burger-Kimber stated she had no objections to Shierbon being the Building Official. She voiced concerns regarding the functions of the Community Development Director and what the job description stated about the status of Building Official. She discussed rewriting the job description and placing an RFP for qualified individuals to begin an official interview process.

Councilor Schmunk stated the discussion about another position was out of order.

Mayor Thalsofer stated Councilor Schmunk was correct. The discussion was out of order regarding the RFP.

Councilor Ripma asked if Sheirbon was the interim Building Official now?

Christian stated yes. Shierbon was asked to Act as Building Official until Council could act on the resolution. In the administrative portion of the Code he could act in the capacity. Shierbon was now acting and this would appoint him officially.

Councilor Ripma stated Councilor Burger-Kimber's point was well taken and would change the job description of the Community Development Director. The discussion wasn't appropriate at this time but should be brought up later. Councilor Ripma stated Shierbon was qualified for the job and supported Councilor Prickett's comments regarding appointment as Peace Officer.

Councilor Prickett asked if a badge, such as he had while he had the position, would be provided. It made it easier if showing the badge.

MOTION: Councilor Burger-Kimber moved to accept the resolution with Section 5 wording to read "The authority granted by this resolution shall be limited to the enforcement of the "State of Oregon specialty Codes and Ordinance and Resolutions typical to the divisions of building and planning." Councilor Ripma seconded the motion.

POSITION VOTE:

#1 - Schmunk - Yea; #2 - Ripma - Yea; #3 - Thompson - Yea
#4 - Prickett - Yea; #5 - Lloyd - Yea; #6 - Burger-Kimber - Yea

MOTION PASSED

Mayor Thalsofer asked Tom Sheirbon to step forward.

Sheirbon stated he had taken classes from Councilor Prickett at Mt. Hood and had met all but two Councilors [Schmunk and Burger-Kimber].

Mayor Thalsofer asked how long Tom had been an employee? Sheirbon stated 4 years.

Mayor Thalsofer called for a short recess 8:23 p.m.
The meeting was reconvened at 8:33 p.m.

5. RESOLUTION: A Resolution Authorizing the Mayor to Enter Into an Intergovernmental Agreement with Multnomah County for the Undergrounding of Utilities on Stark Street.

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

Galloway stated this item was discussed at the previous Council meeting. Last year the County had discussed improvements and the City discussed the feasibility of undergrounding as part of the project. As the project was developed there had been difficulties between PGE, City, and the property owner. That wasn't resolved and the project was put on hold. The City didn't take it to the Budget Committee since there was no resolution as to undergrounding utilities. A contract was awarded by the County in late August of 93. County agreed to undergrounding and they would fund it with City paying those costs over a 3 year period beginning with July of

1994. The money was at no interest to the City over the three year period. He recommended approval of the Resolution.

Councilor Lloyd asked that the intergovernmental agreement state the payback amount as being \$90,000 if that was the amount or was it an estimated amount?

Galloway stated he had called the County and the \$90,000 figure was confirmed. The County added the engineering costs, which changed the figure from \$79,000 to \$90,000. The County would make the payment initially and the agreement was authorizing the City to reimburse the costs over a three year period.

Councilor Lloyd stated the agreement indicated an estimated amount and asked that it be a fixed number in the document itself.

Councilor Schmunk asked if this was based on engineer's report?

Galloway stated no. There was some language that was a standard format and dealt with an estimate ahead of time. The language was, as Lloyd pointed out, reflective of what they would do if it was an estimated amount. Making a change to the agreement may require coming back to Council one more time unless the Mayor was authorized to sign the agreement after the change was made by the County.

Mayor stated the agreement does say estimated and the resolution states \$90,000. This would need to be clarified.

Councilor Schmunk stated the resolution authorizes the Mayor enter into the agreement and the Council could state that the figure be stated before the Mayor enters into the agreement.

Walt Postlewait, 1624 SE 28th Court. [Tape 2 Side 4] At the last meeting the Mayor and Council did in one vote alter the downtown plan that had been in effect for many years to accommodate trees and found funds to finance the change. You are tonight about to commit money from the street fund for each of the next three years to cover the undergrounding utilities on Stark Street from Troutdale Road to Evans Street. In addition, it is my understanding the County intends to reconstruct Stark Street between Troutdale Road and 257th next year. Those utilities too will have to be undergrounded. How is that to be paid? This Council held at least some discussion on that project but, it was limited primarily to how the sidewalk should meander down the hill instead of abutting the street. I do not recall any discussion on how you folks intend to pay for the undergrounding. I disagree with Mr. Ripma when he says that this is the fault of state government. The State does not write your ordinances and these projects do not sneak up on you in the middle of the night. These projects are planned years ago and unfortunately the City has failed to plan for there financing. I assume that included in your packet was these [inaudible] If you would please go with me to that and we are looking at yet to budget for FY 94-95 at the bottom, other capital projects with a sum listed of \$222,211. That is the other place that you can draw money to pay for this undergrounding which is being considered tonight. In conferring with Mr. Galloway this evening, he has projects that would total somewhere between \$300,000 and \$400,000. I would suggest you folks tell me what projects aren't going to be done that are needed in the City. Where the money is going to come

from for two successive years and where the money is going to come from for undergrounding the rest of the utilities in the City. He stated he would answer any questions.

Mayor called for questions. There were none.

MOTION: Councilor Thompson moved to adopt the resolution. Councilor Burger-Kimber seconded the motion.

DISCUSSION:

Councilor Ripma asked about Lloyd's comments regarding the wording.

FRIENDLY AMENDMENT: Councilor Ripma moved to amend the motion to read "Now therefore, The Mayor is authorized to enter into an Intergovernmental Agreement with Multnomah County, and that Sections 4 and 5 be modified to reflect a fixed cost of \$90,000.

Sercombe stated after the word County place the following words: "Committing the City to spend no more than \$90,000 on Stark Street". Councilor Burger-Kimber seconded the motion.

FRIENDLY AMENDMENT [Clarified]: Councilor Ripma moved to amend the motion to read "The Mayor is authorized to enter into an Intergovernmental Agreement with Multnomah County committing the City to spend no more than \$90,000 on Stark Street". Councilor Burger-Kimber seconded the motion.

Councilor Lloyd asked about the time period of three years. It was clarified that was in the last Whereas clause.

Councilor Schmunk stated the Intergovernmental Agreement stated payment dates to be 94, 95, 96.

Councilor Lloyd stated they were not adopting the Intergovernmental Agreement.

Councilor Schmunk stated the IGA was referred to in the Resolution in a Whereas statement.

Sercombe stated the Whereas clauses have no legal affect. To incorporate them into the body of a resolution it could be added at the end of the now therefore section as a sentence consistent with the titles in this resolution. "The Mayor is authorized to enter into an Intergovernmental Agreement attached as Exhibit A with Multnomah County committing the City to spend no more than \$90,000 consistent with the titles in this resolution".

Mayor asked that an IGA and in the Now therefore, be it resolved portion limiting the commitment to \$90,000 to be for the purposes of undergrounding utilities on Stark Street between Troutdale Road and Evans? Would that do it, asking Sercombe?

Councilor Lloyd stated \$90,000 payable over three years and how you get there. It doesn't state how you get there. To do this he wished to fix the amount and know that was going to be the amount. Does the resolution limit the amount to \$90,000?

Councilor Burger-Kimber didn't support attaching the IGA as an exhibit to the resolution and she didn't want to accept it.

Councilor Thompson stated if Council wasn't happy with the IGA then don't authorize the Mayor to enter into it until you know what you are authorizing. Table it, send it back for restatement, or whatever.

Mayor stated Council wished to limit the amount to \$90,000 and strike the estimated cost in the IGA. The County would have to agree to that.

Councilor Burger-Kimber discussed approval of the authorization with the inclusion of the recitals as the City Attorney had stated.

MOTION TO READ: Adopt the resolution with the following changes in the resolved portion "Enter into an Intergovernmental Agreement with the County committing no more than \$90,000 on Troutdale Road and Stark Street consistent with the recitals in this resolution."

POSITION VOTE:

#1 - Schmunk - Yea; #2 - Ripma - Yea; #3 - Thompson - Yea
#4 - Prickett - Yea; #5 - Lloyd - Yea; #6 - Burger-Kimber - Yea

MOTION PASSED

6. RESOLUTION: Accepting Fleur de Lis Phase III and Accepting the Public Facilities Into the City's System as a Fixed Asset

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

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

POSITION VOTE:

#1 - Schmunk - Yea; #2 - Ripma - Yea; #3 - Thompson - Yea
#4 - Prickett - Yea; #5 - Lloyd - Yea; #6 - Burger-Kimber - Yea

MOTION PASSED

7. CDBG Policy Advisory Board -- Selection of Representative

Mayor Thalhoffer stated this item would be before Council at the next regular scheduled meeting as stated at the Agenda Update portion of the meeting. The item was mistakenly scheduled for this meeting.

8. DEPARTMENT REPORTS

- Public Safety - Chief Collier stated the call load was still increasing.
- Finance - Gazewood briefly talked to the increase in assessed value and the growth rate currently at \$20.45 per thousand for assessed tax rate.
- Public Works - Galloway had nothing further.
- Community Development - Barker stated the Friends of BeaverCreek had withdrawn their appeal. Swift Transportation was moving into the area.

Councilor Lloyd asked if Swift Transportation was all within the City of Troutdale? Barker stated yes.

Councilor Ripma asked about the citation of WW Mgmt in the Public Works report. Talking of sludge cake and commended staff for calling DEQ on that issue. Had there been anything further since the report? Galloway stated a letter was issued to WW Mgmt by DEQ and there were no fines. The lease agreement with the City was looked into for violation. There was a general provision that they comply. How they were storing the material and runoff into the Sandy River and a letter was sent today asking that this be corrected.

Councilor Ripma stated he spoke with DEQ, Ed Woods, who decided what action to take. He indicated there were piles accumulating of sludge cake that is suppose to be disposed of on property approved landfills with careful monitoring of what is in the sludge cake before it is deposited or readied for transport to Arlington. The staff time that was constantly required for this and this should be filed as one more incident with these folks. He was disappointed in DEQ's lackadaisical response. We are forced to keep an eye on this and this should concern all of us. It is not an isolated incident.

Councilor Prickett stated if they were storing it and not taking it somewhere else - we might have to haul it away.

Galloway stated that was the reason for prompting the letter.

Councilor Lloyd stated he walked the property on Saturday. The piles do exist and with a stiff wind, i.e., Saturday, that cloud blows. It was a problem. The Sandy River Erosion Control, buried makeshift landfill costing approximately \$40,000 with the City at 25% of that. He asked if the City would try to get that from the property owner?

Galloway stated he would like to.

Councilor Lloyd asked why the City had 25% of the problem and 75% somebody else?

Galloway stated 75% by Federal government and 25% City. This cost came up during the project and a cost sharing would continue. This would be the better approach rather than delay or ignore and have it come back at 100% of the costs. It was an ongoing project. He didn't know if the City was requesting, obtaining and paying for the easement - what type liability transferred to the City and he hadn't gotten a response.

Councilor Lloyd stated at the last session, Handy asked questions about the Sewage Treatment Plant, had a date been set for reviewing the plant?

Mayor stated no, but within two work sessions he would like this matter addressed. November 2 this matter could be scheduled for a work session. He stated he had an unscheduled meeting with the WW Treatment Operator, Neil Handy and Greg Wilder were there. The sewer situation was discussed on containing the odor at this time. Friday at 3:00 p.m. Mike Sorensen, Galloway and the Mayor would be meeting to discuss the odor abatement issues.

Mayor discussed issues with WW Mgmt and they need to be brought to task on these issues.

Galloway stated WW Mgmt was allowed 14,000 as a maximum to us and a number of times this had been exceeded. The City had previously suspended their operations for a number of days.

Mayor had asked the City Attorney to see if there were other options in the way of odor abatement by reviewing the agreement. They need to abide by the Pre-treatment ordinance and any agreements with WW Mgmt.

Barker stated Sercombe had suggested a mediation between the two parties and it had worked well.

- Executive - Christian brought up that Barker was not the acting dept. director. Two agreements had been entered into - consulting agreements with Spencer/Kupper for long range planning issues; the contracts are put into place in trying to fill the gaps of Cline's absence - other than coordination of the department. The gaps existing with his absence have been filled by a cost efficient measure without hiring interim people. Tom taking over the Building Official position he could fill that position and the people report directly to him. Barker takes care of development which has been the case.

Councilor Lloyd asked about Cline's leave? Was it anticipated that he would come back or would the City have to refill the position?

Christian stated she didn't know. Hiring an interim director was discussed - Parks and Facilities Maintenance reported directly to her positions. What would the responsibilities be with consultants in place and Tom as Building Official and Sue as Planning her as Parks. There was not the need to hire someone with that in place. Lantz was getting her needs as direction and supervision. She stated she was at a loss as to what an interim director would do unless filling it permanently and make additional provision in the budget for an additional person.

Councilor Lloyd asked if Cline was being paid?

Christian stated no. She was extremely uncomfortable discussing these types of issues at this point.

Discussion regarding an executive session ensued.

Councilor Lloyd stated this was more appropriate at an Executive Session and would like to know what is happening.

Christian stated the Mayor had asked to put it in writing but it was a Council decision about an executive session.

Councilor Ripma agreed that this shouldn't be discussed. It was a personnel issue. He asked for an executive session before the next work session or Council meeting to discuss this.

Sercombe stated allowed to go into executive session to decide on an employee for hiring or situation. He stated it partially depended on what Council would want to discuss. Two things to talk about - 1] hiring; 2] discipline or discharge. What duties a position has was an open session discussion.

Councilor Burger-Kimber voiced her concerns about this issue. When a consultant or an additional position with the City was a budget issue and there wasn't money budgeted for this type of consultant. She was familiar with Kupper as well as how much had been paid them over the years. It had been a lot of money. Council was not in the loop with regard to the department head, absence of a department head. There had been no discussion with Council for approval of the process; no control over what they would be paid. The City Attorney, as other consultants had been discussed by Council. She wished to have a work session, a personnel issue and termination of the position for clarity and an executive session as soon as possible.

The Mayor stated the environmental issue caused the concern of bringing in a consultant and that had been discussed. Spencer and Kupper had been involved with the Development Code - was that discussed with Council?

Christian stated it was included in Council updates and discussed with at least 4 council persons.

Councilor Ripma stated he had discussed it with Pam but didn't remember Council being informed in a formal way as was the environmental issue.

Christian stated her job description had the responsibility of hiring and firing, watching over the budget and had asked Gazewood to prepare a spreadsheet on the amount of money available to pay for consulting work regarding the Development Code and assist with the Planning Commission. This was not acting as a full time person but as an advisor. There is no requirement to go to Council unless outside of \$25,000. That was Council choice and different purchasing policies could be written. This had been discussed on several occasions with issues relating to the Planning Department - because Spencer, Kupper had worked with us to finish, and revise the Comp Plan based on comments from DLCD - they were well familiar. They

worked on the urban renewal issue and they had the background and didn't have to come up to speed.

Councilor Burger-Kimber voiced again her concerns in this regard. She wished to be in the loop. This was a serious position, there was a lot of planning and issues coming up. People coming before Council complaining about building and planning issues with no director to go to. These had serious ramifications to the city. We don't know what services are provided, what they are costing. How long was this department head going to be an issue?

Mayor stated the City Administrator had the power in which she was exercising her position in hiring and firing. If you wished to be included in those decisions that could be done for a future agenda. He pointed out that there was an awareness with the concerns of the Community Development Director. He has been out on disability leave not paid for by the City. The Planning Commission needed assistance with the Development Code. Then there was the environmental consultant for an environmental ordinance to guide staff. Council was aware of that consultant, he believed council was aware. If Council wanted to be in the loop on hiring and firing, there would need to be changes in the operating issues.

Councilor Lloyd just wanted to know what was going on. He wasn't critical of hiring consultants. Hiring department heads he wanted to know what the future plan was. The Department of Community Development, however, what has been done? Where does Pam see it going? Doing it in an executive session or in writing, whatever.

Christian wished to do it in writing.

Councilor Burger-Kimber stated there wasn't discussion of fees.

Councilor Ripma shared Councilor Lloyd's question and suggested that at the next work session 10/19/93 this be scheduled 1/2 hour before. In the meantime put it in a written report.

Councilor Schmunk wished it scheduled at the next regular scheduled Council meeting.

Mayor agreed to schedule for next meeting at 6:00 p.m. Oct. 26, 1993

Councilor Burger-Kimber stated there has been a clear delineation of charges, maximums, budgets, and the financial issue with consultants. This should be a consideration if Pam has the authority to hire a consultant for \$25,000 - that was fine. She wished Council to have some control over this when it was a financial issue.

Mayor stated the Administrator had discretion in the job description and knows the budget well. The majority of the Council knew what was going on. To be in the loop to hire and fire the Council rules would need to be changed. Second guessing the Administrator wasn't fair to her.

- City Attorney - Sercombe. Mayor asked where Pro Bono stuff was. Sercombe stated there was more work demand than he thought there would be and time hadn't been set. He would schedule meeting with Councilors 1/2 hour each to discuss issues.

Mayor stated all the changes in Council was adding to the work demand. The open house was scheduled for a legal holiday when City Hall would be closed, however, extended his appreciation of the invitation.

9. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhoffer called this agenda item.

Councilor Ripma stated he was a fan of historic preservation and commended Governor for vetoing HB 2124 requiring owner consent for historic status.

Councilor Thompson agreed with supporting the City Administrator. The Council shouldn't be involved with everything in running the City. To think otherwise causes no end of headaches for all.

Councilor Lloyd agreed with Thompson. He began the issue by asking the question. The City should be run according to guidelines given and wasn't suggesting changes.

Christian stated it was an honest inquiry and she needed to do a better job of writing to Councilors on those issues.

Councilor Lloyd - stated on 11/24/93 Gresham Area Chamber sponsoring an Economic Summit for East Metro. Among others invited Governor Roberts would be there. Panel consisting of 4 Mayors of the 4 cities in East County and Lloyd would be introducing those mayors. Just calling to attention. Asked the Mayor about \$5,000 to the Troutdale Chamber for a feasibility study which will be completed the end of October or beginning of November. He asked that they make a presentation at the first meeting of November. That study will also be presented at the 24th Economic Summit.

Councilor Burger-Kimber even though Council went back and forth on IGA and resolution she applauded Council for comments and feedback. Same with Council rules which is taking considerable time. She didn't feel an apology was necessary. Reminder that League of Oregon Cities Conference registration. Response to Leslie Daoust for work on Columbia Park. Involves considerable community participation for recreational facility for kids. A flyer for design night has been made up and was available. Design Night is 10/28 at 7:00 p.m. Encouraged all to participate in the work session/community feedback for Columbia Park.

Councilor Thompson commented on the Parliamentary Procedure session 10/30. Had been viewed by three parliamentarians.

Councilor Lloyd was concerned about Columbia Park and who will decide what goes in there? What is the process and worried about the flyers - wouldn't this get done through the Parks Committee?

Councilor Burger-Kimber stated there was a park plan and about 1 1/2 years ago she talked about community meetings to discuss what would go in. Ball fields were a given and there were

other things that could go on before applying grant money. A physical design for the park - an informal design was already done.

Councilor Lloyd asked if all the information would go before the Parks committee?

Councilor Burger-Kimber stated what goes on with the information from the meetings is the Parks Committee decision. There needed to be a lot of volunteer participation and community support doing hands on work.

Mayor stated it was suggested to go to the Parks Committee.

Councilor Burger-Kimber stated she had been assured by Leslie Daoust that she had worked with the Parks Committee.

Mayor agreed with Councilor Lloyd in that efforts should go through the Parks Committee who is set up to advise Council on these matters.

After being asked if the meeting at the Sam K. Cox Community Building could be on cable, he was advised that it would be taped but would not be live.

Mayor assured audience of remarks made rude/short to citizens regarding building permits issued. All remarks are followed up to find out what was said, etc. In most cases, there is a misunderstanding. People get emotional and sometimes there is a misunderstanding. Developers and contractors/builders have made several comments about this being the best place to do business.

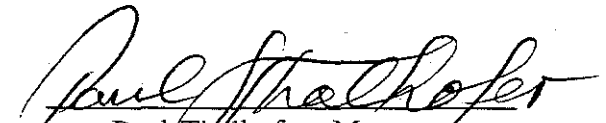
Councilor Ripma stated staff was recipient of rude remarks. Human nature can break down once in a while but he agreed with the Mayor. Staff handles these remarks in an admirable way.

10. ADJOURNMENT.

Mayor Thalhofer called this agenda item.

MOTION: Councilor Ripma moved to adjourn the meeting. Councilor Prickett seconded the motion.

The meeting was adjourned at 10:23 p.m.


Paul Thalhofer, Mayor
Dated: 10/26/93

ATTEST:


Valerie J. Raglione, CMC/City Recorder

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CITY OF TROUTDALE

PUBLIC ATTENDANCE RECORD

MEETING DATE Oct 13, 2015 TYPE Council Meeting

PLEASE COMPLETE THE FOLLOWING

| PRINT NAME | ADDRESS | PHONE# |
|--------------------|--|----------|
| | 2500 N.E. 201ST AVE | |
| HOWARD HANSON | TROUTDALE, OR 97133 | 665-1007 |
| Dave & Jan Manning | 424 SE 151 st Troutdale, OR | 665-1007 |
| Paul & Ann Coffey | 511 S.W. 10 th Ave Troutdale, OR | 665-2670 |
| PATRICIA KNOWLTON | 2319 S.E. CRAIGTON OAK GROVE, OR 97267 | 653-0573 |
| JANICE LARSEN | 1950 SW 20 th ST Gresham, OR 97030 | 666-1239 |
| Lani Staab | 633 NE 61 st Ave Portland 97213 | 232-4221 |
| Jim [unclear] | | |
| Bob [unclear] | City Hall | 665-5745 |
| Tom [unclear] | City Hall | 665-5175 |
| Ann [unclear] | | |