



# CITY OF TROUTDALE

## AGENDA

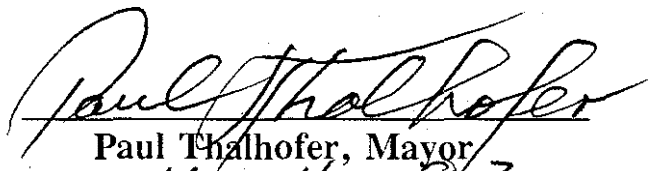
TROUTDALE CITY COUNCIL - REGULAR MEETING  
SAM K. COX COMMUNITY PARK BUILDING  
CITY OF TROUTDALE  
1110 SE HISTORIC COLUMBIA RIVER HIGHWAY  
TROUTDALE, OR 97060-2099

7:00 P.M. -- NOVEMBER 9, 1993

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept Minutes - Regular Sessions [8/24/93, 9/14/93, 10/26/93]
  - 2.2 Business Licenses - Month of October, 1993
  - 2.3 Liquor License Renewals: The Brass Rail, Plaid Pantries, Inc.
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (A) 4. INTERGOVERNMENTAL AGREEMENT: For 800 MHz, Simulcast and Trunking Radio Services [County/City]
- (A) 5. INTERGOVERNMENTAL AGREEMENT FOR SERVICES: Training for 800 MHz Radio System [City of Portland and City of Troutdale]
- (A) 6. STREET VACATION: SE Sandy Street Vacation Options
- (A) 7. DECISION: City of Troutdale Membership - FOCUS
- (I) 8. STATUS REPORT: Wastewater Management, Inc. Compliance with Commercial Lease and Discharge Agreement
- (I) 9. STATUS REPORT: Odor Complaints Pertaining to the Wastewater Treatment Plant

PAGE 1 OF 25

- IA) 10. STATUS REPORT: Work Program/Status Report - Parks Improvement Fund
- (A) 11. RESOLUTION: Authorizing the Mayor to Enter Into an Intergovernmental Agreement with the City of Gresham for Solid Waste Management Services
- (A) 12. RESOLUTION: Authorizing the Mayor to Enter Into a Contract for Engineering Services for a Disinfection System for the Sewage Treatment Plant
- (A) 13. COMMITTEE RULES and BOARD APPOINTMENTS: Parks Advisory Board
- (I) 14. COMMITTEE APPOINTMENTS: Charter Review Committee
- (A) 15. DEPARTMENT REPORTS:
- Finance
  - Public Safety
  - Community Development
  - Public Works
  - City Attorney
  - Executive
- (A) 16. COUNCIL CONCERNS AND INITIATIVES
- (A) 17. ADJOURNMENT.

  
Paul Thalhofer, Mayor

Dated: 11-4-93

2.1

**MINUTES  
TROUTDALE CITY COUNCIL - REGULAR MEETING  
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CITY OF TROUTDALE  
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7:00 P.M. -- NOVEMBER 9, 1993

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

Mayor Thalhoffer called the meeting to order at 7:00 p.m. and gave welcoming comments to the public. The pledge was dispensed with. This meeting was at an unusual location and the flag and gavel were not made available.

City Recorder Raglione called the roll.

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

STAFF: Christian, Raglione, Barker, Lantz, Galloway, Gazewood, Collier, City Attorney Sercombe

GUESTS: Howard Hanson, Greg Handy, Hollie Berry, David Manning, Paul Coffee, Irene Ewald, Bob Ewald, Kris DeSylvia, Chris Boitano

PRESS: Web Ruble, Oregonian

AGENDA UPDATE: Christian stated Item #7 was late in delivery, however, Focus had been before the public before to offer comments. The new item was only her memorandum for Council review.

Councilman Chris Boitano, City of Gresham, asked that item #11 be moved earlier in the agenda.

Mayor Thalhoffer stated #11 would become #4.

2. CONSENT AGENDA: 2.1 Accept 8/24/93, 9/14/93, 10/26/93; 2.2 October Business Licenses; 2.3 Liquor License Renewals- The Brass Rail, Plaid Pantries, Inc.

Mayor Thalsofer read the consent agenda.

MOTION: Councilor Prickett moved to accept the Consent Agenda. Councilor Lloyd 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.

Kris DeSylvia, spoke regarding traffic concerns on SW McGinnis. She had forwarded items to Chief Collier. Information showing traffic studies on SW McGinnis had indicated that there were 72 vehicles in a south bound direction doing in excess of 45 mph. She requested a review for consideration of bumps/cement or white paint at a cost of approximately \$1600. She stated the traffic concerns had increased after the development had occurred to the north of SW McGinnis. She suggested funding could come from the developer paying for signalization for the neighborhood. She would like to see it implemented. In addition, she suggested that the developer place funding where traffic impacts a neighborhood. She asked that this item be on a future agenda.

Mayor Thalsofer advised DeSylvia to call the City Recorder for this to be placed on a future agenda.

DeSylvia stated she had received information from Portland and she would make that information available to Council for review. The second meeting in January was suggested for this to be an agenda item.

Walt Postlewait, 1624 SE 20th Court stated he had two issues to address. First, he read his resignation from the Planning Commission for the record. "It has been my privilege to serve as a volunteer for this city for many years. First on the CAC and its chair, and now on the Planning Commission and its president.

Those years have been very enjoyable. I have seen this city grow from a mere 3,000 people to its present population. There have been many changes in the city, most of them good. The two biggest disappointments I have seen during my tenure with the city were the opposition to the

regional mall on the county farm, and the opposition to the urban renewal proposal using tax increment financing.

After a great deal of thought and deliberations with many people, mostly the little red head with whom I have shared my life for the past 26 years, I have determined that my activity with the planning commission is no longer fun. I, therefore, effective when my term as president expires, at midnight December 31, 1993, resign my position on the planning commission. There are a lot of factors that went into this decision, but the primary reason is that it is no longer fun.

I am making the city aware of this decision at this time so that the city has time to plan for my vacancy. If the city requests that I participate in the selection of the new commissioners, I would gladly do so.

In his farewell address to congress, General McArthur said, "Old soldiers never die, they just fade away". Be advised that this old soldier, and I am not nearly as old as some in the community would believe, does not, with the grace of God, intend to die any time soon, nor am I going to fade away.

It may come as a shock to some, but my position on the Planning Commission has, at times, limited my activity in some manners in this city. It is my intention to stay fully involved.

In that regard, I would like to say that it appears to this observer, that some of you on council have brought with you your own personal agendas. Since you are all supposedly representatives at large, I would urge you to set aside your personal agendas and make all your decisions based on the good of all the people of this city. City council should not be an ego boosting experience.

I wish the city well and, as always, will do anything that I am asked for the benefit of the city. [A copy attached (Attachment 1)].

Mayor Thalhofer was sorry to hear of his resignation. Postlewait had served the city well, and regretted hearing of his resignation.

Postlewait stated the second item concerned an invitation he had received to attend 'Design Night for Columbia Park'. He asked if this was a City function? He had received the flyer in the mail with a Troutdale metering stamp on it.

Mayor stated it was a Friends of Columbia Park function. Lantz was in attendance but not as a city employee.

Councilor Burger-Kimber stated there were no flyers mailed.

Lantz stated that the City did mail some flyers to the City's mailing list [i.e., Planning Commission, City Council, Parks Advisory Board] to ensure the City groups were aware of the meeting.

11. RESOLUTION: Authorizing the Mayor to Enter Into an Intergovernmental Agreement with the City of Gresham for Solid Waste Management Services

Mayor Thalsofer called this agenda item.

Galloway stated there had been meetings between Gresham and Troutdale staff, including Councilor Ripma on one occasion, to try to resolve areas of differences. Troutdale was in a position to carry on functions that were already in place. However, development of new programs could be done with Gresham. Gresham was welcome to comment to the City of Troutdale's proposal. Gresham had not had their City Attorney comment to the proposal yet.

Councilor Ripma stated the summary of Troutdale's proposal was to scale back their agreement with Gresham and have Troutdale city staff perform key functions [i.e., rate setting, annual reports to Metro]. Troutdale already participated in the Regional Solid Waste Advisory Committee. Holly Berry and Irene Ewald attended the meetings as well as himself at the past few meetings. The representatives [Berry, Ewald, Ripma] were anxious to continue with participation in Regional Advisory Committee. Gresham had proposed \$3,000 instead of \$10,000. Gresham could perform some services i.e., composting. He believed it was a good proposal but hadn't been formally reviewed by the Gresham City Attorney.

Chris Boitano, City of Gresham Councilor. Boitano stated he had been empowered by Gresham to represent them totally on this matter. He stated there was concern of the level of customer service. Gresham was pro active and had improved support in areas such as additional resources supplied to Linda Kotta; to improve communications a cell phone and voice mail system was added. There was also a procedure to escalate contacts in cases where Kotta wasn't available the Council and ultimately the Mayor. There was leadership provided to the administration in order to increase customer service. Meetings with the City Manager, Department Heads, Kotta and others resulted in options: 1] Troutdale to do it all on their own; 2] rescoping the function to provide less function on behalf of Gresham - the proposed \$3,000 option; 3] compete - marketing. Boitano's aim was to give customer service.

Boitano's option he wished Troutdale to consider was \$8,550 for the same level of service with enhancements. He stated this was not an issue of what Jim's staff could do. If Gresham could do the full service for \$8550; he would like to take Hollie Berry and set her up to be next Chair of the Solid Waste Committee. He considered her the top choice to do the leadership. Then Troutdale would have a person to provide that service on a regional basis. His concern with what he hoped could be full service with customization, and take Galloway and Councilor Ripma's suggestions to do what was right for Troutdale.

Mayor Thalhoffer stated it was his understanding that Gresham's legal counsel hadn't had the opportunity to review the proposal yet, was that correct?

Boitano stated yes, however, with minor modifications it could be made acceptable, it was reasonably close.

Councilor Ripma expressed his compliments to Boitano and the City of Gresham Council for the work that was done. There had been substantial changes made restructuring the proposal to give Wood Village, Fairview, and Troutdale each 2 representatives on the Committee was an example. The proposed Intergovernmental Agreement was included in packet materials with some modifications which represented a vote of confidence. He recommended adoption of the proposal the Council had before them. The offer of \$8550 - IGA as proposed left the option of contracting anywhere for some of the services and didn't foreclose using Gresham's staff. He favored the approach [\$3,000 option] and recommended that option to Council. B3 included in motion.

Boitano stated Gresham didn't come out as good on the smaller deal and admittedly he had a selfish interest to maintain the whole of solid waste. It would be a better deal for Gresham. He didn't feel the process was completed yet in the review of customer service issues.

Mayor asked Ripma if Council was sufficiently informed and all aspects had been studied adequately?

Councilor Ripma stated the issue was somewhat confusing. He was comfortable recommending the draft resolution before Council which referred to the IGA which was also included in packet. He favored the \$3,000 option. Include approval of IGA and continue negotiations between Troutdale and Gresham's staffs with possible further option of contracting with Gresham for other services. [He would like to leave the door open for further discussion.]

Councilor Schmunk didn't understand entering into IGA while still looking at the issue. She didn't see that Council was ready for action on this item.

Councilor Prickett also was reluctant to continue stating one reason was the Gresham attorney hadn't reviewed the proposal yet and he wanted to see the proposal in writing.

Councilor Burger-Kimber favored Troutdale making a recommendation for the \$3,000 agreement but also to have staff and representatives review in order to reach a final agreement everyone was comfortable with. The recommendation with consensus of Council could be on a reviewed agreement.

Councilor Thompson favored the Boitano proposal in writing for review. He didn't want the relationship between the two cities to decline. He favored approach that Troutdale make their proposal to Gresham and let them react to it. There were too many provisions and it was a

complicated process. He would like Boitano to make a formal proposal of \$8550 that would be considered along side the proposal Troutdale now had before them.

Mayor Thalhoffer stated this item would need further study.

Councilor Burger-Kimber wanted to see Section B of agreement #3, third paragraph referring to grants "....." clarified.

Councilor Lloyd wanted the proposal cleaned up. He was concerned with the attendance at Metro meetings quarterly, and the responsibility for education addressed in more detail.

Christian asked if intent was staff, Councilor Ripma, and the appointed solid waste representatives were to meet to include and review the changes mentioned?

Mayor stated yes and the second meeting in January this would be before Council again. He asked if Boitano would be able to give it due consideration by that time?

Boitano stated yes.

4. INTERGOVERNMENTAL AGREEMENT: For 800 MHz, Simulcast and Trunking Radio Services [County/City]

Mayor Thalhoffer called this agenda item.

Chief Collier stated this agreement included the opportunity for the City to shop around for services regarding maintenance of radios. He was well satisfied with that and he recommended entering into the IGA.

Councilor Thompson asked if this [800 MHz] might eventually be state-wide?

Chief Collier stated yes.

**MOTION:** Councilor Ripma moved for adoption. 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**



(A) 5. INTERGOVERNMENTAL AGREEMENT FOR SERVICES: Training for 800 MHz Radio System [City of Portland and City of Troutdale]

Mayor Thalsofer called this agenda item.

Chief Collier stated this would include MDT training for officers as well as firearms and emergency vehicle operations. It would compensate for \$180 per officer for 40 hours of in-service training. This had been supported by Public Safety 2000 and CLEO.

MOTION: Councilor Thompson moved approval of the Intergovernmental Agreement for Services relating to Training for 800 MHz Radio System between the City of Portland and City of Troutdale. 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**

6. STREET VACATION: SE Sandy Street Vacation Options

Mayor Thalsofer called this agenda item.

Barker reviewed materials residents on Sandy to initiate vacation of stub street right of way. Each property owner had different use for access onto 15th street; two owners storage of recreational vehicles. Staff has options before Council. Cost analysis done for each option and 7 options were stated.

Councilor Prickett stated Barker did excellent job. But, at north end of street proposed for vacation - driveway drop?

Barker stated driveways weren't adjacent to the street but could require curb drop. Barker stated they could apply for a permit for a driveway drop.

Councilor Burger-Kimber asked for clarification on Option 2, same price as Option 4. Option 3 stated removal of asphalt but that was not in Option 2.

Barker stated removal of sidewalks was included in Option 2; Option 3 was for removal of all asphalt, reseeding, etc.

Councilor Burger-Kimber asked if individual property owners received the material?

Barker, no but they were made available at City Hall.

Councilor Ripma the question of whether to allow vacation by Council initiation or allow property owners to petition for vacation. He wanted to hear from the applicants.

Paul Coffee, 511 SE 16th Circle stated he hadn't had time but would request time to review all of the materials and options.

Mayor Thalsofer stated this item would be set over to allow opportunity to review. He asked that it be scheduled for November 23 meeting.

Coffee offered a petition that had been passed around the area. He stated neighbors were vehement about him using the property as requested. [Copy attached (Attachment 2). Coffee stated he would win any way he could use it.

Councilor Thompson stated after Coffee's review of the options giving he would like to see a written response before the Council meeting.

Councilor Burger-Kimber asked for a deadline to have the written response at City Hall?

Mayor Thalsofer asked and Coffee stated he could have it by 12:00 November 17 to be available for inclusion in Council packets.

7. **DECISION: City of Troutdale Membership - FOCUS**

Mayor Thalsofer called this agenda item.

Christian stated the memo delivered was brief, however, the issues had been addressed at an earlier meeting by Mayor Hitchcock. There were issues Troutdale will be required to deal with as members of the Metropolitan community. The group was represented by elected officials. An elected official would be required to participate.

Mayor stated this had been discussed at the last workshop. A request for money out of the contingency fund was questioned.

Councilor Schmunk stated due to budget constraints and comments regarding membership and dues, if Council felt it was important to belong then Council needed to make requests from the Budget committee to participate.

Councilor Ripma clarified this had not been budgeted. He asked if Portland was a member?

Christian stated not to her knowledge unless recently, nor was Multnomah County.

Councilor Burger-Kimber stated she saw no purpose at this time. She didn't wish to be recruited.

Prickett stated his concerns were some of the issues they were looking into i.e., inspectors that could inspect more than one thing.

Mayor wished to see a chart for committees addressing problems. League, Metro, County and Mayor's Association were all reviewing statewide problems. There was some overlap. Council representatives needed to attend meetings for the benefit of the citizens of Troutdale.

Councilor Lloyd agreed with Mayor Thalhoffer.

Christian setting priorities for this Council in terms of goals, work programs and where Council wants to put their resources.

Thompson agreed, what was the purpose of Focus and their intention to provide what? He agreed with looking at the next budget cycle, but not now. What can they do for us and what can we provide?

Councilor Ripma asked that a letter be sent to Hitchcock declining and giving the reasons.

8. STATUS REPORT: Wastewater Management, Inc. Compliance with Commercial Lease and Discharge Agreement

Mayor Thalhoffer called this agenda item.

Galloway stated a copy of the lease, maps and legal descriptions were included for Council review, at Council request. He was prepared to respond to questions. Item on summary of compliance 2.1 = rent paid on 11/4; #8.1 - real property taxes - discrepancy between County regarding outstanding balance - it was his understanding that they were now current on 92-93 real property taxes, paid by Wastewater Management.

Councilor Prickett asked if the sludge was stored - what was it?

Galloway stated the material was a combined by-product of their operation mixed with soil, sawdust or both.

Councilor Prickett asked about 4.8 B1 - 14,000 gal discharge, how was that counted?

Galloway stated a 24 hour period or daily was clarified recently. Any 24 hour period would be a violation. To clarify that we asked in the permit to restrict it to a 24 hour period.

Councilor Lloyd asked 4.1 B if there was a response regarding removing the piles?

Galloway stated they had samples taken by DEQ and were waiting for results, based on the results they would know what direction to take in removal of the material. Certain approved landfills only were okay by DEQ.

Councilor Lloyd stated there appeared to be a violation of 5.3 in leaving the material stored there. It would be the City's problem if it was left there and it did violate the lease.

Councilor Burger-Kimber stated 2.1 rent history and performance on the rent [graph] showed an erratic payment schedule. If a date was not specified and the City allowed an erratic pattern of payment to be set - did staff take steps to ensure the payments were timely? Did the city set the stage to allow this to happen?

Galloway stated letters had been sent to Wastewater Management. Rent was due on the 1st; after the 10th they would be in default with an additional 30-60 days to correct situation before they would be terminated.

Councilor Thompson asked that legal questions should be addressed to the City Attorney.

Sercombe stated by practice of pattern of payments. Agreed with Galloway that the lease provided for notice of default.

Robert Kris, 2700 SW Powell, Gresham. He stated the Company was currently working with DEQ to land apply sludge that was stored on the property and they were awaiting test results from DEQ. Once permission was received they would begin hauling [the piles] it away.

Councilor Ripma stated if City stated two weeks remove it, why not remove it?

Kris stated it was not cost effective unless it could be land applied somewhere.

Councilor Ripma throwing on DEQ which has sort of approved it. Caught improperly storing sludge? Can it be gone by next Council meeting?

Kris, can't give you a date.

Councilor Ripma, how long to haul?

Kris, 60 days if 2 dump trucks per day.

Councilor Lloyd asked about how many tons of sludge was stockpiled?

Kris, don't know.

Councilor Lloyd asked about wind blowing materials around?

Kris stated the piles weren't blowing.

Councilor Lloyd stated he visited site and the materials were blowing.

Kris asked was it dust or dirt?

Councilor Lloyd stated there were piles of material and when the wind blows particles were blowing everywhere. At a minimum the piles should be covered. HE favored giving 60 days notice and if the piles were not out of there, terminate the lease. It was a problem that couldn't be allowed to go on and on. It wasn't fair to neighbors or the City. It would be different if you had a plan. This is blowing all over. Tarp it or whatever, but keep it on your property.

Kris I have a cat over there and can move it around.

Sercombe, DEQ has restrictions during wet winter months for application.

Kris stated it was on ground that was high on the edges and wouldn't seep in there.

Sercombe asked if they would be allowed to be land applied during the winter months?

Kris stated there were no problems unless there were torrential rains.

Councilor Thompson was not satisfied with the response of Wastewater Management. It was prudent business when dealing with a product that they would have made sure of how there would be disposal before making the material. How long before a DEQ decision known?

Kris - don't know, next hurdle we go through.

Mayor asked if there was a sludge management plan were they going to have sludge management plan for disposal? And if so, when?

Kris next week or so.

Mayor we would like you to submit a sludge management plan if you would.

Kris stated it was his intention is to do so.

Mayor should employ some means to keep it from blowing around.

Kris stated that could be addressed in sludge management plan.

Councilor Thompson asked if ind the letter to Wastewater Management on the 12th was there a time period for removing the sludge pile?

Galloway no. We advised that this could be a liability to the City since it is on its property. It was not an item specifically addressed in the lease and we didn't know if there was a legal basis to establish a date to get rid of it.

Councilor Thompson asked if DEQ wrote a letter to Wastewater Management stating it was improper, does that constitute violation of lease? Since they were to remain in compliance with all applicable state laws?

Sercombe - debatable question. It could constitute a breach of regulation of compliance with a City ordinance. If not deemed to be in default it would subject the City to liability as land owner. If in fact there is a termination of the lease, or the lessee was bankrupt and left the accumulation of sludge then the City would have the liability to dispose of it. He agreed with Councilor LLOYD. There was a definite nuisance condition and waste on the property that was a violation of 5.3 - notice of default of lease could be sent and he could do that.

Councilor Schmunk asked if the City was privy to information about results of the DEQ tests? She wished to have results of test provided to the City.

Councilor Lloyd wished to consider giving notice of default under 5.3 and start the time running provided for in other section of lease to declare default. Very clear and should proceed. There is a lot of time to work on curing the problem.

Councilor Ripma agreed. Taking in septic material as fast as they can and piling it up in our City. We've got to take action. He wasn't optimistic about a quick resolution to this.

MOTION: Councilor Ripma moved on the advice of counsel ask the City Attorney to notify Wastewater Management of default. Councilor Lloyd seconded the motion.

**POSITION VOTE:**

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

**MOTION PASSED**

Sercombe talked to an issue of liability insurance. A Certificate of Insurance contents of liability insurance - requires insurance to protect the City in different ways; ensure lessee will indemnify the City for harm the City may have by lessee on premises. Recommended investigating insurance held by lessee to see if it covers the concern and could remove the piles of sludge material

Greg Handy - 1105 SW Halsey In fairness to Wastewater Management, he stated they only had an obligation to sign the lease, the City had an obligation to put forth a lease which would not put the City in the current position. As an addendum to item #12 he hoped the Council was fully

cognizant of what they were about to sign. There were agreements which listed a site could potentially be storing hazard materials. He was concerned about whether or not pollution was being covered. Don't put the burden of those tasks on businesses. Council should investigate issues fully before signing [referenced Item #12]. He hope there wouldn't be another fiasco.

Mayor Thalhoffer stated the negotiations with Wastewater Management had been long and there were legal counsels in attendance. It was not a fiasco. If there are problems, then there are.

Handy stated he was quoting the Mayor's term fiasco. He wasn't trying to point out errors in this particular issue, but was trying to bring about some change to hopefully eliminate potential costs to taxpayers. If there was a continuance of costs to taxpayers he felt it within reason to point it out. He didn't accept the fact that there was an excuse for a continuation.

Mayor asked which fiasco he referred to?

Handy stated the Marine Drive issue, relating to procedures. It was his perception of what was wrong -- the City didn't have procedures in place to eliminate these kinds of problems.

Christian - two totally separate issues. Marine Drive was a problem not denied but believed it to be more a form of American Public Works Assn. in that the arbitration was lost which caused additional cost. Council, through their process had made a decision after looking at all sides of the issue, to change the format of contracting which now, didn't include arbitration as a reasonable means of settling disagreement with contractors. The point was contracts were looked at closely and changes were made in the form used to contract. This was not an issue of public contracting.

Handy when an entity decides they are not responsible, there is a problem. Problems wouldn't have gotten to court if procedures were in place. Review course of Marine Drive project to find things to correct to eliminate the same kind of problem.

Christian stated City did go back and correct by the best legal advise we could get.

Handy stated the same rules apply for public contracts to the solution. Procedures, proper risk management, etc. that is the point.

BREAK: The Mayor called for a 10 minute break.

9. STATUS REPORT: Odor Complaints Pertaining to the Wastewater Treatment Plant

Mayor Thalhoffer called this agenda item.

Galloway responded to questions at previous Council meeting. Reasons for the concerns were 1] not as well digested sludge put into lagoon; 2] water cap put on top came from treated effluent from plant and wasn't the best quality and may have contributed to odors observed. Staff was in process now of emptying lagoon which was fairly close to completion. These efforts in addition to putting on a cap of fresh water should eliminate odor problems that have been experienced.

Mayor stated the lagoon would be emptied about mid November then will be filled the way it was intended to be and operate as it was intended to.

Councilor Thompson asked if there was any determination of whether odors were coming from Wastewater Management? Does the odor abatement system work?

Galloway stated the odors and where they come from and how well the processes are occurring vary in the day. There was an odor that had a chlorine odor which was believed to come from Wastewater Management.

Councilor Lloyd asked where under the original specifications of the plant were we to put an effluent in there? There was a certain design to keep the smell capped, why did we put effluent in? Did we make a mistake? Are there specs that tell us what we are suppose to do?

Galloway stated yes, we made a mistake and yes, there are specs. There is a cleaning and draining process that will be done to avoid concerns of repeating the problem.

Councilor Burger-Kimber expressed dissatisfaction with the information that was passed on regarding who was creating the odor problems. She had made numerous tours of the plant and it was made very clear on numerous occasions who understood how anaerobic digesters work - process used to process sludge - entirely different from an aerobic digestion we have previously done. Type of digestion going on in area of storage where the road went was being aerobically digested with a different sort of bacteria. The logic clear, why on earth, whoever decided and was responsible for making an inappropriate, uneducated decision to ruin a system that was not made to handle it in that fashion. This whole thing costs money, paying fees to engineers to give advice on how to solve a situation created by us, poor decision based on limited information. We screwed up and used taxpayers dollars - I found out by people of the community what was going on. Not by staff providing information. There is a public forum to address this. She was very unhappy on how this was handled. Thousands of dollars to clean up a mess that should have never happened in the first place.

Galloway stated he didn't know where thousands of dollars came from and believed that to be overstated. The City was not paying engineers for advice on design questions. There was no effort by staff to keep information from Council. We will take responsibility for the mistake.



Councilor Burger-Kimber stated the thousands of dollars to CH2m Hill on how to clean up this mess -- \$13,000.

Galloway stated the City wasn't paying anything to CH2M Hill regarding this. That was bad information.

Councilor Burger-Kimber asked who then?

Galloway stated Gibbs & Olson. All that had to be done was state here's the problem, here's what we are doing. Is there anything else? They faxed us back stating that is what you should do. The whole 'discussion' was done in 2 hours time. CH2M Hill wasn't involved at all.

Mayor stated this was not necessary to bring to this forum to solve this problem tonight. Steps were taken some time ago - 2 months ago. The problem will be corrected in 5 - 6 days. The City is in process of correcting the problem and the public form is ask for a report from the Public Works Director of what is going on. It was a mistake, in order to build a road, we had to drain a pond which had this bad stuff in it. A decision was made to put the bad stuff into lagoon to get rid of stuff in pond to build road. Decision should have been to truck materials out of pond, not put into the lagoon. The remedy has already been accomplished at very little cost to the city.

Councilor Burger-Kimber didn't believe it was fair to the community when talking about costs to the City. People owning businesses in this community and their costs are unmeasurable. There are a lot of businesses loosing business because of problems we have had with the odors. Even if can't measure it, there are costs.

Mayor, no direct costs for a remedy that has been accomplished.

Councilor Lloyd stated his concern with significant amounts of time where concerns were expressed by Council reflecting statements made by the local business community without credence being given by staff in order to tell constituents what was going on. The smells have been around for quite a while, I now know an explanation I can give. I wish we had not done it. Although he appreciated the mistakes had been made the spec's say whether you do or not make those types of errors. His real concern was that this could have been brought to our attention in a more timely basis.

Councilor Thompson stated an observation was that it would behooves all to be sure of information before raising a fuss. Don't rely on hearsay. If you have questions, call and ask.

Handy, in September it was mentioned that there may be a study committee to refer treatment plant concerns to the CAC, has there been a time set for that?

Mayor Thalsofer stated there was going to be some restructuring of committees and it was decided to give the CAC additional responsibility, i.e., take up matters such as that. The odor issue would be submitted to the Citizens Involvement Committee which would have the same basic membership as the CAC but get involved in other matters that were important to the community. January was a target date. The next work session this year 11/16/93 would be for interviewing applicants for membership to the Charter Review Committee. He stated he would be asking Council for another workshop on 11/30/93 to bring closure to committee restructuring.

10. STATUS REPORT: Work Program/Status Report - Parks Improvement Fund

Mayor Thalsofer called this agenda item.

Lantz introduced a chart of where the City was on parks expenditures fund. Beaver creek, Sunrise, Columbia were priorities for this year. Grading, seeding Sunrise Park had been done - 12 acres had been rough graded, soil prep, hydro seed #1. Concern over erosion had pushed some things ahead of schedule. Three different contractors were used. Beaver creek stream restoration in creek and publicly owned portions of creek. A grant was denied a more watershed approach was stated for us to look into. Currently gathering information from consultants on costs of technical plans. Once they are received, we can resubmit for a grant in the next go round - that pertains to restoration itself. Trail and bridge construction will entail permit which had to be done with State. Information for trail specifications and details will be mailed out to contractors in the next two months. Columbia Park acquisition is in progress. There currently is no development at Columbia Park on this work schedule since this is for how park bond funds have been expended. This would be paid for by a land and water grant which was successful and will begin next spring.

Councilor Lloyd asked who 'we' was and how are decisions to spend certain monies made?

Lantz stated the Parks Advisory Committee and Budget Committee had identified these three sites as top priority.

Councilor Lloyd asked if this was money coming out of bond fund?

Lantz, yes.

Christian stated last February a grant was applied for and received for Columbia Park.

Lantz stated notice recently that another \$10,000 for pond at Sunrise Park was approved.

Christian was concerned that the Parks Advisory Committee get going. The Bond was originally going out in three sales but, Council made the decision due to favorable rating to go two sales and split in half. Readjustment of work programs based on the bond sales was required.

12. RESOLUTION: Authorizing the Mayor to Enter Into a Contract for Engineering Services for a Disinfection System for the Sewage Treatment Plant

Mayor Thalsofer called this agenda item.

Galloway MPDES permit had been reviewed by federal government. 1 mg to .04 mg brought to DEQ attention and negotiated a stipulation and final order to reach by 12/1/94 with a milestone of having engineering plan and specifications by 6/1/94. The firm selected was CH2M Hill. It was recommended life cycle cost to change method from [1] chlorine to ultra violet light; [2] use chlorine base as disinfectant and then get rid of chlorine base. #1 was the lowest cost and was chosen. Since it exceeded \$25,000 it required Council approval.

Councilor Ripma asked if the contract was for design or construction?

Galloway stated both. The scope of work was spelled out in attachment A and B which was not to exceed \$48,000.

Councilor Ripma where do capital figures fit in?

Galloway this is work to stay in compliance with the DEQ permit. He envisioned only the design portion this year. Construction costs and construction management costs come from 94-95 budget. Galloway was proposing to enter into construction management costs now since they will occur eventually. The only cost to come this year would be study and design.

Councilor Ripma stated, in anticipating Handy's comments and concerns, has this been reviewed by the City Attorney?

Sercombe stated he had not reviewed in detail. Nothing had been set up automatically, but as to form was okay. He would review in terms of public contract review.

Councilor Burger-Kimber asked if there were grants available for part of the improvement?

Galloway, not that he was aware of. A couple of firms had been asked during gatherings that he had attended. OEDD has been used for existing phase II. Federal government used to put out lot of money out for Wastewater treatment plant improvements and those programs had dried up.

Discussions between Burger-Kimber, Gazewood, and Galloway continued regarding financing options.

Galloway stated he and Gazewood had not yet gotten together to review all this. There was sufficient monies in the sewer fund to meet the obligation next year. There was \$274,000 cash carryover in the sewer fund. The best recommendation would be before the Budget Committee and Council in the next few months.

Prickett asked if the design at \$50,000 and construction management at \$48,000 but in the Resolution it stated \$110,000.

Galloway tried to estimate time and materials in a not to exceed figure. The figure could vary and to avoid resolutions coming before Council increasing costs he estimated it at \$110,000.

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

Councilor Ripma called for a friendly amendment - pass subject to review to City Attorney. It is a construction contract and

Councilor Thompson stated there was no such thing as second amendment.

**MOTION:** Councilor Prickett moved to accept the resolution based on the contract being reviewed and approved by the City Attorney. Councilor Thompson seconded the motion.

Councilor Lloyd asked for clarification of what Council was asking the City Attorney to approve? The legal form? Review

Councilor Ripma stated if the City Attorney approved acceptance, it believed it should be accepted.

Councilor Lloyd stated it was Council's job to approve, not Counsel's job. It was counsel's job to offer legal advice and contract advice, not to determine whether it was a good deal or bad deal.

Councilor Ripma voiced concern about the kind of sleeping provisions like arbitration that might be in there.

**POSITION VOTE:**

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

**MOTION PASSED**

Galloway stated another document would be before council 2 lines be spent this year - \$5,000 sewer; \$20,000 for design that are in budget. Amounts in sewer fund were not specifically

identified. This was not construction but professional services and should go in that budget. He would be asking for a transfer of money.

Handy will the city attorney review before or after. City Attorney looking for legal issues. I am suggesting review with him to review and determine and identify any risks. The problems we are talking about are related risks. Just a suggestion to look at scope of work and what risks are with Jim. Don't spend time doing a risk analysis of a construction job.

Mayor thanked Handy.

13. COMMITTEE RULES and BOARD APPOINTMENTS; Parks Advisory Board

Mayor Thalhofer called this agenda item and stated he believed it more appropriate to call Parks Advisory Committee. Mayor asked Lantz to review the document before Council.

Lantz stated draft represented as closely as possible what the members had discussed.

Councilor Burger-Kimber asked if the statement of purpose function shouldn't be changed to reflect 'recommend' rather than 'approve' funds for capital or expenditures... She asked that approve be changed to recommend.

MOTION: Councilor Lloyd moved adoption of parks advisory committee with one word change to recommend. Councilor Thompson seconded motion.

Schmunk stated last paragraph duplicated take out one of duplications.

AMEND MOTION: Councilor Burger-Kimber moved to amend the name Parks Advisory Committee to Parks and Recreation Advisory Committee.

DISCUSSION:

Councilor Schmunk stated in the past when a recreation director went through Budget Committee and funded as such. Did that go through the Parks Advisory Committee? She preferred to await input from Parks Advisory Committee. She didn't know where they would be if we did have them in place. Not give them an open - they may balk at not having to do with recreation since it was only a 6 week program if we have had it.

Councilor Thompson didn't believe the name of the committee was relevant. It didn't make much difference. He clarified that the Councilor Burger-Kimber amendment wasn't seconded.

AMENDMENT TO THE MOTION DIED FOR LACK OF SECOND.

**POSITION VOTE ON ORIGINAL MOTION:**

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

**MOTION PASSED**

Mayor Thalhofer commented on the right to read a description for purposes of the general public being aware of the topic of discussion. In the future he would raise a point of order. I will make sure the audience understands what we are voting on.

14. COMMITTEE APPOINTMENTS: Charter Review Committee

Mayor Thalhofer called this item and stated it was expected that the Committee would complete their work by June 30. There were 11 applications received and the November 16 work session would be interviewing the 11 applicants and was scheduled to begin at 6:00 p.m.

15. DEPARTMENT REPORTS:

Mayor Thalhofer called this agenda item.

There was nothing additional from Public Safety. Galloway stated the Master Water Plan was a lengthy document which would be available to Councilors at the end of this meeting. Finance had nothing to add to their report.

Sercombe stated his firm was having an Open House on Thursday, November 11 from 5:30 p.m. to 7:00 p.m. He clarified whether Rules would be a subject on the agenda for the November 16 work session in addition to the interviews for the Charter Review Committee?

Mayor Thalhofer stated the Rules would better be done at the possible 11/30/93 meeting if Council was in agreement to meet that date.

Christian stated recognition to Multnomah County Correctional Facilities since they had donated a storage shed to the City.

16. COUNCIL CONCERNS AND INITIATIVES

Councilor Burger-Kimber asked that a formal letter with all signatures be sent to Mike Nelson of GSL homes for a \$10,000 contribution that was made by him to Columbia Park. She asked that Council formally invite Hud Lasher, superintendent of Reynolds School District to a Council meeting.

Councilor Prickett stated he would be willing to meet 11/30.

Christian gave the current results of the Measure 26-1 vote it was down now by 18%.

Councilor Ripma asked if 26-1 did pass he would like to ask the City Attorney to look into possible legal challenges to the initiative. Action would need to be taken quickly and maybe by next counsel meeting a report could be made on what would be involved. He stated this was a conditional request should Measure 26-1 pass.

Also, with the resignation from Postlewait, it would take a while to advertise and get wheels in motion. He wished to see advertising as soon as possible.

Councilor Schmunk stated the Packets included a yellow flyer from East Multnomah County Transportation about congestion pricing. I-84 widening project. Thanked Don for response from the Chamber. It would be imperative to hear from this Council so it would not be dropped as a project.

Galloway I-84 223 to Troutdale exit on ODOT baseline for possible cuts on 6 yr. improvement program. Ranked projects in region and I-84 lowest project they are considering. Recommending ODOT not accomplish that project. ODOT has taken - staff idea of downscoping project would still widen 223 to 238th from 4 to 6 lanes, reconstruct interchange 238th, 4 lanes as now 238th - Metro negative rating - any thoughts, comments will be passed on. Asked if Council would agree to send a letter passed to Councilors.

Mayor asked about meeting November 30 in order to discuss Council Rules and/or further committee work.

Councilor Schmunk couldn't answer if she would be available or not right now.

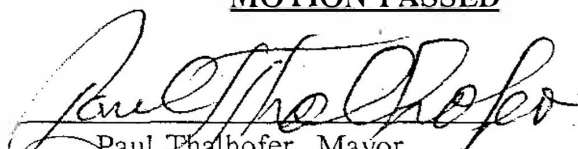
17. ADJOURNMENT.

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

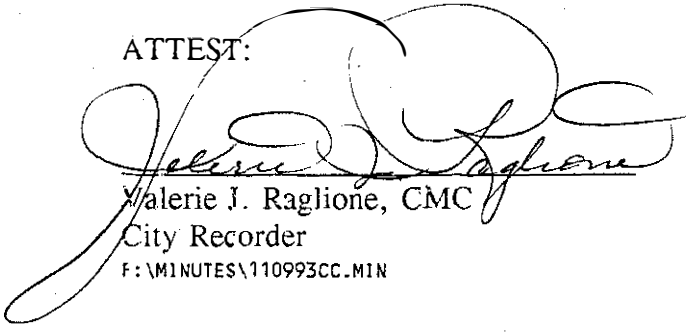
POSITION VOTE:

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

MOTION PASSED

  
Paul Thalhofer, Mayor  
Dated: January 11, 1994

ATTEST:



Valerie J. Raglione, CMC  
City Recorder  
F:\MINUTES\110993CC.MIN



# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE 11-9-93 TYPE Council

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Brent Conner	TROUTDALE	662-3121
CUPIS BOITARD	1323 NW EASTMAN PKWAY GRESHAM OR	425-0413
Paul Conzewood	City Hall	665-5175
HOWARD HANSON	2500 N.E. 201st AVE TROUTDALE, OR 97060	665-1007
GREG HANSON	1105 S.W. HALSEY TROUTDALE	666-4441
Hollie Berry	3514 SE Lewellen TROUTDALE	661-1989
David Manning	424 SE 15 TROUTDALE	665-6227
Paul Poffe	511 S.E. 16th CIRCLE	666-2674
Dee Ewald	3405 S.E. 16th	665-3420
Bob Ewald	3405 S.E. 16th	665-3420